

## **CHAPTER 3.14 NEIGHBORHOOD CENTER (NC) ZONE**

### **Section 3.14.10 - PURPOSE**

The Neighborhood Center (NC) Zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The Neighborhood Center Zone is intended to provide for concentrations of civic uses, retail businesses, commercial and personal service activities, and residential/commercial mixed use developments in the core of comprehensive neighborhoods, as envisioned by the Comprehensive Plan.

Commercial uses in Minor Neighborhood Centers are intended to serve neighborhood shopping and office needs. Commercial uses in Major Neighborhood Centers are intended to serve broader community shopping and office needs in addition to the needs of the nearby neighborhood. Both Minor and Major Neighborhood Centers are encouraged to the maximum extent possible to include civic uses that support the nearby comprehensive neighborhood. In Major Neighborhood Centers, such civic uses may also serve a larger population.

The Neighborhood Center Zone also serves these purposes:

- a. Locates a range of businesses within convenient walking and cycling distance of residential areas;
- b. Ensures human-scale development oriented to pedestrian-friendly shopping streets;
- c. Supports the use of alternative modes of transportation, including walking, riding transit, and bicycling;
- d. Develops neighborhood cores at an appropriate human scale, while minimizing hazards, noise, traffic congestion, and other related effects of commercial concentrations;
- e. Implements the Comprehensive Plan provisions for development of "Minor" and "Major" Neighborhood Commercial Centers by establishing Minor NC and Major NC zones on the Official Zoning Map; and
- f. Provides useful public spaces serving the neighborhood core and surrounding uses.

### **Section 3.14.20 - GENERAL PROVISIONS**

#### **3.14.20.01 - Establishment of the NC Zone**

The NC Zone designation shall apply to lands identified as NC on the Official Zoning Map as of December 31, 2000, except as amended in accordance with the provisions of this chapter, Chapter 2.2 - Zone Changes, and applicable Comprehensive Plan policies. Zone changes to establish new NC zones may be

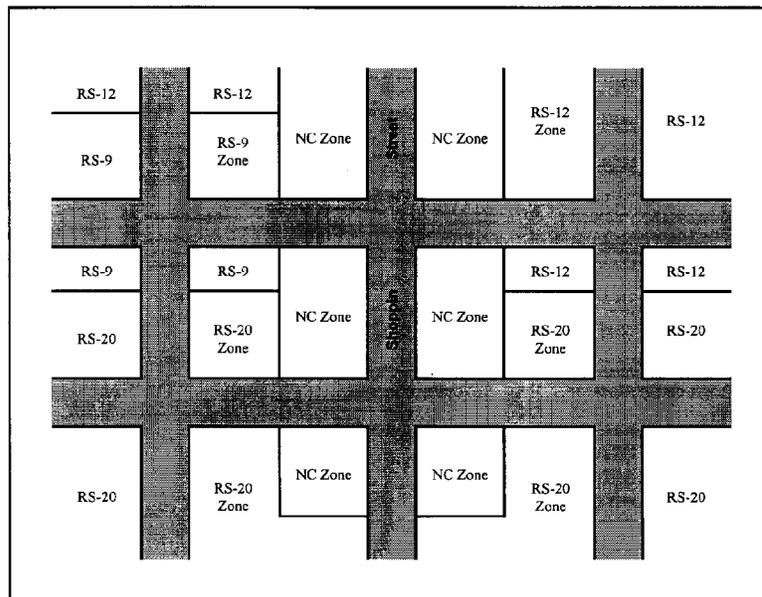
applied only to properties designated Mixed Use Commercial (MUC) or Intensive Development Sector (IDS) on the Comprehensive Plan Map as of December 31, 2000, or properties to which one of these designations is applied through a subsequent or concurrent Comprehensive Plan Map Amendment. The NC Zone also may be applied through a legislative process in accordance with the procedures identified in Chapter 2.0 - Public Hearings. The designation of "Minor NC " or "Major NC" shall be applied when the zone is established.

The following locational and dimensional criteria shall apply to new NC zones.

