

PLANNING COMMISSION STUDY SESSION AGENDA MAY 11, 2020



MEDFORD
OREGON

Commission Members

David Culbertson

Joe Foley

David Jordan

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Jared Pulver

Jeff Thomas

Planning Commission study sessions are held on the second and fourth Mondays of every month

Study Sessions begin at noon

City of Medford

To comply with Governor Brown's stay at home order, study sessions will be conducted via the internet. To join Webinar: <https://us02web.zoom.us/j/85416758926>, Meeting ID: 854 1675 8926 . For telephone: US: +1 669 900 6833 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782.

PLANNING COMMISSION STUDY SESSION AGENDA



MEDFORD
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Noon

Zoom Virtual Meeting

Virtual Meeting information

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10. Introductions

20. Discussion Item

20.1 DCA-19-012 Flexible Design Standards

30. Adjournment



MEMORANDUM

To: Planning Commission
From: Kyle Kearns, AICP, Planner II | Long Range Planning
Date: May 6, 2020 *for 05/11/2020 study session*
Subject: DCA-19-012 – Flexible Development Standards

BACKGROUND

Staff, at previous Planning Commission study sessions, has discussed the proposal, DCA-19-012. Previous meetings were related to either this amendment specifically or the work of the Housing Advisory Committee (HAC) in 2017. Other related items and amendments of the 2017 projects included cottage housing, updating the development standards, the Construction Excise Tax (CET), and the creation of the Housing Advisory Commission.

March 9, 2020 Planning Commission Study Session

On March 9, staff and the Planning Commission met to review the proposal (Exhibit A) as it existed then. Originally in the proposal staff had included several development standard proposals related to increasing multi-family building height and coverage allowances, those have since been removed; development standards related to commercial sites have remained in the proposal. Some commissioners had comments in the affirmative of the optional parking reductions proposed, including the ability to count on-street parking, provide professional parking analyzes and the potential cost savings they provide to development and property owners.

The new proposal incorporates the comments of the Commissioners from March 9 and the direction staff had provided at the meeting. Staff included in the new proposal:

- Transit Oriented Districts (TOD) in the parking reductions
- Criteria for the “parking analysis”
- Graphics to represent submittal requirements and infill definition

Next Steps

Assuming no large shift in scheduling due to COVID-19 Policies or substantial comment from the Commission or the public, staff will be seeking to maintain a similar timeline as previously discussed on March 9. First public hearing would be on June 25, 2020 and the final hearing on August 20, 2020. The Housing Advisory Commission will also be reviewing the proposal.

THE TWO TYPES OF EXCEPTIONS

Currently, the majority of deviations or exceptions from the Medford Land Development Code (MLDC), require a Type III land use review, aptly titled Exceptions. Another process for providing exceptions to the MLDC would be to prescriptively outline the process in which the exception can take place. Examples of the later approach include parking exceptions (§10.743[3]), the multi-family development standards (§10.718-.719), pedestrian walkway exceptions (§10.776) or the legacy street standards (§10.427[E]).

Exceptions, as a land use review, are a valuable public process but provide uncertainty to development and risk in investment. To ensure exceptions continue to be a valuable process, it is worth reviewing which exceptions are frequently requested without denial and which present barriers (i.e. cost and risk) to development proposals. Such development proposals include “needed housing,” infill development or subdivisions. Staff reviewed exceptions over the past four years (2016-2019). Many of the exceptions reviewed since 2016 presented quantitative requests that could have been applied using a codified, prescriptive process removing barriers and adding flexibility to development.

The most common quantitative items included requests related to lot dimensions of parcels, totaling six, or the “miscellaneous” request, totaling 12. The “miscellaneous” request had some quantitative items such as a reduction in parking or fence height, but each were their own individual request. Outside of parking and fence height (three total requests), each “miscellaneous” request warranted a public hearing due to their unique request.

Another frequent request that had been codified includes the exception to the amount of Right of Way (ROW) dedication needed (i.e. width of public roadway/easements) or a ROW reduction in conjunction with a reduction to cross-section amenities (e.g. planter strip or sidewalk). These ROW dedication requests combine for 12 of the 31 applications. However, since the adoption of the legacy street standards (prescriptive process) in 2019, there has only been one exception request related to road ROW (i.e. half-street standards).

Exception, Type III Totals (2016-2019) – 31 Total Hearings	
Exception Type	Yes No
Right of Way Reduction	4 1
Right of Way Reduction and Amenity Reduction	5 2
Lot Dimension (Lot depth, width, frontage, etc.)	6 0
Setback or Height	2 0
“Miscellaneous” Request	12 1

The two varying approaches to exceptions can be summarized as either requiring a public hearing to manage the exception request or create a process to manage the exception request. As a land use review, exceptions cost \$3,500 and require a public hearing process

of four to six months. This is valuable time in a development proposal. As the past four years indicate, exceptions are very rarely denied. Furthermore, as stated in the HAC recommendations, “[A] failure to fully comply with any development standard requires an exception to the development code. Code exceptions are always risky and a lot of design energy gets wasted on Medford projects working on project layouts that are inferior simply to avoid the legal risk of an exception.” It is the intent of this amendment to provide some time and financial relief to developers and property owners in the City of Medford. Therefore it is worth reviewing the process for codification.

