

CHAPTER 3.21 MIXED USE TRANSITIONAL (MUT) ZONE

Section 3.21.10 - PURPOSE

This Zone implements the Mixed Use Transitional (MUT) Comprehensive Plan designation. The MUT Comprehensive Plan designation should be applied to existing industrial areas that are identified, through an area Refinement Plan, as being desirable for transition over time to less intensive Uses. The MUT Zone provides a mechanism to permit the introduction of new, less intensive Uses while allowing General and Intensive Industrial Uses to remain during an indefinite period of transition. It also addresses limitations on re-intensification of Uses that have previously transitioned from General or Intensive Industrial Uses to less intensive activities.

Key objectives of the MUT Zone include reducing conflicts between Industrial and less intensive Uses located nearby; providing an opportunity to develop a mix of non-industrial Uses in the Zone that are compatible with surrounding land uses; transitioning to new, less conflicting Uses; and achieving the transition in a way that is fair and preserves value and flexibility for the industrial businesses located within the MUT Zone.

Section 3.21.20 - GENERAL PROVISIONS

3.21.20.01 - Establishment of the MUT Zone

The MUT Zone may be applied to properties with an MUT designation on the Comprehensive Plan Map.

3.21.20.02 - Zone Size and Dimensions

The size of the MUT Zone shall be established through an area Refinement Plan. Public street rights-of-way shall not count toward the total area of the Zone.

Section 3.21.30 - PERMITTED USES

Land use in the MUT Zone shall conform to the list of Permitted Use Types in Table 3.21-1 - Permitted Use Types. Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.3 - Conditional Development and Chapter 2.5 - Planned Development are identified with a CD and a PD, respectively. Uses identified with an N are not permitted.

**Table 3.21-1
Permitted Use Types**

P = Use Types Permitted Outright

PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review

CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development

PD = Use Types Subject to Review of Chapter 2.5 - Planned Development

N = Not Permitted

<i>Use Types</i>	<i>Permit Procedure</i>
a. Civic Use Types	
1. Administrative Services	P
2. Social Service Facilities	P
3. Community Recreation	P
4. Cultural Exhibits and Library Services	P
5. Lodges, Fraternal and Civic Assembly	P
6. Major Services and Utilities - except Transit Facilities	CD
7. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions	PC
8. Parking Services	P
9. Public Safety Services	P
10. Religious Assembly	P
11. Transit Facilities	P
12. Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.	P
13. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing requirements of Sections 4.9.60.02.b and 4.9.60.02.c, subject to the standards in Chapter 4.9 - Additional Provisions.	CD
14. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.	PC
15. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.	CD

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<i>Use Types</i>	<i>Permit Procedure</i>
b. Commercial Use Types	
1. Agricultural Sales	P
2. <u>Animal Sales and Services</u> -	
a) Grooming	P
b) Veterinary - small animals	P
c) Indoor Kennels - with sound attenuation	P
3. <u>Automotive and Equipment</u> -	
a) Car Wash	CD
b) Fleet Storage	CD
c) Parking Services	CD
d) Light Equipment Repairs	CD
e) Heavy Equipment Repairs	CD
4. Building Maintenance Services	P
5. Business Equipment Sales and Services	P
6. Business Support Services	P
7. Communication Services	P
8. Construction Sales and Service	P
9. Convenience Sales and Personal Services	P
10. Day Care, Commercial Facility	P

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<i>Use Types</i>	<i>Permit Procedure</i>
11. Drive-through Facilities	CD
12. Eating and Drinking Establishments - Sit-down - more than 30 seats	CD
13. Eating and Drinking Establishments - Sit-down - 30 seats or less	P
14. Financial, Insurance, and Real Estate Services	P
15. Food and Beverage Sales	P
16. Funeral and Internment Services	P
17. Laundry Services	P
18. Lodging Services	P
19. Medical Services	P
20. Parking Lot Kiosks	P
21. Participant Sports and Recreation	P
22. Professional and Administrative Services	P
23. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 65 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations	PC
24. Repair Services - Consumer	P
25. Research Services	P
26. Retail Sales	P