**a. Locational Criteria**

The following locational criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

1. The Major NC Zone designation may be applied only to parcels at or near an intersection of collector and/or arterial streets.
2. The Minor NC Zone may be applied to parcels at or near intersections of neighborhood collector, collector, or arterial streets. Intersections may also include a local street, provided that it intersects with a neighborhood collector, collector, or arterial street.
3. As much as practicable, NC Zone boundaries shall occur such that similar uses face each other along street frontages.



4. The Minor NC Zone shall have at least 100 ft. of frontage and the Major NC Zone at least 200 ft. of frontage either along an existing or planned shopping street, as defined in Chapter 4.0 - Improvements

Required with Development, or along a dedicated public square or plaza.

**AND EITHER**

5. All portions of the NC Zone shall be located within 1/4 mile of existing or planned transit service, and any Major NC Zone shall be located at major intersections along transit routes on arterial streets.

**OR**

6. The NC Zone shall be located in areas determined, through a legislative process (in accordance with Chapter 2.0 - Public Hearings), to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood for Minor NC zones, and to the affected comprehensive neighborhood and larger community for Major NC zones.

**b. Zone Size and Dimensions**

The following size and dimensional criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

1. A new NC Zone shall consist of at least one whole legal lot or parcel if the lot or parcel is 1 acre or smaller in size. When multiple tax lots or parcels are included, portions of individual lots or parcels at least 1 acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zoning designation. Existing public street rights-of-way shall not count toward the total area of a zone.
2. Minor NC zones shall not exceed 3 acres.
3. Major NC zones shall not exceed 12 acres.
4. Exceptions to "2" and "3" above may occur if a site is determined, through a legislative process (in accordance with Chapter 2.0 - Public Hearings), to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

**c. Master Site Plan for Major Neighborhood Centers**

A Master Site Plan for each Major NC Zone shall be required for applicable development, as defined in section 2.10.30 of Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.

**d. Variations**

Variations from development and design standards (i.e., standards in this chapter and in other Code chapters that discuss parking, landscaping, public improvements, and pedestrian oriented design standards) may be allowed through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code, respectively.

**Section 3.14.30 - PERMITTED USES**

Land use in the NC Zone shall conform to the list of permitted use types in Table 3.14-1. Ministerial development involving use types permitted outright are identified with a "P." General development involving use types subject to Plan Compatibility Review (Chapter 2.13) are identified with a "PC." Special Development involving use types subject to Conditional Development Review (Chapter 2.3) and Planned Development Review (Chapter 2.5) are identified with a "CD" and a "PD," respectively. Uses identified with an "N" are not permitted.

<b>Table 3.14-1 - Permitted Use Types</b>			
<b>Use Types</b>		<b>Permit Procedure</b>	
		<b>Minor NC</b>	<b>Major NC</b>
<b>a.</b>	Prior Established Uses <sup>1</sup>		
1.	Uses existing prior to December 31, 2000, and in compliance with the Code on that date	P	P
2.	Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P	P

<sup>1</sup>

Uses that were in existence and permitted in zoning prior to December 31, 2000, and are now located in NC zones, shall not be classified as nonconforming uses unless they have been discontinued for a period of at least 18 months, in which case the requirements of section 1.4.40.03 in Chapter 1.4 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements. Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of section 1.4.50.02.

**Table 3.14-1 - Permitted Use Types**

Use Types	Permit Procedure	
	Minor NC	Major NC
<b>b. Civic Use Types<sup>2</sup></b>		
1. Administrative Services	P	P
2. Civic Assembly (maximum use size of 5,000 sq. ft.)	P	P
3. Civic Assembly (use size > 5,000 sq. ft.)	N	CD
4. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential 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	P	P
5. 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	P	P
6. Community Recreation	CD	PC
7. Cultural Exhibits and Libraries	P	P
8. Essential Services	P	P
9. Freestanding Wireless Telecommunication Facility	N	PC
10. Lodge and Fraternal (above ground floor only)	CD	PC
11. Major Services and Utilities (including hospitals, mass transit waiting stations or turnarounds, and schools (on second floors), but not including uses such as sanitary landfills, airports, or detention and correctional institutions)	CD	CD

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A Civic use type that exceeds 5,000 sq. ft. must demonstrate through a Conditional Development Review that it primarily serves the immediate area. Parks, plazas, and similar public spaces are exempt from this provision.

