

- (A) One under-marquee sign; and
      - (B) One awning, marquee, or freestanding sign;
      - (C) The business occupant may substitute 2 wall signs on separate walls for the free-standing sign permitted in EC 9.3815(3)(g)2.a.
    - (2) If the development site is occupied by more than 1 business occupant:
      - (A) One under-marquee sign per business;
      - (B) One awning, marquee or wall sign per business; and
      - (C) One freestanding sign or 2 additional wall signs per development site, provided that each additional wall signs are placed on separate walls.
  - c. Maximum Sign Area The following size limitations apply to signs in areas designated for Main Street Commercial use:
    - (1) A freestanding sign for a development site shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces for each business occupant on a development site. The maximum freestanding sign area when 2 business occupants are on the development site shall not exceed 64 square feet for 2 face or 132 square feet for 2 or more faces. The maximum freestanding sign area when 3 or more business occupants are on the development site shall not exceed 90 square feet for 1 face and 180 square feet for 2 or more faces.
    - (2) The sum of the area of all wall signs, marquee signs and awning signs on any wall shall be limited to 1.0 square feet times the length of the perimeter wall upon which the signs are located.
    - (3) No individual awning, marquee, under-marquee, or wall sign may exceed 100 square feet per face or 200 square feet for 2 or more faces.
  - d. Freestanding Sign Location Freestanding signs are permitted only at entrances to or exits from parking areas for single tenant or multi-tenant buildings.
  - e. Maximum Sign Height A freestanding sign shall be no more than 16 feet in height.
- (h) Landscaping Standards. In addition to the landscape standards beginning with EC 9.6200 Purpose of Landscape Standards, and for multi-family development in EC 9.5500(8), the following standards apply to Commercial Mixed-Use area developments in the RMU, CMU and MSC subareas:
- 1. For commercial and mixed-use buildings with ground floor commercial uses, if the building is set back from the front lot line, the land between the building and a street must be landscaped to at

least the L-1 Landscape Standard or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least two of the pedestrian amenities described in (h)2. below. The use of porous paving materials for hard surfacing is encouraged. Residential developments are exempt from this subsection.

2. Acceptable pedestrian amenities to satisfy (h)1., above, include:
  - a. Sidewalks, at least 8 feet in width, which include ornamental treatments (e.g. brick pavers, etc.).
  - b. Benches and public outdoor seating areas.
  - c. Public art (e.g. sculpture, fountain, clock, mural, etc.) with an acquisition and placement cost greater than  $\frac{1}{2}$  of 1 percent of the construction value of the structure.
  - d. Plazas or pocket parks with a minimum usable area of 300 square feet
  - e. Preservation of healthy, mature trees within 20' of the front sidewalk area.
  - f. Transit shelter.
- (i) Parking and Loading. Within the RMU, CMU and MSC subareas, in addition to the standards beginning at EC 9.6100 Purpose of Bicycle Parking Standards and EC 9.6400 Purpose of Motor Vehicle Parking and Loading Standards, the following standards apply:
  1. Motor vehicle parking, maneuvering and circulation is not permitted between the street and the portion of a building that is used to comply with building setback requirements.
  2. For commercial uses, including commercial uses in mixed use buildings:
    - a. No parking spaces are necessary if 8 or fewer parking spaces are otherwise required.
    - b. If 9 or more parking spaces are otherwise required, the required parking can be reduced by 4 spaces if the business provides a minimum of 2 of the amenities described in EC 9.3815(3)(h)2., above.
- (j) Outdoor Storage Areas. Within the RMU, CMU and MSC subareas, except for plant nurseries, outdoor storage is not permitted.
- (k) Outdoor Merchandise Display. Within the RMU, CMU and MSC subareas, except for plant and garden supply products, outdoor merchandise display is not allowed.
- (l) Garbage Collection. Within the RMU, CMU and MSC subareas, all outdoor garbage collection areas shall be screened on all sides within a solid perimeter enclosure that meets the following standards:
  1. Materials within enclosures shall not be visible from streets and adjacent properties.
  2. Required screening shall comply with EC 9.6210(6) Full Screen

Fence Landscape Standard (L-6).

3. Trash and recycling receptacles for pedestrians are exempt from these requirements.
- (m) Outdoor Lighting. Within the LDR subarea, outdoor lighting shall comply with the Low Ambient Light standards in EC 9.6725. Within the MDR, RMU, CMU and MSC subareas, outdoor lighting shall comply with the Medium Ambient Light standards in EC 9.6725.
- (n) The following Table 9.3815(3)(n) sets forth additional standards for specific subareas of the S-RN Zone, subject to the special development standards in EC 9.3816 Special Development Standards for Table 9.3815(3)(n).

<b>Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards (See EC 9.3816 Special Development Standards for Table 9.3815(3)(n).)</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
<b>Minimum Net Density per Acre</b>	8 units	18 units	18 units	18 units	18 units
<b>Maximum Net Density per Acre</b>	14 units	28 units	28 units	28 units	28 units
<b>Maximum Building Height</b>					
Main Building	35 feet	35 feet	50'	50'	50'
Accessory Building. Includes Secondary Dwellings Detached from Main Building	25 feet	25 feet	50'	50'	50'
<b>Minimum Front Yard Setbacks (2) (3) (5) (6) (7) (8) (9)</b>					
Front Yard Setback - residential (3)	10 feet	10 feet	10 feet		6 feet
Front Yard Setback - Garage doors and Carport (7)	18 feet				
Front Yard Setback - Commercial (5) (6)			0 feet	0 feet (5)	0 feet (5)
Front Yard Setback - Mixed Use (5) (6)			0 feet	0 feet (5)	0 feet (5)
Interior Yard Setback - Attached Buildings (2)(4)	0 feet	0 feet	0 feet	0 feet	0 feet
Interior Yard Setback - Detached Buildings (2)(4)	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Front Yard Setback - Mixed Use Building with Ground Floor Commercial (5)(6)			0 feet	0 feet	0 feet
<b>Maximum Front Yard Setback</b>					
Commercial and/or Mixed Use Building except those Buildings on Royal Avenue or Roosevelt Boulevard with Commercial on Ground Floor in CMU or MSC			15 feet	15 feet	15 feet

<b>Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards</b> (See EC 9.3816 Special Development Standards for Table 9.3815(3)(n).)					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
Residential Buildings with more than 100' of street frontage		60% of the lot width occupied by building placed within 10' of the minimum front yard setback line	60% of the lot width occupied by building placed within 10' of the minimum front yard setback line	60% of the lot width occupied by building placed within 10' of the minimum front yard setback line	60% of the lot width occupied by building placed within 10' of the minimum front yard setback line
Residential Building with less than 100' of street frontage		40% of the lot width occupied by building placed within 10' of the minimum front yard setback line	40% of the lot width occupied by building placed within 10' of the minimum front yard setback line	40% of the lot width occupied by building placed within 10' of the minimum front yard setback line	40% of the lot width occupied by building placed within 10' of the minimum front yard setback line
Non-residential Building fronting on Royal Avenue or Roosevelt Boulevard				6 feet	6 feet
Front Yard Setback Residential Building				10 feet	10 feet
<b>Maximum Lot Coverage</b>					
All Lots, Excluding Rowhouse Lots	50%	50%			
Rowhouse Lots	75%	75%			
<b>Fences - Maximum Height</b>					
Within Front Yard Setback Area	42 inches	42 inches	42 inches	42 inches	42 inches
Within Interior Yard Setback Area	6 feet	6 feet	6 feet	6 feet	6 feet
<b>Minimum Floor Area Ratio</b>					
Commercial Structures Not Mixed with Residential Uses			0.5	0.5	0.5

(Section 9.3815 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

**9.3816 Special Development Standards for Table 9.3815(3)(n).**

- (1) An adjustment may be made to the development standards of Table 9.3815(3)(n) and this section in accordance with EC 9.8030(17).
- (2) A minimum 5' interior yard setback is required along alleys.
- (3) Certain building features and uses may intrude into the required setback. See EC 9.6745 Setbacks - Intrusions Permitted

- (4) Except as provided in this subsection (4), no interior setback along the side property lines is required if common wall construction is used. If common wall construction is used, it must conform to applicable building codes. A 5 foot setback is required at the end of a rowhouse building, or a minimum of 10 feet between the rowhouse building and any adjacent building.
- (5) All buildings in the MSC and CMU subareas fronting on either Royal Avenue or Roosevelt Boulevard shall be set back 6' from the front property line. The setback area shall be paved to create a continuous 12' wide sidewalks along the full length of the Main Street Commercial and Commercial Mixed-Use designations along the Royal Avenue and Roosevelt Boulevard street frontage.
- (6) For commercial and mixed use buildings not fronting on either Royal Avenue or Roosevelt Boulevard, at least 80% of the street-facing facade of commercial and mixed-use buildings must be within 15' of the front lot line.
- (7) **Garage and Carport Placement.**
  - (a) Within the LDR subarea, attached or detached garages and carports:
    - 1. Shall be set back a minimum of 18' from a public or private street if the garage or carport entrance faces the street;
    - 2. Shall be set back a minimum of 10' from a public or private street if the garage or carport entrance is perpendicular to the street;
    - 3. Shall be set back a minimum of 5' from an alley, measured from the edge of the property line;
    - 4. Garage and carport entrances may be placed only:
      - a. Perpendicular to (facing) an alley, parallel to an alley, or angled up to 45 degrees to an alley.
      - b. Perpendicular to (facing) or parallel to a street;
      - c. As part of the front facade of a structure if recessed at least 4' behind the front wall of the structure, excluding porches or other projections;
      - d. At the rear of a dwelling unit with access from a street. This type of access is prohibited where it would result in adjacent driveways. In that case, a shared driveway and reciprocal access easements shall be required.
  - (b) Within the RMU subarea:
    - 1. All garages and carports shall be located so as to take access from an alley
    - 2. A minimum 5-foot rear yard setback is required for garages and carports that are accessed from an alley. Garages and carport entrances may be located perpendicular to (facing) an alley, parallel to an alley, or angled up to 45 degrees to an alley.
- (8) **Garbage Collection.** Garbage collection areas shall not be located within required setbacks.
- (9) **Delivery and Loading Areas.** Within the RMU, CMU and MSC subareas, delivery and loading facilities are not permitted in required setback areas.

(Section 9.3816 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

**9.3822 S-RN Royal Node Special Area Zone Lot Standards.** The following Table 9.3822 sets forth lot standards within the S-RN zone. The numbers in () are references to special limitations that are set forth in EC 9.3823.

