

CHAPTER 3.19

MIXED USE COMMUNITY SHOPPING (MUCS) ZONE

Section 3.19.10 - PURPOSE

The Mixed Use Community Shopping (MUCS) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside Neighborhood Center (NC) Zones and the Mixed Use General Commercial Zone. The MUCS Zone is applied to areas that are already largely developed, are mostly located between neighborhood centers, and are intended to transition to a more pedestrian- and human-scale environment.

The MUCS Zone is intended to provide for retail businesses and commercial and personal service activities of limited sizes, with larger Uses in the Major Neighborhood Center Zone, and mixed use developments, accommodating both pedestrian oriented Uses and a limited number of land uses that are more dependent on automobile circulation.

The MUCS Zone also serves these purposes:

- a.** Provides transitions from a linear pattern of commercial development toward a pedestrian-friendly environment;
- b.** Locates a range of complementary businesses close to each other;
- c.** Provides human-scale development to the greatest extent practicable;
- d.** Mitigates the adverse effects of automobile-oriented development on the pedestrian environment;
- e.** Supports the use of alternative modes of transportation, including walking, riding transit, and bicycling;
- f.** Minimizes hazards, noise, traffic congestion, and other related effects of commercial concentrations; and
- g.** Implements the Comprehensive Plan provisions for access management on Arterial Streets.

Section 3.19.20 - GENERAL PROVISIONS - Establishment of the MUCS Zone

Zone Changes to establish new MUCS Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The MUCS Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Hearings. The following locational and dimensional criteria shall apply to any new MUCS Zone.

a. Locational Criteria - The following locational criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes:

1. The MUCS Zone shall have at least 50 ft. of frontage along a Collector or Arterial Street, as designated in the Corvallis Transportation Plan;

AND EITHER

2. All portions of the MUCS Zone shall be located within 1/4 mile of existing or planned transit service;

OR

3. The MUCS Zone shall be located in areas determined, through a legislative process, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

b. Zone Size and Dimensions - A new MUCS Zone shall consist of at least one whole legal lot or parcel if the lot or parcel is one acre or less in size. When multiple lots or parcels are included, portions of individual lots or parcels at least one acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zone designation. Public street rights-of-way shall not count toward the total area of a zone.

Section 3.19.30 - PERMITTED USES

Land use in the MUCS Zone shall conform to the list of Permitted Use Types in Table 3.19-1 - Permitted Uses. 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 Review are identified with a CD. Uses identified with an N are not permitted.

Table 3.19-1 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>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
a. Prior Established Uses			
1. Uses existing prior to December 31, 2006, and in compliance with the Code on that date ¹	P		
2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P		

¹

Uses that were in existence and permitted in zoning prior to December 31, 2006, and are now located in the MUCS Zone, 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 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements.

**Table 3.19-1
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>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
b. Residential ² 1. <u>Residential Use Types limited to:</u> a) Family b) Group Residential c) Group Residential/Group Care d) Residential Care Facilities 2. <u>Residential Building Types limited to:</u> a) Detached - existing as of December 31, 2006 b) Attached - Townhouse - common wall with Commercial and/or Civic Use c) Multi-dwelling - see also Section 3.19.40.04 d) Accessory Dwelling - in conjunction with attached dwelling	P		
	P		

²

All Residential Uses shall comply with the provisions of Section 3.19.40.04 - Mixed Use Development.

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N = Not Permitted

<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
c. Accessory Uses			
1. Essential Services - contained within enclosed building	P		
2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P		
3. Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations	P		
4. Home Business	P		
5. Day Care, Family, as defined in Chapter 1.6 - Definitions	P		

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<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
d. Projections such as chimneys, spires, domes, and towers not used for human occupancy exceeding 75 ft. in height, in accordance with Chapter 2.13 - Plan Compatibility Review, unless adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone where the threshold is 20 ft. above the height of the structure or 55 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		
e. Civic Use Types		P	CD
1. Administrative Services ³	P		
2. Community Recreation	PC		
3. Essential Services	P		
4. Lodge, Fraternal, and Civic Assembly		P	CD
5. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions	P		
6. Major Services and Utilities - such as transit and similar facilities	PC		
7. Parking Services	PC		
8. Public Safety Services	PC		

³ A Civic Use Type that may be considered as a Commercial Use for the purposes of calculating the minimum Floor Area Ratio (FAR) as required by Section 3.19.40.03, provided it occupies the ground floor area.