**Table 3.14-1 - Permitted Use Types**

Use Types	Permit Procedure	
	Minor NC	Major NC
12. Minor Utilities, subject to Chapter 4.9 standards	PC	PC
13. Parking Services	N	CD
14. Postal Services: Customer	P	P
15. Public Safety	P	CD
16. Religious Assembly (maximum use size of 5,000 sq. ft.)	P	P
17. Religious Assembly (use size > 5,000 sq. ft.)	N	CD
18. University Services and Facilities	PC	PC
<b>c. Commercial Use Types (contained within enclosed building)</b>		
1. Agricultural Sales	N	CD
2. Animal Sales and Service - Grooming, Kennels (indoor), Veterinary (small animals), but excluding other use types	P	P
3. Automotive and Equipment, subject to the provisions of Chapter 4.10	N	CD
(a) Car Wash	N	CD
(b) Light Equipment Repairs	N	CD
(c) Light Equipment Sales and Rentals	N	CD
4. Building Maintenance Services	CD	P
5. Business Equipment Sales and Services	P	P
6. Business Support Services	P	P
7. Day Care, Commercial Facility	CD	P
8. Communication Service Establishments	CD	P
9. Construction Sales and Services	CD	P
10. Convenience Sales and Personal Services, except drive-through facilities	P	P
11. Drive-Through Facilities	N	CD

**Table 3.14-1 - Permitted Use Types**

Use Types	Permit Procedure	
	Minor NC	Major NC
12. Eating and Drinking Establishments, except drive-through facilities	P	P
13. Financial, Insurance, and Real Estate Services	P	P
14. Food/Beverage Retail, except drive-through facilities	P	P
15. Fuel Sales	N	CD
16. Funeral and Interment Services (cremating and undertaking only)	N	CD
17. Laundry Services	P	P
18. Lodging Services		
(a) Hotels/Motels - Above ground floor only	N	CD
19. Medical Services	P	P
20. Participant Sports and Recreation		
(a) Indoor	P	P
(b) Outdoor	N	CD
21. Professional and Administrative Services	P	P
22. Repair Services - Consumer	P	P
23. Research Services	PC	P
24. Retail Sales	P	P
25. Spectator Sports and Entertainment		
(a) Limited	CD	PC
(b) Other	N	CD
26. Technical Support Center - upper floors only	P	P
27. Telemarketing Center - upper floors only	P	P
28. Temporary Outdoor Markets, limited to farmers markets and similar uses	PC	P

<b>Table 3.14-1 - Permitted Use Types</b>		
<b>Use Types</b>	<b>Permit Procedure</b>	
	<b>Minor NC</b>	<b>Major NC</b>
<b>d.</b> Residential Use Types: Family, Group Residential, Group Residential/Group Care, Residential Care Facilities, Home Business <sup>3</sup>	P	P
<b>e.</b> Residential Building Types: Attached (Townhouse), Multi-Dwelling. Any residential building type may be authorized through a Planned Development approval	PC	P
<b>f.</b> Accessory Uses <sup>4</sup>		
1. Essential Services (contained within enclosed building)	P	P
2. Required off-street parking in accordance with Chapter 4.1	P	P
3. Other development customarily incidental to the primary use in accordance with Chapter 4.3 (contained within enclosed building)	P/PC	P
<b>g.</b> 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. 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 45 ft. in height, whichever is less.	N	PC

### **Section 3.14.40 - NC ZONE DEVELOPMENT STANDARDS**

#### **3.14.40.01 - Use and Building Size**

All development shall comply with the following standards for use and building size.

##### **a. Minor NC Zone**

1. The maximum size of a use shall be 5,000 sq. ft., except that uses fronting an arterial or collector street may be 15,000 sq. ft. per use.

<sup>3</sup> Single-family residential units approved and constructed prior to annexation are allowed as nonconforming uses.

<sup>4</sup> All accessory uses shall comply with the provisions of section 3.14.40.01.

2. The maximum building footprint shall be 20,000 sq. ft. per building except that the footprint of buildings fronting arterial or collector streets may be 25,000 sq. ft. Floor space exceeding 20,000 sq. ft. of gross floor area within one building footprint (or 25,000 sq. ft. for buildings on arterial or collector streets) shall be accommodated on additional floors (basements, full floors, partial floors, and/or mezzanines).