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<p>d. Changes in operations of existing General and Intensive Industrial Uses under the following conditions:</p> <ol style="list-style-type: none"> 1. A change in operation or increase in production that creates the need to secure approval from an environmental permitting agency to increase air, water, or noise emissions, unless such emission levels were approved by the City through a previous land use process; or 2. Specific limits or conditions related to operations, and/or physical expansion, established by a previous land use approval are exceeded. 	<p align="center">CD</p> <p align="center">CD</p>
<p>e. Re-establishment of a more Intensive Industrial Use:</p> <ol style="list-style-type: none"> 1. When a General or Intensive Industrial Use is replaced with a less intensive Use, Conditional Development approval shall be required to re-establish a General or Intensive Industrial Use at that location. 2. Sites proposed for re-establishment of a General or Intensive Industrial Use shall be subject to current development standards for that Use, such as landscaping, setbacks, and screening. Deviations from such standards shall require approval of a Lot Development Option or Planned Development in addition to Conditional Development approval. 	<p align="center">CD</p> <p align="center">CD</p>

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<i>Use Types</i>	<i>Permit Procedure</i>
<p>g. Accessory Uses</p> <ol style="list-style-type: none"> 1. Essential Services 2. Day Care, Family 3. Home Business - when conducted in conjunction with a Permitted Residential Use. 4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements 5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations 6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions. 7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions. 	<p align="center">P</p>

Section 3.21.40 - DEVELOPMENT STANDARDS FOR GENERAL AND INTENSIVE INDUSTRIAL USES

- a. All General Industrial Uses shall conform to the development standards of the General Industrial Zone.
- b. All Intensive Industrial Uses shall conform to the development standards of the Intensive Industrial Zone unless specified otherwise.

Section 3.21.50 - DEVELOPMENT STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES

The following provisions identify development standards within the MUT Zone for all development of a Civic, Commercial, Limited Manufacturing, or Residential Use Type.

3.21.50.01 - Minimum Lot Area and Setback Requirements

- a. A setback of not less than 25 ft. shall be provided along each MUT Zone boundary line abutting any Residential (RS) zone. Off-street parking and loading shall be permitted in this area except within 15 ft. of the Zone boundary line, which shall not be used for any Permitted Use, activity, or structure other than fences, walls, driveways, or walks. Driveways, parking, and loading areas adjacent to residential zones shall be landscaped and screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
- b. Residential structures shall be developed in accordance with Chapter 3.8 - High Density (RS-20) Zone and the design guidelines in this Chapter.
- c. For maximum permitted setbacks, see Section 3.21.60.02.

3.21.50.02 - Structure Height

Structure height shall not exceed 45 ft. unless a site is developed as a Planned or Conditional Development and in a manner compatible with any adjacent residential property(ies), in which case the structure height may be increased up to 75 ft. See Section 3.21.60.09 - Neighborhood Compatibility.

3.21.50.03 - Green Area Standards

A minimum of 20 percent of the total site area shall be retained as Green Area. Green Area may include landscape areas, natural areas, and/or pedestrian

amenities consistent with Section 3.21.60.07, except that a minimum of 15 percent of the required Green Area shall be landscaping or preserved vegetation. The site design and building design standards of this Chapter shall also be met.

3.21.50.04 - Off-street Parking

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements. Required parking shall be provided on the same site as the Use or upon abutting property. Contiguity can be achieved across street rights-of-way except on Arterial and Collector Streets where there is not a controlled intersection within 100 ft. of the subject property. Chapter 4.1 - Parking, Loading, and Access Requirements, allows adjustments to minimum parking standards where transit service and bicycle parking are available. Additional flexibility for required vehicle parking may be granted in the MUT Zone in conformance with the following standards:

- a. Shared parking agreements may be used to provide additional reductions in required parking, provided the applicant demonstrates an adequate supply of parking for each Use. Identification of surplus parking during peak periods or surplus capacity provided due to off-peak use are methods of demonstrating this adequacy.
- b. Additional flexibility to vehicle parking provisions may be granted consistent with Chapter 2.12 - Lot Development Option, when the site is less than three acres, or Chapter 2.5 - Planned Development. This flexibility is provided to encourage development patterns that reduce reliance on the automobile by taking advantage of alternate modes of travel.

Section 3.21.60 - DESIGN GUIDELINES AND STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES

3.21.60.01 - Coordinated Development

New development shall be designed in a manner that does not preclude development of adjacent property(ies) and that ensures the logical and efficient extension of public facilities and services, including but not limited to sanitary sewer, water, storm drainage, and street and pedestrian facility connections.