<b>Table 9.3822 S-RN Royal Node Special Area Zone Lot Standards (See EC 9.3823 Special Standards for Table 9.3822.)</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
<b>Lot Area Minimum</b>					
Rowhouse Lot (2)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (3)	6,400 square feet	6,400 square feet	1,600 square feet		
Triplex Lots (4)	9,600 square feet	9,600 square feet	1,600 square feet		
Fourplex Lots (5)	12,800 square feet	12,800 square feet	1,600 square feet		
All Other Lots in LDR and MDR	3,200 square feet	1,600 square feet			
All Commercial Lots			10,000 square feet	10,000 square feet	10,000 square feet
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet		3,600 square feet	3,600 square feet	3,600 square feet
Maximum Lot Area Per Residential Unit (Except Rowhouse Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Duplex Division Lots)			4,500 square feet	4,500 square feet	4,500 square feet
<b>Lot Frontage Minimum</b>					
<b>Interior Lot</b>					
Rowhouse Lot (2)	20 feet	20 feet	20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	40 feet	40 feet	20 feet		
Other Residential Lot	40 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Corner Lot</b>					
Rowhouse Lot (2)	20 feet	20 feet	20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	40 feet	40 feet	20 feet		
Other Residential Lot	40 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Curved Lot</b>					
Rowhouse Lot (2)	20 feet	20 feet	20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet	30 feet	20 feet		
Other Residential Lot	30 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Cul-de-sac Bulb (6)(7)</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet Duplex only		20 feet		
Other Residential Lot	30 feet		20 feet	20 feet	20 feet

<b>Table 9.3822 S-RN Royal Node Special Area Zone Lot Standards</b> (See EC 9.3823 Special Standards for Table 9.3822.)					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
<b>Average Lot Width Minimum</b>					
<b>Interior Lot</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	40 feet	40 feet	20 feet		
Other Residential Lot	40 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Corner Lot</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	50 feet	50 feet	20 feet		
Other Residential Lot	50 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Curved Lot</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet	30 feet	20 feet		
Other Residential Lot	30 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Cul-de-sac Bulb (6)(7)</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet, Duplex Only		20 feet		
Other Residential Lot	30 feet		20 feet	20 feet	20 feet

(Section 9.3822 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

**9.3823 Special Standards for Table 9.3822.**

- (1) An adjustment may be made to the development standards of Table 9.3822 and this section in accordance with EC 9.8030(17).
- (2) Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse. Rowhouses are not required to comply with the density requirements for other types of residential development.
- (3) Duplex lots shall be indicated on the final plat and shall be developed as a duplex.
- (4) Tri-plex lots shall be indicated on the final plat and shall be developed as a tri-plex.
- (5) Four-plex lots shall be indicated on the final plat and shall be developed as a four-plex.
- (6) Cul-de-sacs will only be permitted as provided in EC 9.6815 and EC 9.6820.
- (7) Cul-de-sacs are not permitted in areas designated for Medium-Density residential use.

- (8) Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)

(Section 9.3823 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

### **S-W Whiteaker Special Area Zone**

**9.3900 Purpose of S-W Whiteaker Special Area Zone.** The purpose of the S-W Whiteaker Special Area Zone is to encourage the economic vitality of the area for industrial, institutional, and commercial uses while also allowing a mix of residential dwellings. This zone has a broad range of permitted uses. No single use is mandated or required within the area and the zone encourages both a mixture of uses within a building as well as within a block. The mix of land uses and increase in residential density and employment opportunities is designed to provide a place for people to live and work in the same area. It is intended that the character of the zone develop so that the diversity of uses are enhanced and tied together with various forms of usable public and private open space where there is pedestrian-oriented activity. Appropriate intermingling of structures, street amenities, and major landscape features will be necessary in order to integrate older development with newer development. Development within the zone will occur incrementally over time and this zoning will help ensure a coordinated effort is undertaken to improve the area by the public and private sectors. The S-W zone is also designed to:

- (1) Encourage the continued economic vitality of existing and redeveloped commercial and industrial uses with recognition of their role in providing a needed diversity of land uses and job opportunities.
- (2) Encourage an increase in residential density to create additional opportunities for people to live close to major employment areas.
- (3) Encourage actions that will enhance the attractiveness of the area and increase the use of major landscape features that can help tie the public and private open spaces together.
- (4) Encourage the preservation, rehabilitation, and restoration of significant historic structures and retention of older, mature street trees.

(Section 9.3900, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.3905 S-W Whiteaker Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be planned for a special mix of uses in the Whiteaker Neighborhood Plan.

(Section 9.3905, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.3910 S-W Whiteaker Special Area Zone Land Use and Permit Requirements.** The following Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements identifies those uses in the S-W zone that are:

- (P) Permitted, subject to zone verification.  
 (SR) Permitted, subject to an approved site review plan.  
 (C) Subject to conditional use permit or an approved final planned unit development.  
 (PUD) Permitted, subject to an approved final planned unit development.  
 (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.  
 (#) The numbers in ( ) in the table are uses that have special use limitations that are described in EC 9.3911.

Examples of uses in Table 9.3910 are for informational purposes and not exclusive. Table 9.3910 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
<b>Accessory Uses</b>	
Accessory Uses. <u>Examples</u> related to residential uses include a garage, storage shed, bed and breakfast facility (see EC 9.5100), home occupations (see EC 9.5350), and secondary dwellings (see EC 9.2741(2)). <u>Examples</u> relating to commercial and industrial uses include security work, administration activity and sales related to industrial uses manufactured on the same development site, and storage and distribution incidental to the primary use of the site.	P
<b>Agricultural, Resource Production and Extraction</b>	
Community and Allotment Garden	P
Horticultural Use	P
<b>Eating and Drinking Establishments</b>	
Bar and Tavern	P(1)
Delicatessen	P(1)
Restaurant	P(1)
Specialty Food and Beverage. Examples include a bagel, candy, coffee, donut, and ice cream store. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	P (1)
<b>Education, Cultural, Religious, Social and Fraternal</b>	
Artist Gallery/Studio	P
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	P
Church, Synagogue, and Temple, including associated residential structures for religious personnel, but excluding elementary through high school	P
Community and Neighborhood Center	P
School, Business or Specialized Educational Training, excludes driving instruction	P
School, Elementary through High School	P
Museum	P
<b>Entertainment and Recreation</b>	
Amusement Center (arcade, pool tables, etc.)	P
Athletic Facility and Sports Club	P

<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
Park and Playground (Refer to Park, Recreation, and Open Space zone for examples of activities within this use.)	P
Theater, Live Entertainment	P
<b>Financial Services</b>	
Automated Teller Machine (ATM)	P(1)
Bank, Savings and Loan Office, Credit Union	P(1)
<b>Government</b>	
Government Services, not listed elsewhere	P(1)
<b>Information Technology Services</b>	
Computer Networking (includes services and technical support center) (See EC 9.3915(3))	P
E-commerce (includes on-site shipping via truck) (See EC 9.3915(3))	P
E-commerce (excludes on-site shipping via truck) (See EC 9.3915(3))	P
Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics) (See EC 9.3915(3))	P
Internet and Web Site (includes services and technical support center) (See EC 9.3915(3))	P
Software Development (includes services and technical support center) (See EC 9.3915(3))	P
<b>Lodging</b>	
Homeless Shelter Not in Existence as of January 1, 1984	C (3)
<b>Manufacturing</b>	
Apparel, Clothing, and other finished products made from fabrics, wool, yarn and similar materials	P
Asphalt Mixing and Batching/Concrete Mixing and Batching	SR
Beverage Products	P
Chemical, Drug, Cosmetics, and Related Products	P
Cleaning and Dyeing Plant	P
Concrete, Gypsum, and Plaster Products	P
Contractor's Storage Yard	P
Electronic and Communication Components, Systems, Equipment, and Supplies, includes computers and semi-conductors	P
Food Products	P
Furniture and Fixtures	P
Glass Products	P
Handcraft Industries, small scale manufacturing	P
Leather Products	P
Lumber and Wood Products	P
Machinery	P
Measuring, analyzing, and controlling instruments and time pieces	P
Metal Products Fabrication, machine/welding shop (no blast furnace)	P
Motor Vehicles and Transportation Equipment	P
Paints and Allied Products	P
Paper and Allied Products (In I-1 no manufacturing of raw materials)	P
Photographic and Copying Equipment	P
Precision Testing, Medical, and Optical Goods	P
Recycling- reverse vending machine	P

<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
Recycling- small collection facility (See EC 9.5650)	S
Rubber and Plastic Products	P
Signs and Advertising Displays	P
Stone, Cut Stone, and Clay Products	P
Textiles	P
<b>Medical, Health, and Correctional Services</b>	
Correctional Facility, excluding Residential Treatment Center	C (3)
Hospital, Clinic or other Medical Health Treatment Facility (including mental health) in excess of 10,000 square feet of floor area	C(3)
Hospital, Clinic, or other Medical Health Treatment Facility (including mental health) 10,000 square feet or less of floor area	P
Meal Service, Non-profit	P
Nursing Home	P
Residential Treatment Center	C(3)
<b>Motor Vehicle Related Uses</b>	
Parking Area not directly related to a primary use on the same development site	P
Repair, includes paint and body shop	P
Structured Parking, up to two levels not directly related to a primary use on the same development site	P
Structured Parking, three or more levels not directly related to a primary use on the same development site	C
Tires, Sales/Service	P
Transit, Neighborhood Improvement	P
Transit Park and Ride, Major	P
Transit Park and Ride, Minor	P
Transit Station, Major	P
Transit Station, Minor	P
<b>Office Uses</b>	
Administrative, General, and Professional Office	P
Scientific and Educational Research Center, includes laboratory	P
<b>Personal Services</b>	
Barber, Beauty, Nail, Tanning Shop	P(1)
Day Care Facility (Day care operations part of a residence are included in residential category.)	C
Dry Cleaner	P(1)
Film, Drop-off/Pick-up	P(1)
Locksmith Shop	P(1)
Laundromat, Self-Service	P(1)
Mailing and Package Service	P(1)
Shoe Repair Shop	P(1)
Tailor Shop	P(1)
<b>Residential</b>	
<b>Dwellings</b>	
One-Family Dwelling (1 Per Lot)	P(2)

<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P(2)
Duplex (Two-Family Attached on Same Lot)	P(2)
Tri-plex (Three-Family Attached on Same Lot)	P(2)
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	P(2)
<b>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>	
Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)	P
Assisted Care (6 or more people living in facility)	P
Day Care (3 to 12 people served) (See EC 9.5200)	P
Day Care (13 or more people served)	P
Day care operations not part of a residence are included in the Personal Services category.	
<b>Rooms for Rent Situations</b>	
Boarding and Rooming House	P
<b>Trade (Retail and Wholesale)</b>	
Agricultural Machinery Rental/Sales/Service	P
Bicycle Rental/Sales/Service	P
Boat and Watercraft Sales/Service	P
Book Store	P
Building Materials and Supplies	P
Computer Store	P
Convenience Store	P(1)
Drug Store (excludes drug treatment center)	P
Electrical Appliances and Supplies	P
Equipment, Light, Rental/Sales/Service	P
Fabric Store	P
Floor Covering Store	P
Furniture and Home Furnishing Store	P
Garden Supply/Nursery, includes feed and seed store	P
General Merchandise (includes supermarket and department store)	P(1)
Office Equipment and Supplies	P
Outdoor Vending	P
Plumbing Supplies and Services	P
Retail trade when secondary, directly related, and limited to products manufactured, repaired, assembled, or packaged on the development site	P
Speciality Store (examples include a gift, computer, candy, or video store)	P(1)
Storage Facility, Household/Consumer Goods (excluding motor vehicles)	P
Toy and Hobby Store	P
Video Store	P
Wholesale Trade, Regional Distribution	P
<b>Utilities and Communication</b>	
Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P

<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P
Pump Station, well head, non-elevated reservoir, and other water or sewer facilities must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P
Telecommunication Facility (Refer to EC 9.5750)	S
Water Reservoir, elevated above ground level	SR
<b>Other Commercial Services</b>	
Building Maintenance Service	P
Catering Service	P
Collection Center, Collection of Used Goods (See EC 9.5150)	P
Heliport and Helistop	C(3)
Kennel	C(3)
Mortuary	C(3)
Photographers' Studio	P
Picture Framing and Glazing	P
Printing, Blueprinting, and Duplicating	P
Publishing Service	P
Temporary Activity (See EC 9.5800)	S
Train Station	P

(Section 9.3910, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

**9.3911 Special Use Limitations for Table 9.3910.**

- (1) **Drive-up or Drive-through Facilities.** No drive-up or drive-through facilities are allowed in this zone.
- (2) **Residential Density.** There is no minimum density; maximum density is according to the R-4 residential density requirements in Table 9.2750.
- (3) **Conditional Use Permit Process.** Where a conditional use permit process is required, the hearings official shall give special attention to the potential noise emissions or other environmental qualities that could influence the livability and economic vitality of the area.