In addition to the savings of not applying for an exception for a mundane request, there is also the potential for cost savings in reduced parking requirements. It is estimated that the average cost of a surface parking stall ranges from \$5,000-\$10,000 (including land value) while structured parking can cost between \$25,000 and \$50,000.¹ Ultimately, the goal of DCA-19-012 is to reduce overall cost of development in the City of Medford by providing relief from otherwise expensive development requirements.

PROPOSAL SUMMARIZED

Below is a brief summary of the proposal (Exhibit A), with focus on the new items since the March 9, 2020 Planning Commission study session.

10.012 Definitions, Specific

Added detail to the existing definition of “pedestrian-friendly” while adding the new definitions for environmental resources and restoration, infill development, open space, significant trees, Transit Oriented Development/Design, Transit Oriented District (TOD) and topographic features. Inclusion of these definitions is to enable proposed text and to create more clear and objective standards.

10.358 Central Business, C-B

Amendments to this section are proposed in order to provide additional flexibility as it relates to residential development, residential redevelopment and off-street parking. Additional clarity was added as to how to provide bicycle parking downtown.

10.426 Street Circulation Design and Connectivity

Added a provision stating that exceptions to block length and/or perimeter need not be reviewed as a Type III land use if it meets the definition of infill (See 10.704)

¹ Strong Towns Media. “The Many Costs of Too Much Parking.” Strong Towns, Strong Towns, 20 Nov. 2018, www.strongtowns.org/journal/2018/11/20/the-many-costs-of-too-much-parking.

New Section, 10.701A Flexible Development Standards

The provisions of 10.701A allow for deviations of site setbacks or lot dimensions of the underlying zone. Setback deviations are permitted only if it is needed to meet fire, life and ADA standards, preservation of environmental resources and if in conformance with existing code language in 10.707(A)(4). Setback deviations may be 20% or two feet, whichever number is greater, of the underlying zone.

Lot dimension deviations are permitted for lot area, width, depth and frontage at a rate of 20%. Deviations from lot dimensions are permitted if environmental resources are protected, for infill development or for land divisions (including partitions, subdivisions and property line adjustments). When applied to subdivisions, the application of the flexible development standard shall only be applied to 20% of the total proposed lots. Furthermore, this section is designed in a way to easily add additional flexible development standards as the Commission desires now or in the future.

10.704 Lot Types (amended section)

Amended 10.704 to include lot type definitions to better define infill and through lots. Additional lot types could be added now or in the future.

Changes in Commercial Development Standards (10.721)

In early drafts, staff had proposed to have allowances for flexible lot coverage and building height within 10.701A. However, after further review staff determined that changing lot coverage and building height for all development was more advantageous and created more overall flexibility in development citywide. Staff has proposed the following development standards:

- Allow for residential dwelling units in the Neighborhood Commercial (C-N) zone
- Increase building height in all the Commercial zones, except C-S/P zone
- Increase commercial lot coverage in the C-N, C-S/P, C-C, and C-R zones; &
- Modify how building height is measured in commercial zones, when adjacent to SFR zones, has been adjusted to ensure lower density zones are not impacted by adjacent buildings of 35 feet or greater.

Parking Standards (10.741, 10.743)

To make additional flexibility staff has proposed exceptions to City's parking standards. Without a comprehensive study on whether or not parking minimums need to be changed, staff has concluded that a compromise would be to incorporate flexibility into parking minimums. Proposed exceptions are aimed at several development constraints parking can cause including cost of parking, restrictions on redevelopment, increased automobile use, and underutilization of on-street parking. Exceptions include:

- Reduction in required off-street parking for change of use/business expansions;
- Reduction of up to five spaces for multi-family development of 15 units or more;

- Each 24 feet of on-street parking may count as one required parking space;
- Residential development may reduce parking requirements when within a Transit Oriented District (TOD) or near transit or bicycle facilities;
- Any size reduction may be available to preserve environmental resources; and
- Any size reduction may be available if a proper analysis supports the reduction.

10.837 Dwelling Units in Commercial Districts (10.741, 10.743)

In review of DCA-19-012, staff found complicated standards related to the Neighborhood Commercial (C-N) zone. Section 10.837 currently states “In the Neighborhood Commercial (C-N) district single family and multiple family residential uses are permitted only when total residential use is attached, accessory and subordinate to the primary commercial use.” Additionally, the Neighborhood Commercial zone is defined, per 10.327, as

“ [A]... district [that] provides land for the development of small integrated commercial centers servicing the frequent and daily convenience requirements and service needs of adjacent residential neighborhoods. Development in this zone is intended to be pedestrian-oriented and compatible with the scale and character of surrounding residential areas. All uses, except as noted in section 10.337, do not exceed 2,500 square feet of gross floor area”

As the C-N definitions states, uses identified in 10.337 are permitted. If you review 10.337 for residential uses, it says dwelling units are permitted in all commercial zones, subject to the aforementioned criteria. Upon further review, staff has proposed simplifying this language by putting the standards from Article III in Section 10.837 and outlining, specifically, what is intended by the existing MLDC language.