3.21.60.02 - Building Orientation and Maximum Setbacks

- a.** All new buildings in the MUT Zone shall be oriented to existing or proposed public streets or to private streets as approved by the City. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.
- b.** At least one major public entrance should be oriented to each street that the building abuts. Corner entrances may be used to provide entrance orientation to two streets, provided that the length of the building adjacent to the street does not exceed 50 ft.
- c.** Building setbacks from streets or plazas shall not exceed 20 ft. except when necessary to preserve healthy, mature tree(s), to provide pedestrian amenities in conformance with Section 3.21.60.07, or to accommodate handicapped access requirements. A further exception to these setback requirements may be considered when the site is fronted by more than two streets.

3.21.60.03 - Corner Building Entrances

For all new buildings or when redevelopment opportunities allow, the design of corner lot buildings should reinforce public intersections as public spaces. Corner building entrances with weather protection or other architectural features may be required to ensure that this guideline is met. The maximum allowable building setback in Section 3.21.60.02 may be increased when the building design incorporates seating, plazas, and other public amenities, as defined by Section 3.21.60.07.

3.21.60.04 - Weather Protection

- a.** Where new industrial development is constructed adjacent to street sidewalks or pedestrian plazas, a six ft.-wide, weather-protected area such as awnings or canopies shall be provided over the primary entrance.
- b.** Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a six ft.-wide, weather-protected area, such as awnings or canopies, shall be provided along all portions of building(s) adjacent to the sidewalks and/or plazas.

- c. For existing development, weather protection, as identified in “a,” and “b,” above, shall be provided when there are alterations, repairs, or additions to existing structures. However, an exception to this weather protection standard may be requested where the applicant can demonstrate, to the satisfaction of the Director, that the cost of improvements to the existing structure is less than four times the cost of providing an awning. In addition, where existing weather protection is at least four ft. in width, an exception to this standard may be authorized.

3.21.60.05 - Landscaping and Screening

Landscaping and screening shall be required, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. The following additional standards apply to the MUT Zone:

- a. Street trees shall be required, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Species should be compatible with the design features identified in Section 3.21.60.07, and shall provide continuity with nearby landscaping. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.
- b. Screening of parking areas, drives, mechanical equipment, and solid waste receptacles shall be installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
- c. Irrigation systems shall be installed to support landscaping.

3.21.60.06 - Street Connectivity and Internal Circulation

- a. For new structures and substantial improvements to existing development, an applicant may be required to provide street or driveway stubs and reciprocal access easements to promote connectivity, dispersal of traffic, and efficient circulation between Uses and properties.
- b. The maximum Block Perimeter Standards shall be 1,800 ft., but in no case shall there be a distance of more than 400 ft. without a pedestrian way. Alternatives to this standard may be considered through the Planned Development process.

- c. Traffic lanes shall be internal to the site and shall not be located between buildings and sidewalks, except where drop-off facilities are provided, such as for handicapped access. Such facilities shall be designed to meet Americans with Disabilities Act (ADA) requirements and provide for direct pedestrian circulation.

3.21.60.07 - Pedestrian Amenities

- a. **Number Required** - For all new structures and substantial improvements in the MUT Zone, with the exception of existing residential dwellings and General and Intensive Industrial Uses, the applicant shall provide pedestrian amenities. The number of pedestrian amenities provided shall comply with the sliding scale in Table 3.21-2 - Number of Required Pedestrian Amenities.

Table 3.21-2 - Number of Required Pedestrian Amenities

Size of Structure or Substantial Improvement	Number of Required Amenities
< 25,000 sq. ft.	1
25,000 - 50,000 sq. ft.	2
> 50,000 sq. ft.	3

- b. **Acceptable Pedestrian Amenities Include -**

1. Sidewalks with ornamental treatments, such as brick pavers, or sidewalks 50 percent wider than required by this Code
2. Benches and public outdoor seating
3. Sidewalk planters
4. Public art, such as a sculpture, fountain, clock, mural, etc., with a value equal to or greater than one percent of the construction value of the new or expanded structure(s)
5. Pocket parks - minimum usable area of 300 sq. ft.
6. Plazas - minimum usable area of 300 sq. ft.