(Section 9.3911, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.3915 S-W Whiteaker Special Area Zone Development and Lot Standards.** Except as provided in subsections (5) to (12) of this section, sections 9.6000 to 9.6885 General Standards for All Development in this land use code shall apply within this S-W zone. In the event of a conflict between the general development standards of this land use code and the standards set forth in this section, the specific provisions of this section shall control.

- (1) **Residential Standards.** Except as provided in subsections (5) to (12) of this section, all residential development shall be subject to the standards established for the C-2 zone.
- (2) **Industrial Standards.** Except as provided in subsections (5) to (12) of this section, all industrial development shall be subject to the standards established for the I-2 zone.
- (3) **Commercial and Professional Office Standards.** Except as provided in subsections (5) to (12) of this section, all commercial or professional office development and information technology services shall be subject to the standards established for the C-2 zone.
- (4) **Mixed Use Standards.** Mixed use development shall be subject to the least restrictive standards set forth in this section that are applicable to the project.
- (5) **Parking.** Off-street parking shall be provided in accordance with applicable provisions of this land use code, including provisions for shared parking and parking within 1000 feet of the development site, except that there shall be no off-street parking required for motor vehicles for up to 6 residential dwellings that are part of a mixed use development.
- (6) **Landscaping.** At the time property adjoining a public right-of-way is developed or redeveloped, the curb strip landscaping shall be restored or implemented. An exception to the use of plant materials shall be made if the curb strip is providing another function for the public such as a bus stop shelter, secure bicycle storage area, or wider sidewalk. The use of benches or moveable planters are also encouraged in this area. Any permits required by provisions of this land use code shall be obtained prior to such restoration or installation of benches or planters.
- (7) **Height.** Height limitations in this S-W zone shall not exceed 45 feet in height. Height limitations established in EC 9.6715 Height Limitation Areas to protect the view to and from Skinner Butte, shall apply to those areas indicated herein.
- (8) **Lot Area.** Each lot or development site shall have a minimum area of 4,500 square feet. However, lot area, frontage, and width minimums may be adjusted by the planning director if consistent with the purpose and intent of this land use code and necessary and suitable within the zone.
- (9) **Solar Access.** Development shall be exempt from the solar access requirements of this land use code.
- (10) **Sign Standards.** The provisions of the Industrial Sign Standards set forth in this land use code shall apply within this S-W zone, except that additional restrictions may be imposed through site review.

- (11) **Historic Marker Preservation.** Development within this zone shall not result in removal of the stone marker of Eugene Skinner's cabin. When the area south of Second Avenue, between Lawrence and Lincoln Streets, is redeveloped, enhanced opportunities for public viewing of the stone marker shall be provided.
- (12) **3rd-4th Connector.** Prior to new development along the 3rd-4th connector, the city manager may include requirements such as, but not limited to, public right-of-way dedication and realignment, street improvements, and sidewalks.

(Section 9.3915, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Eugene Code

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## Overlay Zones

### General

**9.4000** **Overlay Zones - Purpose and Applicability of Standards.** Overlay zones are intended to provide special regulations and standards that supplement the base zone and special area zone regulations and standards. In addition to the applicable provisions in this code, the development standards in EC 9.4050 through 9.4860 shall apply to any development in the applicable overlay zone, unless otherwise provided in those sections.

(Section 9.4000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

### /# Residential Density Range Overlay Zone

**9.4050** **Purpose of Residential Density Range Overlay Zone.** The residential density range overlay zone is intended to narrow the density range normally allowed in the base zone or special area zone to achieve one or more of the following:

- (1) Increase the efficiency of public services and facilities.
- (2) Ensure higher densities in appropriate locations, such as transit corridors or nodes.
- (3) Ensure lower densities in areas with significant natural resources or environmental site constraints such as steep slopes or natural hazards.
- (4) Promote preservation of existing neighborhood character distinguished by significant architectural or historic resources.

(Section 9.4050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4060** **Applicability.** The residential density overlay zone applies to all property where /# is indicated on the Eugene overlay zone map. The Residential Density Range overlay zone only pertains to requirements for lot area per dwelling unit and residential net density as indicated on the Eugene overlay zone map. The provisions of the residential density range overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

(Section 9.4060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4065** **Standards.** Suffix numbers, including but not limited to the following examples, shall indicate the maximum number of dwelling units permitted per net acre or, as indicated with the use of a second number, both the minimum and maximum net residential density. The following are examples of suffixes for the residential density

range overlay zone and their density equivalents:

<u>Suffix Numbers</u> (examples)	<u>Density Range</u>
/5	Maximum density of 5 dwelling units per net acre; no minimum density.
/5-10	Minimum density of 5 dwelling units per net acre, maximum density of 10 dwelling units per net acre.

Previously established suffixes described in terms of the maximum allowed dwelling units per gross acre shall hereafter be described as the maximum allowed dwelling units per net acre. (Refer also to Table 9.2750.)

(Section 9.4065, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.4070 Purpose of /BW Broadway Overlay Zone.** The /BW overlay zone is intended to implement the Metro Plan and TransPlan by:
- (1) Establishing, strengthening, and maintaining a high quality urban environment with compatible commercial, residential and recreational uses.
  - (2) Creating a pedestrian- friendly environment.
  - (3) Encouraging active retail uses and eating establishments on the ground floor.
  - (4) Prohibiting development and activities that are antithetical to pedestrian activity along the street.
  - (5) Making Broadway a major destination in Downtown for both daytime and night time activities.
  - (6) Creating development standards that:
    - (a) Improve the quality and appearance of development in the city.
    - (b) Ensure that such development is complementary to the community as a whole.
    - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
    - (d) Increase opportunities for use of alternative modes of transportation.
    - (e) Promote streetscapes that are consistent with the desired character of the underlying commercial zones.
    - (f) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.
  - (7) Encourage residential uses, especially above the ground floor.

(Section 9.4070 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

- 9.4075 /BW Broadway Overlay Zone Siting Requirements.** If consistent with the approval criteria in EC 9.8865 Zone Change Approval Criteria, the /BW Broadway

Overlay Zone may be applied to properties abutting Broadway between Charnelton and Oak Streets but not to historic properties. (See EC 9.0500)  
(Section 9.4075 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

**9.4080** **Applicability.** The /BW overlay zone applies to all property to which the /BW overlay zone has been applied through the City's rezoning process.  
(Section 9.4080 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

**9.4085** **/BW Broadway Overlay Zone Development Standards.**

- (1) (a) **Application of Standards.** The General Standards for All Development in EC 9.6000 through EC 9.6885, the special standards for specific uses in EC 9.5000 through EC 9.5850, as well as all development standards in the applicable base zone apply within this overlay zone. In the event of a conflict between the development standards, the specific provisions of EC 9.4085 through EC 9.4090 shall control. The /BW standards in this section only apply to:
  1. Uses established after November 25, 2002.
  2. New development on vacant land.
  3. New structures on redevelopment sites, such as conversion of a parking area to a building or demolition of a building and construction of a new building.
  4. A proposed expansion of 30% or more of the total existing structure square footage on the development site.
  5. A proposed exterior modification affecting 30% or more of the ground floor wall surface facing Broadway. These modifications must comply only with the standards at EC 9.4085(3), (5), (7) and (8).
- (b) **Adjustment.** The development standards in EC 9.4085(2) through (9) may be adjusted in accordance with EC 9.8030(16).
- (c) **Nonconforming Uses.** Notwithstanding EC 9.1220(3), a legally established use that does not conform to the allowed uses for the /BW Broadway Overlay Zone may expand its square footage by up to 30% of the area occupied by the use on November 25, 2002.
- (2) **Building Setback.** At least 70% of the Broadway-facing linear footage of first and second floors shall have a maximum two-foot building setback.
- (3) **Entrances.** For buildings that are not on street corners, main building entrances shall face Broadway. Main entrances on corner buildings may face the corner.
- (4) **Building Height.** A building shall provide either a floor-to-ceiling first floor minimum height of 12 feet for new construction, or a two-story entry space with corresponding glazed area of no less than one-third of the building width along Broadway.

- (5) **Building Facade.** At least 75 percent of Broadway-facing first floor wall area shall have openings, glazing, display windows or doorways with at least 75 percent of the total door faces being glazing, or a combination thereof. The openings, glazing and display windows must allow two-way visibility. Mullions and other solid components normally associated with glazed window systems may be counted as part of the glazing for purposes of this section. Dwelling units on the ground floor are exempt from this requirement.
- (6) **Lighting.** Notwithstanding any other provisions of this code, outdoor lighting of a building facade is permitted if provided in accordance with the standards for buildings of exceptional symbolic or historic significance (refer to EC 9.6725(13)).
- (7) **Rain Protection.** For every building abutting Broadway, awnings, canopies or recessed entries, or a combination of these, shall provide at least 30 inches of rain protection along at least 50 percent of that building's walls abutting Broadway.
- (8) **Building Projections.** Building projections such as bay windows and functional balconies shall be permitted for no more than 30 percent of the length of the affected floor along Broadway. No projection shall extend to more than three feet over the right-of-way.
- (9) **Outdoor Storage.** No outdoor storage shall be permitted except for equipment used by an outdoor café permitted pursuant to EC 3.344(3) during the period from March 1 through November 30.
- (10) **Ground Floor Use.** Ground floor non-residential uses located within 15 feet of the Broadway facade must accommodate walk-in customer service.