**b. Major NC Zone**

1. There is no maximum size of uses in the Major NC Zone, with the exception of the "Construction Sales and Services" use type. This use type shall not exceed 55,000 sq. ft. of total sales and storage area (not including parking), and no more than 50 percent of the site area shall be dedicated to unenclosed display/storage area.
2. The maximum building footprint shall be 55,000 sq. ft.
3. Floor space exceeding 55,000 sq. ft. of gross floor area within one building footprint shall be accommodated on additional floors (basements, full floors, partial floors, and/or mezzanines).

**3.14.40.02 - Location of Residential Uses**

In Minor and Major NC zones, housing shall not be permitted on a ground floor space that faces a shopping street. Housing on the ground floor is allowed if it faces a street other than a shopping street or is oriented to a courtyard, alley, lane, or other access set back from the shopping street that provides pedestrian access to public right-of-way in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards.

**3.14.40.03 - Location of Civic Use Types**

Civic use types such as community buildings, government offices, recreation centers, and libraries should be located in central locations as highly visible focal points. Civic uses shall also be located within 300 ft. of transit stops, unless an exception is provided in accordance with section 3.14.20.01.a.5.

**3.14.40.04 - Common Outdoor Space**

NC zones shall include common outdoor space, such as a park, plaza, pedestrian promenade (e.g., shopping street sidewalks wider than the minimum required), or other public gathering area. The common outdoor space may be publicly or privately owned but must be accessible to the general public. Privately owned common outdoor space shall have a public access easement that meets the approval of the City Engineer.

Common outdoor space shall be located in a central or other location conducive to creating a focal point for the neighborhood center. The size of the common outdoor space shall be established through the Major Neighborhood Center Master Site Plan process (for Major NC zones) or through compliance with the lot coverage standards in section 3.9.40.07 of Chapter 3.9 - Mixed Use Residential (MUR) Zone. Residential components of the NC zones shall comply with the "green area" requirements of section 3.9.50.

#### **3.14.40.05 - Commercial Floor Area Ratio and Preservation of Commercial Land Supply**

Minimum commercial floor area ratios (FARs) are required for all property within the NC Zone. This requirement ensures that commercial land is preserved for primarily commercial purposes. For an explanation of how to apply/calculate FARs, refer to "Floor Area Ratio" in Chapter 1.6 - Definitions.

All commercial and mixed use developments shall comply with the following standards for commercial floor area.

##### **a. Commercial Use Types**

For commercial use types, the minimum floor area ratio (FAR) shall be 0.25 and the maximum FAR shall be 1.0.

##### **b. Excluded Features**

Residential uses and structured parking shall be excluded from the maximum FAR.

##### **c. FAR Exceptions Process**

To increase FARs above the established maximum, an applicant must apply for a Planned Development in accordance with Chapter 2.5 - Planned Development. In all cases, the primary use of the property shall remain commercial.

#### **3.14.40.06 - Mixed Use Standards**

##### **a. Residential Ground-Floor Uses**

Residential uses located on the ground floor shall not exceed 50 percent of the ground floor space per parcel. However, the Planned Development process may be used to transfer ground-floor commercial and residential uses among parcels in the same development (resulting in stand alone residential uses) provided that no more than 50 percent of the ground floor space in the entire development is residential.

**b. Residential Density in Mixed Use Developments**

The minimum residential density for mixed use developments involving stand-alone residential buildings shall be 20 units per gross acre. For mixed use buildings, no minimum densities are established. For this standard, residential densities shall be calculated only for the portion of the site being used for residential uses (including residential structures, parking areas, landscaping, circulation areas, etc.). Modifications to this standard can be requested through a Planned Development Review process in accordance with Chapter 2.5 - Planned Development.

**3.14.40.07 - Setbacks**

There is no minimum setback in NC zones. Maximum setbacks in NC zones shall conform to Table 3.14-2.

Ministerial development involving use types permitted outright are identified with a "P." General development involving use types subject to Plan Compatibility Review (Chapter 2.13) are identified with a "PC." Special Development involving use types subject to Planned Development Review (Chapter 2.5) are identified with a "PD."