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<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
9. Social Service Facilities ³	P		
10. Religious Assembly		P	CD
11. University Services and Facilities	P		

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<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
12. Wireless Telecommunication Facilities			
a) 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.	P		
b) 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		
c) Freestanding Wireless Telecommunication Facilities	PC		

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<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
f. Commercial Use Types - contained within enclosed building⁴			
1. Agricultural Sales and Service	P		
2. Animal Sales and Service - Grooming; Kennels; Veterinary, Small Animals	P		
3. Animal Sales and Service - Large and Small Animals, and/or including Use outside of building		PC	CD
4. Automotive and Equipment - subject to the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards			
a) Light Equipment Sales/Rentals - including use outside of building	P		
b) Car Wash	P		
5. Fuel Sales	P		
6. Building Maintenance Services	P		
7. Business Equipment Sales and Services	P		
8. Business Support Services	P		
9. Communication Services	P		
10. Construction Sales and Services	P		

⁴ All Commercial Use Types shall comply with the provisions of Section 3.19.40.02 - Thresholds for Determining the Applicable Review Procedure.

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N = Not Permitted

<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
11. Convenience Sales and Personal Services - except Drive-through Facilities -10,000 sq. ft. maximum Use size		P	P (10,000 sq. ft. max. Use size)
12. Day Care, Commercial Facility	P		
13. Drive-through Facilities	CD		
14. Eating and Drinking Establishments - except Drive-through Facilities -10,000 sq. ft. maximum Use size		P	P (10,000 sq. ft. max. Use size)
15. Financial, Insurance, and Real Estate Services	P		
16. Food/Beverage Retail Sales - except Drive-through Facilities -10,000 sq. ft. maximum Use size		P	P (10,000 sq. ft. max. Use size)
17. Funeral and Interment Services - Cremating and Undertaking	P		
18. Laundry	P		
19. Lodging Services - Hotels/Motels		P	CD
20. Medical Services		P	CD
21. Participant Sports and Recreation - Indoor		P	CD
22. Professional and Administrative Services - above ground floor only		P	PC
23. Repair Services - Consumer	P		
24. Research Sales and Services	P		

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N = Not Permitted			
<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
25. Retail Sales -15,000 sq. ft. maximum Use size		P	PC (15,000 sq. ft. max. Use size)
26. Spectator Sports and Entertainment - Limited		P	CD
27. Swap Meets		PC	CD
28. Technical Support Center		P	CD
29. Telemarketing Center		P	CD
30. Temporary Outdoor Markets		PC	CD

Section 3.19.40 - DEVELOPMENT STANDARDS

3.19.40.01 - Use and Building Size

- a. The maximum size of a Use is established in Table 3.19-1 - Permitted Use Types.
- b. The maximum building footprint shall be 25,000 sq. ft., except for Lodging Services Use Types and Residential Use Types, for which no limits are established.
- c. Any building containing over 25,000 sq. ft. of gross floor area shall accommodate the additional floor area on additional floors. Full floors, partial floors and/or mezzanines comply with this standard.
- d. Building footprints in excess of 25,000 sq. ft. existing prior to December 31, 2006, and in conformance with the Code on that date, or constructed

pursuant to a valid Conceptual or Detailed Development Plan approved prior to December 31, 2006, shall not be classified as nonconforming structures. In such structures, change in Use from the Use existing prior to December 31, 2006, and in conformance with the Code on that date to a Use otherwise permitted, but for the maximum Use size limitation, shall be permitted.

Similarly, in buildings with interior portions in excess of 10,000 sq. ft. existing prior to December 31, 2006, and in conformance with the Code on that date, change in Use from an existing Permitted Use to a Use otherwise permitted, but for the maximum Use size limitation, shall be permitted. In each case, the change of Use shall be considered through the permit procedure identified in Table 3.19-1 - Permitted Use Types.

3.19.40.02 - Thresholds for Determining the Applicable Review Procedure - Commercial Uses

The permit procedures for Commercial Uses in the MUCS Zone shall be as identified in Table 3.19-1 - Permitted Use Types. The size of each Use is determined based on the total gross floor area of the Use. For the purposes of the MUCS Zone, floor area also includes unenclosed areas needed for automobile circulation for Car Washes, Fuel Sales, and Drive-through Facilities Uses. For these specific Uses, these unenclosed areas include those needed for operational use, queuing, and service areas, with the exception of areas needed for customer and employee parking, as defined in Chapter 3.0 - Use Classifications.

3.19.40.03 - Commercial Floor Area Ratio

Minimum commercial Floor Area Ratios (FARs) are required for all property with a Mixed Use Community Shopping designation. This requirement ensures that commercial land is preserved for primarily commercial purposes. For an explanation of how to apply/calculate FARs, see the definition of 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. For Commercial Use Types, the minimum FAR shall be 0.25 and the maximum FAR shall be 1.0. When a project is composed of two or more phases, development in each phase shall fall within the minimum and maximum FAR requirements or an alternative FAR requirement proposed and approved through a Planned Development Review process.