(Section 9.4085 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

**9.4090 Prohibited Uses in the /BW Broadway Overlay Zone.** The following uses are specifically prohibited in the /BW Broadway Overlay Zone:

- (1) Parking garages visible on the Broadway frontage at any level.
- (2) Outdoor storage, except for temporary events.
- (3) Warehousing, heavy industry, primary storage, or telecommunication facilities (excluding call centers), unless as a secondary use for a use permitted in the /BW Broadway Overlay Zone.
- (4) Uses which include a new vehicular access to Broadway.
- (5) Awnings classified as "temporary structures," except for special events.
- (6) Motor Vehicle Related Uses.
  - (a) Car washes.
  - (b) Parts stores.
  - (c) Recreational vehicle and heavy truck, sales/rental/service.
  - (d) Motor vehicle and motorcycle sales/rental/service.
  - (e) Service stations, includes quick servicing and automobile repair.
  - (f) Tires, sales/service.
  - (g) Transit park and ride, major or minor, except under a shared parking

arrangement with another permitted use.

- (h) Lots or parcels used exclusively for parking.
- (i) New drive-through facilities.
- (7) Trade (Retail and Wholesale).
  - (a) Agricultural machinery rental/sales/service.
  - (b) Boats and watercraft sales and service.
  - (c) Equipment, heavy, rental/sales/service.
  - (d) Manufactured dwelling sales/service/repair.

(Section 9.4090 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

### **/CAS Commercial Airport Safety Overlay Zone**

- 9.4100 Purpose of /CAS Airport Safety Overlay Zone.** The /CAS Commercial Airport Safety overlay zone affects lands adjacent to and within the Eugene Airport. This overlay zone is intended to achieve the following:
- (1) Prevent the creation or establishment of an obstruction that has the potential of being a public nuisance or may be a danger to persons or property in the area served by the Eugene Airport.
  - (2) Prevent the creation or establishment of obstructions that are a hazard to air navigation.

(Section 9.4100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.4110 Applicability.** This /CAS overlay zone is applied to those lands within the city's jurisdiction that are encompassed by the sectors described in this overlay zone and as indicated in the Eugene overlay zone map. The provisions of the /CAS overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

(Section 9.4110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.4120 Commercial Airport Safety Overlay Zone Terms.** As used in this overlay zone, unless the context requires otherwise, the following words and phrases mean:
- Airport Elevation.** The highest point of the Eugene Airport's usable landing area measured in feet from sea level.
- Airspace Plan.** A plan shown as Sheet Number 6 and 7 of 13 of the Airport Layout Plan and identified as being part of the 2000 Eugene Airport Master Plan on file in the Eugene Department of Public Works and at the Eugene Permit and Information Center. (Refer to Map 9.4120 Airspace Plan.)
- Centerpoint Coordinates.** In this overlay zone, the centerpoint coordinates at the ends of each runway primary surface have the following plan coordinates (from the

Oregon Coordinate System of 1927, South Zone) and elevations (from the 1929 North American Vertical Datum):

Table 9.4120 Centerpoint Coordinates			
Runway	Centerpoint North (1927 OCS)	Coordinates East (1927 OCS)	Centerpoint Elevations in Feet Above Mean Sea Level (1929 NAVD)
16R-	911,405	1,286,499	356
34L	902,212	1,286,300	361
16L-	910,367	1,290,774	370
34R	904,370	1,290,649	355
3-	904,559	1,284,617	365.5
21	908,000	1,288,540	359

**Hazard to Air Navigation.** An obstruction determined to have a substantial adverse effect on the safe and efficient use of navigable airspace.

**Obstruction.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height as set forth in this overlay zone.

**Primary Surface.** A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of the runway. The width of the primary surface is set forth in the airport sector descriptions in this overlay zone. The elevation of any point on a primary surface is the same as the elevation of the nearest point on the runway centerline.

**Runway.** A defined area in the Eugene Airport Master Plan that is prepared for aircraft landing and take-off along its length.

**Structure.** An object, including a mobile object, constructed or installed by a human being(s), including but not limited to buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(Section 9.4120, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4130 Use Limitations.** In the Commercial Airport Safety overlay zone, the following limitations and standards apply to all uses permitted outright or conditionally in the base zone to which the overlay is applied:

**(1) Operational Interference.** No use shall:

- (a) Create electrical interference with the navigational signals or radio communication between the airport and aircraft;
- (b) Make it difficult for pilots to distinguish between airport lights and others;
- (c) Result in glare in the eyes of pilots using the airport;
- (d) Impair visibility in the vicinity of the airport;
- (e) Create bird strike hazards, or
- (f) In any way otherwise endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.

**(2) Marking and Lighting.** The owner of any existing structure, object, or vegetation that does not conform to the height limits of this overlay zone shall

be required to permit the installation, operation, and maintenance thereon of markers and lights as deemed necessary by the city to indicate to aircraft operators in the vicinity of the airport the presence of those aircraft instructions. The markers and lights shall be installed, operated and maintained at the city's expense.

- (3) **Height.** The maximum height of structures and objects shall normally be the same as the zones to which the commercial airport safety overlay zone is added. However, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to penetrate the surface heights of the various sectors as described below and shown on the Airspace plan. These sectors include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Eugene Airport. An area located in more than one sector is considered to be only in the sector with the most restrictive height limit. For purposes of this overlay zone, to determine height limits, the datum is mean sea level elevation unless otherwise specified.

Runways 16L-34R and 16R-34L Approach Sectors. Runway 16R-34L is an existing, precision instrument runway. Runway 16L-34R is a future precision instrument runway. The inner edge of both of their approach sectors coincide with the width of the runway primary surfaces and are 1000 feet wide. The approach sectors expand outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surfaces. Their centerlines are a continuation of the runway centerlines beginning at the centerpoint coordinates. The surfaces of the Runway 16L-34R and Runway 16R-34L approach sectors slope 50 feet outward for each 1 foot upward beginning at the end of and at the same elevation as the primary surfaces and extend to a horizontal distance of 10,000 feet along the extended runway centerlines; thence slope upward 40 feet horizontally for each 1 foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerlines.

Runway 3-21 Approach Sectors. Runway 3-21 is a non-precision runway. The inner edge of the runway's approach sectors coincide with the width of the runway's primary surface and are 500 feet wide. The approach sectors expand outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Their centerlines are a continuation of the runway centerline beginning at the centerpoint coordinates. The surfaces of the Runway 3-21 approach sectors slope 34 feet outward for each 1 foot upward beginning at the end of and at the same elevation as the primary surface and extend to a horizontal distance of 10,000 feet along the extended runway centerline.

Transitional Sectors. The surfaces of the transitional sectors extend outward and upward at 90 degrees to the runway centerlines and runway centerlines extended at a slope of 7 feet horizontally for each foot vertically from the sides of and beginning at the same elevations as the primary and approach surfaces to where they intersect the horizontal and

conical surfaces. Transitional surfaces extend to a height of 150 feet above the airport elevation which is 365 feet above mean sea level. Transitional surfaces for those portions of the Runway 16L-34R and 16R-34L precision approach surfaces, which project through and beyond the limits of the conical surface, extend at a slope of 7 feet horizontally for each foot vertically a horizontal distance of 5,000 feet measured horizontally from the edges of the approach surfaces and at 90 degrees to the extended runway centerlines.

Horizontal Sector. The horizontal sector encompasses the area obtained by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. However, the horizontal sector does not include the approach and transition sectors. The surface of the horizontal sector is a horizontal plane that is 515 feet above mean sea level. That is 150 feet above the airport elevation.

Conical Surface. The surface of the conical sector extends at a slope of 20 feet outward for each foot upward from the periphery of a horizontal surface for a horizontal distance of 4,000 feet. It begins 150 feet above the airport's elevation and extends to a height of 350 feet above the airport's elevation.

(Section 9.4130, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

### **/ND Nodal Development Overlay Zone**

**9.4250 Purpose of /ND Nodal Development Overlay Zone.** The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations. An adopted development plan for a specific node may recommend the /ND Nodal Development overlay zone as the sole implementing land use regulation for all or part of a nodal development area. It is intended that each node identified by the /ND overlay zone achieve an average overall residential density of at least 12 units per net residential acre.

(Section 9.4250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20263, enacted October 30, 2002, effective November 29, 2002.)

**9.4260 Procedure for Applying the /ND Nodal Development Overlay Zone.** Notwithstanding EC 9.8855, rezoning to apply the /ND overlay zone shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.

(Section 9.4260, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4270** **Applicability.** The /ND overlay zone applies to all property where /ND is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. The /ND requirements in EC 9.4280 and 9.4290 apply to the following:

- (1) New development on vacant land.
- (2) New structures on already developed sites, such as conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
- (3) An expansion of 30% or more of the total existing building square footage on the development site; however, expansion of a structure for a use prohibited under EC 9.4280 or the expansion/addition of a drive-through facility as part of the expansion of an existing structure are prohibited.

The /ND standards in EC 9.4290 do not apply to a building alteration. The provisions of the /ND overlay zone supplement those of the applicable base zone or special area zone and other applicable overlay zones. Where overlay zone and base zone provisions conflict, the more restrictive controls.

(Section 9.4270, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4280** **Prohibited Uses and Special Use Limitations.**

(1) **Prohibited Uses.**

(a) **Motor Vehicle Related Uses.**

1. Car washes.
2. Parts stores.
3. Recreational vehicle and heavy truck, sales/rental/service.
4. Motor vehicle and motorcycle sales/rental/service.
5. Service stations, includes quick servicing.
6. Tires, sales/service.
7. Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
8. Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.

(b) **Trade (Retail and Wholesale).**

1. Agricultural machinery rental/sales/service.
2. Boats and watercraft sales and service.
3. Equipment, heavy, rental/sales/service.
4. Manufactured dwelling sales/service/repair.

(2) **Special Use Limitations.**

- (a) No use may include a drive-through facility.
- (b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such

new building may contain 50,000 square feet of building area on the ground floor.

(Section 9.4280, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20263, enacted October 30, 2002, effective November 29, 2002.)

**9.4290** **Density and Development Standards.** In addition to the requirements of the base zone, the following standards shall apply:

**(1) Minimum Residential Density and Floor Area Ratio (FAR).**

- (a) Where the base zone is R-1 or R-1.5, new subdivisions shall achieve a minimum residential density of 8 units per net acre. Minimum residential density in R-2 shall be 15 units per net acre; in R-3 it shall be 25 units per net acre; and in R-4 it shall be 30 units per net acre.
- (b) Where the base zone is C-1, C-2, C-3, or GO, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be 1.0 FAR (1.0 square feet of floor area to 1 square foot of the development site).
- (c) Where the base zone is C-4, I-1, I-2, or I-3, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be .40 FAR (.40 square feet of floor area to 1 square foot of the development site).

**(2) Building Setbacks.**

- (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.
- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

**(3) Parking Between Buildings and the Street.** Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street. For sites that abut a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c). For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.