<b>Setback<sup>5</sup></b>	<b>Maximum</b>	<b>Permit Procedure</b>
<b>Front<sup>6</sup></b>	5 ft.	P
	20 ft.	PC
	>20 ft.	PD
<b>Side<sup>7</sup></b>	none	P
<b>Rear</b>	none	P

**3.14.40.08 - Structure Height**

Structure heights shall comply with the following standards.

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5 Setbacks are measured from the right-of-way.

6 Where existing sidewalks are not consistent with the standards for shopping streets contained in section 4.0.60.1 of Chapter 4.0, a building's minimum setback shall provide the opportunity for improvement of the sidewalk to these standards.

7 Corners require compliance with clear vision and pedestrian standards (i.e., building orientation and entrance standards)

**a. Minor NC Zone**

Structures shall not exceed a height of 35 ft. or three stories. Planned Development approvals may authorize buildings up to a maximum of 75 ft. or six stories in a Minor Neighborhood Center. For such approvals, all stories above the third shall be used only for residential purposes.

**b. Major NC Zone**

Structures shall not exceed a height of 75 ft. or six stories. All stories above the third shall be used only for residential purposes.

**c. Step-Down Height**

Where the NC Zone abuts an RS-3.5, RS-5, RS-9 or RS-9 (U) zone along a property line or alley, the height of structures within the NC Zone shall be limited to a maximum of 35 ft. within a distance of 20 ft. from this boundary.

**3.14.40.09 - Alleys and Access Consolidation**

**a.** Alleys shall be required for all new blocks created in NC zones, and provided in accordance with the standards in Chapter 4.0 - Improvements Required with Development. This standard is intended to apply to undeveloped sites that can accommodate new blocks developed in accordance with block standards in Chapter 4.0. Although adherence to this standard is encouraged, this standard is not necessarily intended to apply to redevelopment of, or intensification of uses on, developed sites in every case.

**b.** With development, access consolidation, particularly along arterials, shall be required to the maximum extent practicable. Access consolidation shall be accomplished as approved by the City Engineer, and/or as required by applicable access control plans approved by the City Council. Connectivity between adjacent parking and vehicle circulation areas and internal to development sites shall be implemented where practicable.

**3.14.40.10 - Compliance with Pedestrian Oriented Design Standards**

**a.** Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with this section provided that:

1. The expansion adds floor area of 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.
- b. Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
    1. The expansion adds floor area of more than 3,000 sq. ft.; or
    2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.
  - c. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000, shall comply with all standards in Chapter 4.10 - Pedestrian Oriented Design Standards.

### **Section 3.14.50 - SHOPPING STREET REQUIREMENTS**

Shopping streets are intended to be active pedestrian areas with a concentration of retail services and eating and drinking establishments on the ground floors of all buildings.

#### **3.14.50.01 - Shopping Street Required**

Every NC Zone shall include at least one shopping street consistent with the shopping street provisions in Chapter 4.0 - Improvements Required with Development, and/or a public square toward which ground-floor commercial and/or civic uses are oriented.

#### **3.14.50.02 - Designation of Shopping Streets**

A shopping street location shall be designated in one of the following ways:

- a. Through an approval issued by a discretionary review body as part of a Special Development review (e.g., for a Major NC, approval by the Planning Commission); or
- b. Through approval by the Director (e.g., for a Minor NC, a Director's Interpretation), provided that all shopping streets comply with all of the standards for shopping street development in Chapter 4.0 - Improvements Required with Development.