- b. Residential Uses and structured parking shall not be included in the maximum FAR.
- c. To increase the FAR above the established maximum, a proponent must apply for a Planned Development in accordance with Chapter 2.5 - Planned Development. However, in all cases, the Primary Use of the property(ies) shall be commercial. As mentioned in “a,” above, when a project is composed of two or more phases, development in each phase shall fall within the minimum and maximum FAR requirements or an alternative FAR requirement proposed and approved through a Planned Development Review process.

3.19.40.04 - Mixed Use Development

- a. Residential Uses located on the ground floor shall not exceed 50 percent of the ground-floor space of the parcel; the Planned Development process may be used to transfer ground-floor Commercial and Residential Uses between parcels in the same development, resulting in stand-alone residential structures, provided that no more than 50 percent of the ground-floor space in the development is residential.
- b. Mixed use developments shall comply with the Green Area standards in Chapter 3.9 - Mixed Use Residential (MUR) Zone, except that a minimum of 10 percent of the lot area shall be landscaping or preserved vegetation.
- c. The minimum residential density for mixed use projects involving stand alone residential buildings shall be 20 units per acre. For mixed use buildings, no minimum densities are established. For purposes of this standard, residential density shall be calculated only for the portion of the site being used for Residential Use. Modifications to the 20 units/acre density requirements for developments with stand-alone residential buildings can be requested through a Planned Development Review process in accordance with Chapter 2.5 - Planned Development.

3.19.40.05 - Setbacks

- a. **Front Setback** - Structures may be built to the property line, but no closer to the street than the width of the standard planting strip and sidewalk for that street classification. A maximum setback of 20 ft. from either the property line or the line marking the outer boundary of the standard planting strip and sidewalk for that street classification shall apply to all building sites, except as provided in “1,” through “3,” below. However, in no case shall parking

facilities or circulation facilities, such as driveways and queues, be allowed between the building front and the street.

1. Exceptions for Improved Pedestrian and Automobile Circulation - The maximum setback may be increased by 50 percent through a Conditional Development approval when the Planning Commission finds that an increased setback will provide for improved pedestrian circulation and safety and improved vehicular access management outside the public rights-of-way. For example, objectives for both pedestrians and vehicles can be met through the provision of shared driveways, connected parking lots, improved pedestrian connections between buildings and the street sidewalk, and internal connections between adjoining buildings.
2. Exceptions Granted through Conditional Development/Planned Development Review - In conformance with Section 3.19.20.01.c, the maximum setback may be increased to provide for the following features:
 - a) Pedestrian amenities in conformance with Chapter 4.10 - Pedestrian Oriented Design Standards;
 - b) An internal Shopping Street consistent with the requirements of Section 4.0.60.m of Chapter 4.0 - Improvements Required with Development;
 - c) Protection of Significant Natural Features protected by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and/or Chapter 4.13 - Riparian Corridor and Wetland Provisions; or
 - d) Compliance with other Sections of this Code.
3. Exceptions for Interior Buildings - Buildings interior to a development site are exempt from this requirement, provided other buildings on the site meet the requirement.

b. Side and Rear Setbacks and Building Separations - The following setbacks shall apply:

1. No minimum setback adjacent to Mixed Use General Commercial (MUGC), Neighborhood Center (NC), and Industrial (GI, II) zones.
2. 20 ft. minimum setback adjacent to Low and Medium Density Residential zones; buffering shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
3. 10 ft. minimum setback adjacent to Medium-high and High Density Residential zones; buffering shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

3.19.40.06 - Alleys and Access Consolidation

- a.** Alleys shall be required for all newly created blocks in the MUCS Zone 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 - Improvements Required with Development. Although adherence to this standard is encouraged, it is not necessarily intended to apply to redevelopment of or intensification of Uses on developed sites.
- b.** With development, access consolidation, particularly along Arterial Streets, 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, internal to development sites, shall be implemented where practicable.

3.19.40.07 - Compliance with Chapter 4.10 - Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the MUCS Zone:

- a.** All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and
- c. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

3.19.40.08 - Structure Height

No structure shall exceed 45 ft. in height.

3.19.40.09 - Monument Sign Exceptions

In cases where street visibility of a business in a conforming structure established prior to December 31, 2006, is significantly reduced due to new construction on adjacent property, and the 100-ft. minimum separation requirement for freestanding signs in Section 4.7.80.02.c of Chapter 4.7 - Sign Regulations otherwise precludes any street signage associated with the structure, a single monument sign a maximum of eight ft. high and 32 sq. ft. in area, which otherwise meets the requirements of Chapter 4.7 - Sign Regulations, is permitted.

Section 3.19.50 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, all chapters in Article IV, unless the provisions in this Chapter are more restrictive. The Block Perimeter Standards established in Section 4.0.60.n 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.

Section 3.19.60 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

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

Section 3.19.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.19.60, 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, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.