**(4) Adjustments.** An adjustment to any of the standards in this section may be made for /ND parcels with no alley access or with physical or legal constraints pursuant to the criteria beginning at EC 9.8015 of this land use code.

(Section 9.4290, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20263, enacted October 30, 2002, effective November 29, 2002.)

### **/PD Planned Unit Development Overlay Zone**

**9.4300** **Purpose of /PD Planned Unit Development Overlay Zone.** The /PD Planned Unit Development overlay zone is intended to achieve all of the following:

- (1) Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of facilities for the circulation of automobiles, pedestrians, bicycles, and mass transit, parking, storage, and other considerations related to site design.
- (2) Promote an attractive, safe, efficient, and stable environment that incorporates a compatible variety and mix of uses and dwelling types.
- (3) Provide for economy of shared services and facilities.
- (4) Encourage the construction of a variety of housing types at price ranges necessary to meet the needs of all income groups in the city.
- (5) Enhance the opportunity to achieve higher densities.
- (6) Preserve natural resource areas.

(Section 9.4300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4310** **Applicability.** The /PD overlay zone applies to all property where /PD is indicated on the Eugene overlay zone map, or when the PUD process is required by an adopted refinement plan. The PUD process may also be used at the request of the property owner. The provisions of the /PD overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies. Within the /PD overlay zone, applications for development permits shall not be accepted by the city for development until the development is approved according to the PUD procedures beginning at EC 9.8300 Purpose of Planned Unit Development.

(Section 9.4310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

### **/SR Site Review Overlay Zone**

**9.4400** **Purpose of /SR Site Review Overlay Zone.** The /SR Site Review overlay zone is intended to achieve both of the following:

- (1) Maintain or improve the character, integrity, and harmonious development of an area.
- (2) Provide a safe, stable, efficient, and attractive on-site environment.

(Section 9.4400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4410** **Applicability.** The /SR overlay zone applies to all property where /SR is indicated on the Eugene overlay zone map. In addition, the /SR overlay zone may be required by a refinement plan. Applications for development permits shall not be accepted by the

city for development in a /SR overlay zone until the site review plan is approved according to the site review procedures in this land use code. The provisions of the /SR overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

(Section 9.4410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

### **/TD Transit Oriented Development Overlay Zone**

**9.4500 Purpose of /TD Transit Oriented Development Overlay Zone.** The /TD Transit Oriented Development Overlay Zone is intended to promote the creation and retention of mixed land uses in areas with high potential for enhanced transit and pedestrian activity. Pedestrian circulation and transit access are especially important and have increased emphasis in areas with the /TD overlay zone. The development standards are designed to encourage compact urban growth, opportunities for increased choice of transportation mode, reduced reliance on the automobile, and a safe and pleasant pedestrian environment, by insuring an attractive streetscape, a functional mix of complementary uses, and provision of amenities that support the use of transit, bicycles, and pedestrian facilities.

(Section 9.4500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4510 Applicability.** The /TD Transit Oriented Development Overlay Zone applies to all property where /TD is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. (Refer to Map 9.4510 Transit Oriented Development Overlay Zone.) The /TD standards in EC 9.4530 apply to the following:

- (1) New development on vacant land.
- (2) New structures on redevelopment sites, such as conversion of a parking area to a building or demolition of a building and construction of a new structure.
- (3) An expansion of 30% or more of the total existing building square footage on the development site.

The provisions of the /TD overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

(Section 9.4510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4520 /TD Transit Oriented Development Overlay Zone Land Use and Permit Requirements.** The application of the /TD overlay zone does not change the list of uses permitted, conditionally permitted, or subject to special standards in the base zone or special area zone.

(Section 9.4520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4530 /TD Transit Oriented Development Overlay Zone Development Standards.****(1) Building Setbacks.**

- (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.
- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

**(2) Building Orientation.**

- (a) Buildings fronting on a street must provide a main entrance on the facade of the building that is within the 15 foot maximum street setback facing the street. A main entrance is the principal entry through which people enter the building. A building may have more than one main entrance. **(Refer to Figure 9.4530(2) Building Orientation in /TD Areas.)**
- (b) Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street with transit facilities, or to the corner where two streets intersect.

**(3) Minimum Floor Area Ratio (FAR).**

- (a) The total minimum floor area of buildings on a development site within the core /TD area as shown on Map 9.4510 Transit Oriented Development Overlay Zone shall not be less than 2 square feet of floor area to 1 square foot of the development site (2.0 FAR). The total floor area of any building on a development site within the /TD area outside that core area shall not be less than 1.0 square feet of floor area to 1 square foot of the development site (1.0 FAR). **(See Figure 9.4530(3) Floor Area Ratio Calculation).**
- (b) Floor area calculations shall not include basement areas in the gross square footage of the building. Major transit facilities, existing development and expansions of existing development are exempt from FAR requirements.
- (c) Areas used for enhanced pedestrian spaces and amenities accessible to the public may be credited to satisfy the minimum floor area requirement. Credit for pedestrian spaces and amenities shall be applied at the rate of 2 square feet of floor area for each 1 square foot of enhanced pedestrian space. Enhanced pedestrian spaces and amenities include plazas, arcades, sheltered or recessed entries, galleries, courtyards, outdoor cafes, and widened public sidewalks (more than 6 feet wide outside of the public right-of-way), with benches, shelters, street furniture, public art, kiosks, or space for outdoor vending.
- (d) The building and permit services manager shall allow basement areas to be calculated as part of the gross square footage of the building, for purposes of calculating floor area ratio, if the basement is designed and constructed as permanent office or retail use.

**(4) Parking Between Buildings and the Street.** Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street. For sites that abut a street, parking may be located at the rear of the

building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c). For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street. (See Figure 9.4530(6) **Parking Between Buildings and the Street in /TD Area.**)

- (5) **Structured Parking.** Structured parking on sites that abut a street shall have at least 50 percent of the ground floor street frontage developed for office, retail or other pedestrian-oriented uses. This standard does not apply to parking facilities that are totally underground.
- (6) **Improvements Between Buildings and Streets.** The land between a building or exterior improvement and a street must be landscaped and/or paved with a hard surface for use by pedestrians. If hard-surfacing is provided, the area must contain pedestrian amenities such as seating areas, drinking fountains, and/or other design elements (such as public art, planters, and kiosks). The use of porous paving materials for hard surfacing is encouraged. Residential developments are exempt from this requirement. (See Figure 9.4530(8) **Improvements Between Buildings and Streets in /TD Areas.**)
- (7) **Adjustments.** An adjustment to any of the standards in this section may be made for /TD parcels with no alley access or with physical or legal constraints pursuant to the criteria beginning at EC 9.8015 of this land use code.

(Section 9.4530, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

## **/UL Urbanizable Land Overlay Zone**

- 9.4600** **Purpose of /UL Urbanizable Land Overlay Zone.** The /UL Urbanizable Land Overlay Zone is intended to ensure that development activities in unincorporated areas will not inhibit future development at planned urban levels or the provision of services in an orderly, efficient, and timely manner. The /UL overlay zone coordinates development activity with procedures for systematic, logical, and equitable incorporation into the city limits and requires general conformance to the city's urban development standards.

(Section 9.4600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.4610** **Applicability.** The /UL overlay zone applies to all unincorporated areas between the Eugene city limits and the Metropolitan Area General Plan urban growth boundary. The provisions of the /UL overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone

provisions conflict, the more restrictive requirement applies. The /UL overlay zone is automatically removed from land upon its annexation to the city.

(Section 9.4610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4620     /UL Land Divisions and Property Line Adjustments.** Land shall not be divided and no lot lines may be adjusted in the /UL overlay zone if such division or modification would result in an increase in the number of developable lots or if the development potential of the existing lots increases. An exception to the requirements of this section may be granted by the planning director under either of the following circumstances:

- (1) The resulting lots all exceed 40 acres in area.
- (2) The subject property is owned or occupied by a government agency or public utility.

(Section 9.4620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4630     /UL Urbanizable Land Overlay Zone Land Use and Permit Requirements.**

- (1) The application of the /UL overlay zone does not change the list of uses permitted, conditionally permitted, or subject to special standards in the base zone or special area zone.
- (2) The planning director may approve additional uses upon positive findings on all the following requirements:
  - (a) Key urban services are not located within 300 feet of the site.
  - (b) Execution of an annexation agreement as provided in EC 9.4640.
  - (c) Lane County approval of and certification that any proposed on-site sewage disposal system meets applicable state standards and that the system will not restrain the property's conversion to planned urban density and use in the future.
- (3) Prior to development of a site the planning director may require submission of a conceptual plan showing that ultimate development of the subject property and surrounding area will be possible at urban densities and uses in accordance with applicable plans and ordinances.

(Section 9.4630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4640     Annexation and/or Annexation Agreements.**

- (1) Annexation of the entire development site, or execution of a consent to annexation agreement is required prior to any of the following actions:

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- (a) Any zone change or planned unit development approval if the development potential of the existing lot(s) would increase, or the proposed or allowable uses will generate, singly or in the aggregate, a direct additional need for key urban facilities and services.
  - (b) Approval of any new dwelling unit(s), commercial or industrial development.
  - (c) Approval of an expansion of an existing commercial or industrial development if the proposed use will generate, singly or in the aggregate, a direct additional need for key urban facilities and services provided by the city.
- (2) The following uses are exempt from the requirement of annexation or execution of an annexation agreement unless otherwise required by this section:
- (a) Agricultural uses.
  - (b) Management, growing, and harvesting of forest products, including Christmas trees, but excluding primary timber processing operations or vehicle equipment maintenance facilities.
  - (c) Sale of agricultural products and livestock grown or raised on the premises.
  - (d) Sales stands of up to 300 square feet for agricultural products not grown or raised on the premises.
  - (e) One single family home or 1 mobile home per lot in conjunction with a farm use or the management, growing, or harvesting of forest products.
  - (f) Home occupations.
  - (g) A single temporary dwelling installed with a temporary manufactured dwelling hardship permit.
  - (h) Public infrastructure necessary for the area and allowed pursuant to a city-approved legal agreement.
  - (i) Pump stations, well heads, non-elevated reservoirs, and other water or sewer facilities.
- (3) A consent to annexation agreement required by subsection (1) of this section shall provide for and be limited in its use to the following contingencies:
- (a) The annexation shall be contingent upon the city being contiguous to the area proposed to be annexed. For purposes of applying this paragraph, a property is not considered contiguous to the city unless it is contiguous to the main incorporated area of the city.
  - (b) The annexation shall be contingent upon the city's ability to provide key urban facilities and services listed in the Metropolitan Plan to the area proposed to be annexed.
- (4) The planning director shall provide a written determination of the need for a property owner to execute an annexation agreement. Any land use applicant or property owner aggrieved by the determination of the planning director may appeal the decision to the hearings official according to the procedures beginning at EC 9.7600 General Overview of Appeal Procedures.

- (5) The planning director may require immediate annexation instead of an annexation agreement.