7. Street trees of a caliper 50 percent wider than otherwise required by this Code; may include preservation of healthy mature trees adjacent to the street sidewalk
8. Other improvements approved through Chapter 2.12 - Lot Development Option, or Chapter 2.5 - Planned Development
9. Additional weather protection in excess of requirements of Section 3.21.60.04

c. Pedestrian Amenities Shall Comply with the Following Standards and Guidelines -

1. Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.
2. The size or capacity of pedestrian amenities should be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The minimum area standards for pocket parks and plazas may be increased based on this guideline.
3. Amenities eligible for credit toward Green Area standards, and adjustment to the maximum 20 ft. setback standard, include plazas, pocket parks, seating areas, street furniture, and other areas that provide usable pedestrian space.
4. Amenities should be consistent with the character and scale of the MUT area. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle, such as 10 years before replacement.
5. When provided at or near a bus stop, amenities should conform to standards of the Corvallis Transit System.

3.21.60.08 - Minimum General Building Design Standards

Special attention to building design is required in the MUT Zone because of the intermixing of a wide variety of land uses. The following standards are intended to be specific and quantifiable, while allowing for flexibility in design. Additional flexibility is provided through the Planned Development and Lot Development Option review processes. This Section provides both required and optional design elements.

New structures and substantial improvements should be designed to provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable by complying with the following minimum requirements:

- a.** Ground-floor windows shall be provided for Civic and Commercial Use Types. The main front elevation(s) of buildings shall provide at least 60 percent windows or transparency at the pedestrian level. On corner lots, this provision applies to both street-facing elevations. The transparency is measured in lineal fashion, such that the example of a 100 ft.-wide building facade shall have a total of at least 60 linear ft. of windows.
- b.** Ground-floor windows shall be provided for Limited Industrial Use Types. The main front elevation(s) of buildings shall provide at least 30 percent windows or transparency at the pedestrian level. On corner lots, this provision applies to both street-facing elevations. The transparency is measured in linear fashion, such that the example of a 100 ft.-wide building facade shall have a total of at least 30 linear ft. of windows.
- c.** Ground-floor entrances shall include an off-set of at least eight ft. in depth and of sufficient width to allow the entrance location to be easily discerned. Such off-sets shall be items such as recesses, extensions, or other breaks in elevation.
- d.** To break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features, including off-sets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco, such as EIFS, textured concrete block, or textured concrete.
- e.** Differentiation between ground-level spaces and upper stories shall be provided. For example, bays or balconies for upper levels, and awnings, canopies, or other similar treatments for lower levels can provide

differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as the use of public art may also be used. Recognizing that other design solutions may be appropriate, a developer may propose alternatives for review and approval by the Director.

- f. Privacy in residential developments, through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas such as balconies, porches, patios, etc. shall be provided. Opposing windows at close distances should be off-set horizontally or employ appropriate materials, such as frost-glazed, tinted, etc., to protect privacy.
- g. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional rights-of-way shall be dedicated to maintain adequate circulation.

3.21.60.09 - Neighborhood Compatibility - Minimum Standards Adjacent to a Residential Zone

- a. **Height Step-down** - New building roof elevation(s) shall gradually step down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures by more than one story. This provision applies to that portion of the structure closest, at least the closest 20 ft., to the adjacent residential structures.
- b. **Compatible Architectural Characteristics** - New development adjacent to residential zones shall incorporate architectural characteristics compatible with residential development. Each new structure shall contain at least two of the following elements:
 - 1. Roofs with a minimum 4:12 pitch;
 - 2. Flat roofs with a cornice, or other decorative treatment;
 - 3. At the discretion of the Director, horizontal wood lap siding, brick, stone, or other material consistent with residential character;
 - 4. Vertical breaks in roof elevation; and/or
 - 5. Additional off-sets in building elevation
- c. The site design shall preserve healthy, mature trees on the site to the maximum extent practicable. Trees likely to create a hazard for the

development or adjacent properties may be removed, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. However, this provision shall not conflict with the provisions outlined in Section 3.21.70. If there is a conflict, the provisions of Section 3.21.70 shall prevail.

- d. Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties, and shall be consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

3.21.70 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.21.80 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.21.70, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards for General and Intensive Industrial Zones, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