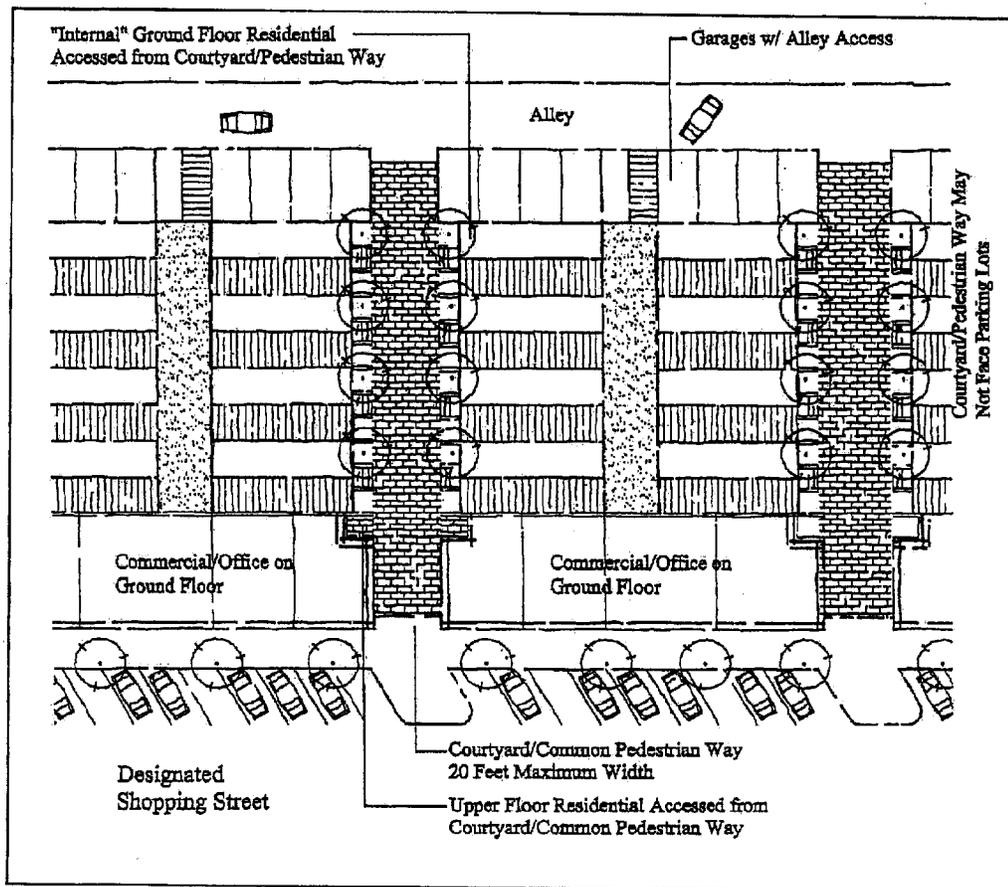
When a shopping street location has been designated through one of the methods above, all future development shall be consistent with the shopping street standards specified in Chapter 4.0, or with standards specified in conditions of approval associated with a discretionary decision.

### 3.14.50.03 - Prohibited Location of Uses

The following uses, and those determined to have the same Use Type classification under Chapter 3.0 - Use Classifications, are prohibited from facing shopping streets, unless they are authorized as part of a Planned Development.

#### a. Residential Use Types on the Ground Floor

Ground-floor residential use types are prohibited from facing shopping streets. However, access to ground-floor or upper-floor residential uses is permitted via courtyards or common access pedestrian ways. Any access connection between the courtyards/common pedestrian ways and the shopping street shall be no wider than 20 ft., and such connections shall cumulatively constitute no more than 10 percent of any shopping street block face.



The courtyard or common access pedestrian area shall not be used in calculating the private outdoor space requirements of the associated residential uses. In addition, the longest side of the courtyard/common pedestrian way shall not face a parking lot.

**b. Uses Highly Dependent on Automobile Circulation**

These uses are prohibited from facing a shopping street:

Drive-Through Facilities; Eating and Drinking Establishments - Fast Order Food Drive-Through; Car Washes; and Fuel Sales.

**c. Lodging Services Uses on the Ground Floor**

Ground floor Lodging Services use types are prohibited from facing shopping streets. However, access to adjacent or upper floors of such uses is permitted via lobbies or common areas shared with other businesses.

**d. Lodge and Fraternal Assembly Uses on the Ground Floor**

Lodge and Fraternal Assembly use types are prohibited on the ground floor. However, access to adjacent or upper floors of such uses is permitted via lobbies or common areas shared with other businesses.

**Section 3.14.60 - COMPLIANCE WITH THIS CODE**

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, chapters 4.0, 4.1, 4.2, 4.6, 4.7, and 4.9. The block standards established in section 4.0.60 of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.