(Section 9.4640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4650 Industrial Corridor Annexation Agreement.**

- (1) Property owner execution of the Annexation and Urban Services Agreement, Exhibit C to the April 25, 1991 Annexation and Urban Services Policy Agreement between the Industrial Corridor Community Organization and the City of Eugene, consenting to annexation to the city of the entire development site will be required for the following:
- (a) Any land divisions when lots or parcels created will be less than the minimum parcel sizes specified for the lots or parcels prior to the land division.
  - (b) Any zone change or planned unit development approval.
  - (c) Any development permit for a new land use or a reconstruction, conversion, alteration, relocation or expansion of an existing use, if the proposed use will generate, singly or in the aggregate, any additional need for an urban facility or service of a type then supplied to any user by the city.
- (2) Permits or applications for the following uses are exempt from the requirement to execute an annexation agreement under this section:
- (a) Sales stands of up to 300 square feet for agricultural products not grown or raised on the premises.
  - (b) One one-family home or 1 manufactured dwelling per lot in conjunction with a farm use or the management, growing, or harvesting of forest products.
  - (c) Home occupations.
- (3) The Annexation and Urban Services Agreement will be binding upon the property owner's heirs, assigns and successors in interest. A memorandum thereof will be filed by the city in the office of the Lane County Recorder.

(Section 9.4650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**/WP Waterside Protection Overlay Zone**

**9.4700 Purpose of /WP Waterside Protection Overlay Zone.** The purpose of the /WP Waterside Protection overlay zone is to protect water quality in designated waterways, riparian areas, and adjacent wetlands by maintaining an undeveloped setback area between these features and adjacent developed areas. Maintenance of this setback area is also intended to protect wildlife habitat and prevent property damage from storms and floods. The /WP overlay zone is intended to maintain or enhance open space areas adjacent to water features. These open space areas are important because

they typically contain native vegetation; convey, store, or improve the quality of urban stormwater runoff; provide habitat for wildlife and, where appropriate, can provide legally obtained access for channel maintenance. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this overlay zone. Where conflicting uses or activities are proposed, site plan approval based on conformance with specified natural resource special standards (EC 9.2530 Natural Resource Zone Development Standards) is required to minimize adverse impacts. The provisions of this overlay zone are intended to implement policies in the Metro Plan and refinement plans that call for protection of riparian vegetation, wetlands, waterways, wildlife habitat, and surface and ground water quality.

(Section 9.4700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4710** **Applicability.** The /WP overlay zone applies to all property to which the /WP overlay zone has been applied through the city's rezoning process.

- (1) The provisions of the /WP overlay zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas.
- (2) In some cases, the /WP overlay zone may overlap with the NR zone or the /WB overlay zone. In these cases, only one review process is required as follows:
  - (a) Where the /WP overlay zone and the NR zone overlap, only the provisions of the NR zone are applied.
  - (b) Where the /WP overlay zone and the /WB overlay zone overlap, only one site plan review process is required. This review will address the provisions of both zoning overlays. The /WB provisions shall be applied to wetlands mapped and designated for protection in local plans and policies. The /WP provisions shall be applied to any other water features on the lot that are mapped and designated for protection in an adopted plan, policy or inventory.
- (3) Development within the waterside protection area shall be exempt from the setback provisions of EC 9.4720 if all of the following exists:
  - (a) The specific development is to be constructed upon fill that is authorized under an approved wetland fill permit from both the Oregon Division of State Lands and the U.S. Army Corps of Engineers.
  - (b) The fill is consistent with the goals and policies of the West Eugene Wetlands Plan including the designations on Map 3 of the Plan, or the provisions of EC 6.650 through 6.670.
  - (c) The applicant provides written documentation from the permitting agency that shows any mitigation requirements specified in the permits have been substantially satisfied.

(Section 9.4710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.** The /WP overlay zone applies to streams, rivers, channels, ponds and other water features and adjacent areas that meet the approval criteria of EC 9.8865 and that are specified for protection in an adopted plan, as described in EC 9.4720.

(Section 9.4715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4720 Waterside Protection Areas.** /WP areas consist of 3 component areas: the area within the channel banks, the setback area, or any riparian area that extends landward beyond the setback (defined below). Areas developed prior to May 24, 1995, are excluded from /WP areas. For purposes of this section, development means buildings or other substantial structures, including paved or gravel parking areas. For purposes of this section, fences and landscaping do not constitute "development" to warrant exclusion from the /WP overlay zone. Graded and graveled areas are exempt under these provisions only when they were constructed prior to May 24, 1995, and only if they were constructed as an essential component of the development of the site. The 3 components of the /WP area are described and defined as follows:

- (1) The area within the channel limits of a water feature (from top of high bank to top of high bank). For a given stream, river, or channel, the top of the bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of the high bank.
- (2) Buffer setback areas are measured horizontally from the top of the high bank or from the line of ordinary high water. The planning director shall determine whether the buffer is measured from the top of the high bank or from the line of ordinary high water.
  - (a) Where possible, the buffer setback is measured horizontally from the top of the high bank of the water feature, as defined above. Buffer setback distances measured from the top of the high bank are as follows:

<u>Minimum Buffer Setbacks from Top of Bank</u>	
<u>Water Feature</u>	<u>Buffer setback</u>
Perennial, within floodway	60 feet
Perennial, outside floodway	40 feet
Intermittent or seasonal	20 feet

- (b) If the top of the high bank is not identifiable, the buffer setbacks are measured horizontally from the line of ordinary high water. In a given stream, pond, or other water body, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually. Identified in the field by physical characteristics that include one or more

of the following:

1. A clear, natural line impressed on the bank.
2. Changes in the characteristics of soils.
3. The presence of water-borne litter and debris.
4. Destruction of terrestrial vegetation.

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data is available. Buffer setback distances measured from the line of ordinary high water are as follows:

Minimum Buffer Setbacks from Ordinary High Water

<u>Water feature</u>	<u>Buffer setback</u>
Perennial, within floodway	75 feet
Perennial, outside floodway	50 feet
Intermittent or seasonal	25 feet

- (3) Contiguous riparian areas which extend landward from the water feature beyond the buffer setback area, as defined in this overlay zone.
  - (a) Riparian habitat, riparian area. Lands adjacent to water features which contain primarily native vegetation including species that typically grow in wet areas (wet area species). For purposes of this land use code "wet area species" are those species listed as "facultative," "facultative wetland," or "obligate wetland" species in the most recent U.S. Fish and Wildlife Service "list of plant species that occur in wetlands" for the Eugene area. Where large forested areas adjoin a water feature, only that portion which contains wet area species is considered riparian.
  - (b) The city shall maintain maps of regulated riparian areas, and make them available to the public. These maps will be used to identify the extent of the riparian area unless the applicant can demonstrate through detailed inventory information (including maps showing the location and species of vegetation growing in the disputed area) that the city's maps are in error.

(Section 9.4720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4730 /WP Waterside Protection Overlay Zone Land Use and Permit Requirements.**

Within the /WP overlay zone there are 2 categories of uses: those allowed by the base zone or special area zone outside of the /WP area, and a more restrictive list of uses allowed within the /WP area.

- (1) **Outside the /WP Area.** The uses permitted in this overlay zone are the same as those permitted in the base zone or special area zone.
- (2) **Within the /WP Area.** Except as provided in EC 9.4740 Prohibited Practices, the following uses are permitted within the /WP area:
  - (a) Removal of refuse and any fill that is in violation of local, state or federal regulations. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.

- (b) Removal of non-native or invasive plant species included on a list approved by the planning director and kept on file at the city.
  - (c) Planting or replanting with native plants included on a list approved by the planning director and kept on file at the city.
  - (d) Construction of channel maintenance access roads or pathways and channel maintenance practices used to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, and intergovernmental agreements.
  - (e) Removal of vegetation by non-chemical means within a strip not to exceed 15 feet wide where a publicly owned property within the /WP overlay zone abuts private property that is not within a /WP area, and only when deemed necessary by the public works director to protect human health and safety or to prevent a nuisance.
- (3) **Uses Permitted Within /WP Areas Subject to Site Review.** Within /WP areas, the following uses are permitted, subject to the provisions in EC 9.4740 Prohibited Practices and site review approval based on compliance with EC 9.2530 Natural Resource Zone Development Standards. Where required, site review approval must be secured prior to the application for a development permit for development within the /WP overlay zone. Uses permitted subject to site review are:
- (a) Realignment and reconfiguration of channels and pond banks. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (3), and (5) through (9).
  - (b) Construction of stormwater quality treatment facilities that do not include adding impervious surfaces and that use biofiltration methods, such as shallow grassy swales, constructed wetlands, or ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  - (c) Construction of public improvements (including but not limited to streets, sanitary and storm sewers, bridges, bikeways, pedestrian paths, maintenance access roads and public utilities) required by this land use code or specified in adopted plans. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (10), and (13) through (19).
  - (d) Maintenance of existing utility easements to maintain access and promote safety, and as required by local policies, state and federal regulations, and intergovernmental agreements. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (3), and (5) through (9). Utility companies shall submit to the city a notice of easement maintenance activities within the /WP area describing the nature and extent of the activities 15 days prior to commencing the activities.
  - (e) Wetland or riparian area enhancement, restoration or creation activities that are consistent with adopted plans and policies, including construction of stormwater quality treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through

to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).

(Section 9.4730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.4740 Prohibited Practices.** Practices that are not specifically allowed, and that would adversely affect water quality or damage wildlife habitat, are prohibited within /WP areas. Prohibited practices include the following:
- (1) Storage of chemical herbicides, pesticides or fertilizers or other hazardous or toxic materials.
  - (2) Depositing, dumping, piling or disposal of refuse, or dumping, piling, disposing or composting of yard debris, fill, or other material except for single family residential composting, which must be kept at least 10 feet from the top of the bank of any water feature, and soils or soil amendments used for replanting in accordance with provisions of this section.
  - (3) Construction of new septic drainfields.
  - (4) Channelizing or straightening natural drainageways.
  - (5) For areas not on the city's acknowledged Goal 5 inventory, removal or destruction of rare, threatened or endangered plant species, unless a conservation plan for the affected species is submitted by the applicant and approved by the planning director, in conjunction with the Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.
  - (6) Filling, grading, excavating, and the application of chemical herbicides, pesticides and fertilizers are prohibited unless they:
    - (a) Are directly related to a use permitted in the waterside protection area,
    - (b) Address an imminent threat to public health and safety, or
    - (c) Result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

(Section 9.4740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.4750 Conveyance of Stormwater Maintenance Easement.** Within the /WP area, the city shall have the authority to require conveyance of a maintenance access easement for any natural or human made stormwater facility as a condition of approval for a site review or conditional use permit. Maintenance access easements shall be parallel to the stream or channel and shall be of sufficient width to allow a 20 foot wide maintenance access road along one side of the stream or channel.

(Section 9.4750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.4760 Exceptions.** The planning director shall have authority to grant exceptions to the provisions of this overlay zone for uses and development within /WP areas subject to site review approval in accordance with the following provisions:

- (1) **Criteria.** Exceptions shall be granted only if the applicant clearly demonstrates in writing that either of the following exist:
- (a) The provisions of this overlay zone in conjunction with other city regulations, and circumstances peculiar to the property not self-imposed by the applicant, would prohibit any viable economic use of the property.
  - (b) The /WP area as set forth in EC 9.4720 Waterside Protection Areas, occupies more than 33 percent of the development site area.
- (2) **Process.** To determine the extent to which an exception is allowed under EC 9.4760(1)(a), the planning director shall consider the following provisions:
- (a) Where practical, relax other setbacks in order to accommodate buffer setbacks as defined in EC 9.4720 Waterside Protection Areas.
  - (b) If no economically viable use is feasible under (2)(a), relax /WP overlay zone requirements applicable to riparian areas as defined in EC 9.4720 Waterside Protection Areas, outside buffer setback areas. In this instance, enhancement of riparian vegetation within the buffer setback area shall be required consistent with applicable provisions from EC 9.2530 Natural Resource Zone Development Standards.
  - (c) If no economically viable use is feasible under (2)(a) or (2)(b), reduce the buffer setback area to the minimum extent necessary to accommodate the development. In this instance, enhancement shall be required within the remaining buffer setback area consistent with applicable provisions from EC 9.2530 Natural Resource Zone Development Standards.
  - (d) If no economically viable use is feasible under (2)(a), (2)(b), or (2)(c), allow alteration of the water feature(s) to the minimum extent necessary to accommodate the development. In this instance, restoration and enhancement of the affected water feature(s) shall be required consistent with applicable provisions from EC 9.2530 Natural Resource Zone Development Standards.

(Section 9.4760, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## **/WB Wetland Buffer Overlay Zone**

### **9.4800 Purpose of /WB Wetland Buffer Overlay Zone.**

The purpose of the /WB overlay zone is to maintain or improve water quality within protected wetland sites identified in the West Eugene Wetlands Plan by maintaining an undeveloped setback area between the wetland and developed areas. Secondary benefits of buffers and setbacks include creating open space between the resource and adjacent uses, helping to maintain or improve wildlife habitat values and wetland hydrology, protecting the aesthetic value of the site and minimizing property damage from floods. The /WB overlay zone is also intended to maintain or enhance open space areas adjacent to wetlands identified for protection in the West Eugene Wetlands Plan. These open space areas are important because they typically contain native vegetation; convey, store, or improve the quality of urban stormwater runoff;

and provide habitat for wildlife. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this overlay zone. Where conflicting uses or activities must occur, either conditional use permit or site review approval based upon conformance specified in EC 9.2530 Natural Resource Zone Development Standards is required to minimize adverse impacts. The provisions of this overlay zone are intended to implement policies in the Metro Plan that call for protection of wetlands, wildlife habitat, and surface and ground water quality. The provisions of this overlay zone are also intended to address state and federal laws and policies that regulate development within jurisdictional wetlands to protect water quality, including applicable provisions of the Federal Clean Water Act and the State of Oregon's wetland laws.

(Section 9.4800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4810** **Applicability.** The /WB overlay zone applies to all property where /WB is indicated on the Eugene overlay zone map. The /WB standards apply to all development as follows:

- (1) Specifically, this encompasses lots or parcels any part of which contains or is within a /WB area as described in this section. In some instances buffers will be required for new development even though existing adjacent developments have no buffer.
- (2) The provisions of the /WB overlay zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas.
- (3) In some cases, the /WB overlay zone may overlap with the NR natural resources zone or the /WP overlay zone. In those cases, only one review process is required as follows:
  - (a) Where the /WB overlay zone and the NR zone overlap, only the provisions of the NR zone are applied.
  - (b) Where the /WB overlay zone and the /WP overlay zone are applied to the same tax lot, only one site review process is required. This review will address the provisions of both overlay zones. The /WB provisions will be applied to wetlands identified for protection in local plans and policies. The /WP provisions will be applied to any other water feature on the lot that is mapped and designated for protection in an adopted plan, policy or inventory.
- (4) Development within the /WB area shall be exempt from the setback provisions of EC 9.4820 if all of the following exist:
  - (a) The specific development is to be constructed upon fill that is authorized under an approved wetland fill permit from both the Oregon Division of State Lands and the U.S. Army Corps of Engineers,
  - (b) The fill is consistent with the goals and policies of the West Eugene Wetlands Plan including the designations on Map 3 of the Plan, and
  - (c) The applicant provides documentation from the permitting agency that

shows any mitigation requirements specified in the permits have been substantially satisfied.

(Section 9.4810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4815     /WB Wetland Buffer Overlay Zone Siting Requirements.** The /WB overlay zone applies to property adjacent to wetlands identified for protection in the West Eugene Wetlands Plan that meet the approval criteria of EC 9.8865.

(Section 9.4815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4820     Wetland Buffer Areas.** /WB areas shall consist of the area between the jurisdictional wetland boundary accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers and the /WB setback line specified in this section. Standard /WB setback distances are determined by the value category of the adjacent wetland, and whether the buffer setback area is enhanced. Wetland value categories are defined according to the criteria contained in the West Eugene Wetlands Plan. Areas developed prior to May 24, 1995 are excluded from /WB areas. For purposes of this section, development means buildings or other substantial structures, including paved or gravel parking areas. For purposes of this section, fences and landscaping do not constitute "development" to warrant exclusion from the /WB overlay zone. Graded and graveled areas are exempt under these provisions only when they were constructed prior to May 24, 1995, and only if they were constructed as an essential component of the development of the site. /WB areas are based on the following:

- (1)     Wetland Value Categories.** Three wetland value categories shall be used for applying setbacks, buffer requirements and other protection measures applied to wetlands designated for protection in the West Eugene Wetlands Plan. The 3 categories are: high value wetlands, moderate value wetlands and low value wetlands. A list of protected wetland sites indicating the wetland value category of each is included in the West Eugene Wetlands Plan.
- (2)     Standard /WB Setback Distances.** Standard /WB setback distances are measured horizontally from jurisdictional wetland boundaries accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers. /WB setbacks are of two types: Type I, in which no enhancements are required within the setback area, and Type II, in which vegetative and stormwater quality enhancements are required. Property owners shall have the choice of whether the Type I or Type II buffer setback is applied to their property, unless a Type I buffer setback would preclude any economically viable use of a parcel. In those cases, a Type II buffer setback would be applied. Standard /WB setback distances are as follows:
  - (a)** High value wetlands shall have a Type I setback of 100 feet with no site enhancements; or a Type II setback of 50 feet meeting vegetative, stormwater, and other enhancement standards as specified in EC 9.2530 Natural Resource Zone Development Standards (1) through (4).

- (b) Moderate value wetlands shall have a Type I setback of 50 feet with no site enhancements; or a Type II setback of 25 feet meeting vegetative, stormwater, and other enhancement standards as specified in EC 9.2530 Natural Resource Zone Development Standards (1) through (4).
- (c) Lower value wetlands and disturbed agricultural wetlands designated for enhancement or mitigation in the West Eugene Wetlands Plan shall not have a buffer setback outside the wetland boundary.
- (3) **Buffer Reduction for Low Intensity Uses.** A 10 percent reduction from the standard buffer setback distances shall be allowed when the adjoining use is one of the following: low density residential, public parks and open space, or agriculture.

(Section 9.4820, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4830 /WB Wetland Buffer Overlay Zone Land Use and Permit Requirements.** Within the /WB overlay zone, there are 2 categories of uses: those allowed by the base zone or special area zone outside of the /WB area, and a more restrictive list of uses allowed within the /WB area.

- (1) **Outside /WB Areas.** The uses permitted in this overlay zone are the same as those permitted in the base zone or special area zone.
- (2) **Within /WB Areas:**
  - (a) Uses Permitted Outright. The following uses are permitted within /WB areas, subject to the provisions in EC 9.4840 Prohibited Practices:
    - 1. Removal of refuse and any fill that is in violation of local, state or federal regulations. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.
    - 2. Removal of non-native or invasive plant species included on a list approved by the planning director and kept on file at the city.
    - 3. Replanting with native plant species included on a list approved by the planning director and kept on file at the city.
    - 4. Channel maintenance to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, and intergovernmental agreements.
    - 5. Maintenance of existing utility easements to maintain access and promote safety, as required by local policies, state and federal regulations, and intergovernmental agreements.
  - (b) Uses Permitted Subject to Site Review. The uses listed in this subsection are permitted within areas, subject to the provisions in EC 9.4840 Prohibited Practices, and site review approval based on compliance with the EC 9.2530 Natural Resource Zone Development Standards listed with each use. Where required, site review approval shall be secured prior to submission of an application for a development permit for development within the /WB overlay zone. Uses permitted within /WB areas subject to site review are:

1. Wetland or riparian area enhancement, restoration or creation activities that are consistent with adopted plans and policies, including:
    - a. Construction of stormwater quality treatment facilities that do not include adding impervious surfaces, and that use biofiltration methods, such as shallow grassy swales, constructed wetlands, or ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
    - b. Impervious surfaces or topographic changes. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  2. Construction of trails and pathways, boardwalks, viewing platforms, interpretive information kiosks and trail signs. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (13) and (15) through (18).
  3. Restoration and enhancement of natural functions and values that involve displacement, excavation or relocation of more than 50 cubic yards of earth and carries out the objectives of this overlay zone, including realignment and reconfiguration of channels and pond banks, but not including deliberate creation of new wetlands or restoration of former wetlands. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  4. Construction of stormwater treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  5. Construction of access roads for maintenance of channels, wetlands and other natural resource areas. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (6), (8), (9) and (16).
  6. Bikeways and other paved pathways. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (5), (6), (8), (9), and (15) through (17).
- (c) Uses Permitted Conditionally. The following uses are permitted conditionally in the /WB overlay zone:
1. Nature interpretive centers, when specified in or consistent with adopted plans or policies.
  2. Maintenance facilities for storage of equipment and materials used exclusively for maintenance and management of wetlands and natural areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19) in addition to the conditional use criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria - General.

- (d) Review process. For areas on the city's acknowledged Goal 5 inventory, all development proposed within the wetland buffer sub-district shall be reviewed in accordance with Type II procedures except when the applicant can clearly show that proposed development will occur completely outside of the largest applicable wetland buffer area. This site plan approval shall be based upon conformance with the Natural Resource Zone Development Standards at EC 9.2530.

(Section 9.4830, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4840** Prohibited Practices. Practices that are not specifically allowed under this section and that would adversely affect water quality or damage wildlife habitat, are prohibited within /WB areas. Prohibited practices include, but are not limited to, the following:

- (1) Storage of chemical herbicides, pesticides, fertilizers or other hazardous or toxic materials.
- (2) Depositing or dumping any material imported from off-site, except for soils or soil amendments used for replanting in accordance with provisions of this section.
- (3) Construction of new septic drainfields.
- (4) Channelizing or straightening natural drainageways.
- (5) Removal or destruction of rare, threatened or endangered plant species, unless a conservation plan for the affected species is submitted by the applicant and approved by the planning director, in conjunction with the Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.
- (6) Filling, grading, excavating, depositing soils imported from off-site, and application of chemical herbicides, pesticides and fertilizers are prohibited unless they meet one of more of the following:
  - (a) Are directly related to a use permitted in the /WB area.
  - (b) Address an imminent threat to public health and safety.
  - (c) Result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

(Section 9.4840, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4850** Exceptions. The planning director shall have authority to grant exceptions to the standard setback distances and permitted uses within /WB areas subject to site review approval and in accordance with the following provisions:

- (1) Criteria. Exceptions shall be granted only if the applicant demonstrates in writing that at least one of the following exists:
  - (a) Through a combination of buffer enhancements and site design alterations a smaller buffer setback distance can provide protection to the resource that is equal to or better than that provided by the standard buffers

specified above, including, but not limited to meeting or exceeding EC 9.2530 Natural Resource Zone Development Standards (1) through (4).

- (b) No economically viable use allowed within the base zone or special area zone could occur as a result of the application of these setback and buffer provisions, and that this circumstance is not purposefully brought about by any deliberate action of the owner or developer of the property.

An exception shall be granted by the planning director in these cases, and Type II buffers of less than 50 feet are permitted on high value wetlands and Type II buffers of less than 25 feet are permitted on moderate value wetlands. Setbacks around high value wetlands shall not be less than 25 feet in any case.

- (2) **Buffer Averaging.** Wherever practical, reductions in buffer distance from the standard buffer setback distances due to approved exceptions shall be accomplished through averaging the buffer distance on a site. Averaging means that when the buffer setback is reduced in one location, it is expanded somewhere else in compensation so that the total buffer area remains the same.
  - (a) Wherever practical, reductions in buffer distance due to approved exceptions shall occur adjacent to lower value or less sensitive areas within a given wetland site and expansion of the buffer in compensation shall occur adjacent to higher value or more sensitive areas within a given wetland site.
  - (b) To the extent practicable, wherever buffers are reduced from the standard setbacks along channel sites or other linear sites, buffers shall be increased on the opposite bank of the channel across from the area where the reduction is allowed.
- (3) **Reductions to Other Standards.** The planning director shall have authority to reduce other setbacks and landscape requirements contained in this land use code on properties where wetland buffer setbacks are required.
- (4) **Applicable Standards.** All construction, vegetation removal and earth moving that takes place inside standard /WB setback areas as approved through this exception process shall conform to EC 9.2530 Natural Resource Zone Development Standards (2) through (19).

(Section 9.4850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

#### 9.4860 /WB Miscellaneous Provisions.

- (1) Type I buffer setbacks that are not enhanced by the owner or developer may be enhanced in cooperation with the owner(s) by government or other non-profit agencies or organizations as part of demonstration projects, habitat management or other programs that are consistent with adopted plans or policies.
- (2) To the extent practicable, density transfers shall be used to offset restrictions on building within buffer setback areas in residential zones. A density transfer is an allowance within a given parcel or development site under one ownership to increase the density beyond the normal code limits, in compensation for a reduction elsewhere on the site required or caused by local regulations.

(Section 9.4860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## Special Development Standards for Certain Uses

**9.5000** **Purpose and Applicability.** In addition to other development standards in this land use code, sections 9.5050 through 9.5850 contain special development standards for certain uses. Except as otherwise provided in sections 9.5050 through 9.5850, where the Land Uses and Permit Requirements Table for the applicable zone indicates that the use is (S) "permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000," consistency with these standards is required in order to establish the subject use. In the event of a conflict between the general development standards and the special development standards, the provisions of the special development standards control.

(Section 9.5000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5050** **Amateur Radio Antenna Structure Standards.**

- (1) The maximum permitted height is 70 feet measured from the ground directly below the structure's base, unless a variance is approved.
- (2) The minimum setback from all property lines to the structure's base is at least 1 foot for every 3 feet of height, unless a variance is approved. (For example, an antenna structure 70 feet in height would need to be set back a minimum of 23 feet from all adjacent property lines.) This standard shall not apply to antenna structures that extend a maximum of 18 feet above the height of the main house or building, whether the antenna structure is attached to it or freestanding.
- (3) Parts and assembly shall be in compliance with the manufacturer's specifications or those of an engineer licensed by the State of Oregon.
- (4) The antenna structure shall be adequately grounded as required by specialty codes adopted pursuant to Chapter 8 of this code.
- (5) Structures and related guy wires and ground anchors shall comply with setback standards of the zone in which they are located.
- (6) Unless a conditional use permit is approved, the antenna structure shall be accessory to the main use of the property on which it is located.
- (7) Whether the antenna is attached to another structure or building, or is free-standing, a development permit shall be obtained prior to installation. Documentation may be required that verifies compliance with applicable codes and standards.
- (8) The antenna structure shall be in compliance with other applicable standards of the zone wherein it will be located.

(Section 9.5050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5100 Bed and Breakfast Standards.****(1) AG Agricultural and R-1 Low-Density Residential Zones:**

- (a) The facility shall maintain an up-to-date guest register.
- (b) The facility shall be owner-occupied.
- (c) The length of stay for guests shall be a maximum of 30 consecutive nights.
- (d) The number of guest bedrooms shall be limited to 2, with a maximum total of 5 guests at any one time.
- (e) Signing shall be limited to one non-illuminated wall sign with a maximum area of 1½ square feet.
- (f) There shall be at least 400 feet of separation in all directions between facilities. This includes, for example, a 400 foot separation from existing bed and breakfast facilities in commercial zones.

**(2) R-2 Zone:**

- (a) The facility shall maintain an up-to-date guest register.
- (b) The facility shall be owner-occupied.
- (c) The length of stay for guests shall be a maximum of 30 consecutive nights.
- (d) The number of guest bedrooms shall be limited to 4.
- (e) Signing shall be limited to one non-illuminated wall sign with a maximum area of 1½ square feet.

**(3) R-3 and R-4 Zones:**

- (a) Total number of guest bedrooms plus the owner or innkeeper's unit shall be limited to the number of dwelling units otherwise permitted in these zones.
- (b) Signing shall be limited to 1 freestanding or wall sign with a maximum area of 1½ square feet.

(Section 9.5100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5150 Collection Center, Collection of Used Goods Standards.**

- (1) Collection of used goods shall be conducted in connection with collection centers as defined in this land use code.
- (2) Traffic circulation and vision clearance (both on-site and at entry locations) shall not be impeded by the collection center's location, donated materials storage, or any other activities associated with the use.
- (3) Collection center siting shall meet all requirements of the fire marshal's office for access and separation for both the center and nearby structures.
- (4) The collection center shall not be located in the public right-of-way.
- (5) The collection center shall not use on-site parking spaces required for other uses.
- (6) An attendant shall be present at all times donated goods can be accepted.
- (7) The collection center attendant shall maintain the area around the center.
- (8) No outside storage of donated materials shall be allowed.
- (9) No processing, sale, or distribution of collected materials shall be allowed.

- (10) There shall be at least 10 feet between the collection center and all residentially zoned property lines.

(Section 9.5150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5200 Day Care, Small (3-12 people served) Standards.** These standards apply to small, (3-12 people served) day care operations in residential zones where the Land Uses and Permit Requirements Table for the applicable zone indicates that the use(s) "permitted subject to zone verification and EC 9.5000 to 9.5850."

- (1) In addition to the standard required parking for other uses on the property, 1 off-street parking space is required per each outside employee.
- (2) Education programs offered as a primary activity or specialized training in activities such as dance, drama, music or religion shall be limited to preschool children.
- (3) At least 1 of the business owners of a day care service serving 3-12 people in R-1 and R-2 zones shall reside in the building.
- (4) No overnight care permitted without a conditional use permit.

(Section 9.5200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5250 Farm Animal Standards.** All of the following standards are applicable to farm animals:

- (1) **Farm Animals Allowed:**
  - (a) Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.
  - (b) Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on lots of at least 20,000 square feet and they meet the farm animal standards.
- (2) **Sanitation:** Proper sanitation shall be maintained for all farm animals. Proper sanitation includes:
  - (a) Not allowing farm animal waste matter to accumulate,
  - (b) Taking necessary steps to be sure odors resulting from farm animals are not detectable beyond property lines, and
  - (c) Storing all farm animal food in metal or other rodent-proof containers.
- (3) **Fencing:** Shall be designed and constructed to confine all farm animals to the owner's property.
- (4) **Setbacks:** All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least 10 feet from interior lot lines.
- (5) **Minimum Lot Size and Area for Large Animals:**
  - (a) Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.

- (b) Minimum area per animal over 6 months of age:  
Cows, horses: 10,000 square feet  
Sheep, goats, emus, and llamas: 5,000 square feet

(Section 9.5250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

**9.5300 Homeless Shelter Standards.**

- (1) Expansion of the existing homeless shelter in existence on January 1, 1984 shall be limited to the area defined by the railroad tracks on the north, Chambers Connector on the west, from 600 feet of the shelter's development site boundary existing on January 1, 1984 on the east, provided, however, that those lots identified as Tax Lot 3400 on Assessor's Map 17-04-25-42 and Tax Lot 7200 on Assessor's Map 17-04-25-41 shall not be used for housing or residential purposes by the shelter, and the east-west alley between 1st and 2nd Avenues on the south.
- (2) The current shelter shall be limited to providing housing for no more than 400 persons per night. The limit of 400 shall include both single adults and family members, in a ratio to be determined by the shelter at its sole discretion. This provision is expressly intended not to limit the shelter's ability to provide temporary housing above the capacity limit in emergency situations for short periods of time. The shelter's infirmary beds are not to be included in, or affected by, this capacity limit.
- (3) The standards in this section do not apply to emergency housing shelters established or expanded due to flood, earthquake, or other natural disasters.

(Section 9.5300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5350 Home Occupation Standards.** Except for garage sales lasting no more than 3 consecutive days no more than 3 times in a year, and day care facilities, which are exempt, home occupations in all residential zones shall be subject to the following standards:

- (1) The home occupation shall be incidental to the dwelling's residential use.
- (2) There shall be no more than 1 non-illuminated sign permitted per each home occupation with a maximum limit of 2 signs per dwelling, consisting of a maximum of 1½ square feet in surface area per sign. The sign shall be attached to the dwelling or home occupation structure.
- (3) There shall be no activity or display, other than the allowed sign, that will indicate from the exterior of the building that the property is being used for any purpose other than a dwelling.
- (4) There shall be no display of materials visible from the street or outside storage other than plant materials.
- (5) The home occupation shall not generate excessive traffic, on-street parking, glare, heat, electromagnetic interference or other emissions that are perceptible beyond the home occupation property. There shall not be regular freight truck delivery more than twice a week.
- (6) The home occupation shall not result in any structural alterations or additions to