DIRECTION SOUGHT

Staff is seeking direction from the Planning Commission as to whether additional changes are needed for DCA-19-012.

NEXT STEPS

- Gather feedback on the proposal from the Planning Commission and Housing Advisory Commission
- Schedule hearings before the Planning Commission on June 25, 2020 and the City Council on August 20, 2020

EXHIBITS

A Proposed Text DCA-19-012

ARTICLE I - GENERAL PROVISIONS

* * *

10.012 **Definitions, Specific.**

* * *

Environmental resources. This shall include, but not be limited to, the following:

- (a) Significant Trees
- (b) Riparian corridors and other waterways as defined by the Comprehensive Plan
- (c) Wetlands (Locally Significant wetlands as defined by the Comprehensive Plan or as defined by a qualified professional who has authority to indicate the presence of a wetland)
- (d) Special Flood Hazard Areas as determined by a licensed land surveyor, Professional Engineer or on the current Flood Insurance Rate Map (FIRM) maps
- (e) Topographic features
- (f) Other features or resources deemed significant by the Comprehensive Plan or qualified professional with the knowledge to determine the validity of said feature/resource.

* * *

Infill or Infill Development. Development of a vacant or underutilized parcel that has been passed over by previous urban development, typically of a residential or mixed-use context.

* * *

Open Space. Any property or area of land or water that is designed or reserved for the public or private use that provides places for recreation, community gathering, conservation of environmental resources, or other similar uses.

* * *

Pedestrian-friendly. See also pedestrian-scale or pedestrian-oriented. Features and elements of a development that encourage walking by making it safe and convenient, which may include pedestrian amenities, such as plazas, outdoor seating, pedestrian-scale lighting and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

* * *

Significant Trees Shall be any tree with a specific trunk diameter as measured four feet above the ground (known as DBH, for “diameter at breast height”).

1. Deciduous trees: DBH of six inches or greater
2. Coniferous trees: DBH of 10 inches or greater

* * *

Transit Oriented Development/Design. A development pattern that mixes residential, retail, and office uses (among other commercial uses) with a supporting network of roads, bicycle and pedestrian networks focused on transit and pedestrian-friendly design. For further definition, refer to the Transit Oriented Development section of the Transportation System Plan.

Transit Oriented District (TOD). The districts, identified in the Transportation System Plan.

* * *

Topographic features. Any existing slope, butte, rock outcropping, wetland or other physical feature of a site.

* * *

ARTICLE II - PROCEDURAL REQUIREMENTS

* * *

10.158 Property Line Adjustment.

(A) Property Line Adjustment Purpose.

The purpose of property line adjustments is to relocate or eliminate a common property line between abutting properties.

(B) Property Line Adjustment Approval Criteria.

A property line adjustment shall be approved if it complies with the following:

- (1) All properties were lawfully created;
- (2) No new lots or parcels of land will result from the adjustment;
- (3) The adjustment will not result in a unit of land that overlaps the city limit line, urban growth boundary, or zoning districts;
- (4) The adjusted property configurations shall not create a substandard condition relative to the applicable standards of the Code. When the lot dimensions are less than the minimum required dimension, they shall be consistent with Section 10.701A, Flexible Development Standards. When one or more properties are less than the minimum required area or width, none of the resulting units of land shall be made smaller in area or narrower in width than the original smallest existing unit of land.

* * *

ARTICLE III - ZONING DISTRICTS

* * *

10.327 Neighborhood Commercial, C-N.

The C-N district provides land for the development of small integrated commercial centers servicing the frequent and daily convenience requirements and service needs of adjacent residential neighborhoods. Development in this zone is intended to be pedestrian-oriented and compatible with the scale and character of surrounding residential areas. ~~All uses, except as noted in section 10.337, do not exceed 2,500 square feet of gross floor area.~~

* * *

10.358 Central Business, C-B.

The C-B district is representative of the core downtown business, residential and retail area. The intent of the C-B district is to recognize the unique and historic character of the downtown area as an asset to the community and to provide standards and criteria necessary for its continued development and redevelopment as a vital part of this community.

(1) **Commercial and Industrial Development Standards.** All of the site development standards set forth in Article V, Section 10.721, Commercial and Industrial Site Development Standards, shall be waived in lieu of the following site development standards:

* * *

(d) Parking and Loading Facilities. When parking or loading facilities are proposed in a development, they shall be constructed in a manner that meet the intent of the standards that are outlined in Section 10.741 through 10.746.

* * *

~~(2) Residential Development Standards.~~ All residential development standards contained in Article III, Zoning Districts, and Article V, Site Development Standards, shall be waived in lieu of the following:

~~(a) Off street parking and loading. All residential development shall be subject to the parking requirements of 10.741, Off Street Parking and Loading Requirements, through 10.746, General Design Requirements for Parking and Sections 10.747, Bicycle Parking and Storage Regulations, General Provisions, through 10.751, Exceptions to Bicycle Parking Standards.~~

~~(b) New residential development on vacant parcels. New residential development on vacant parcels shall conform to the provisions of Article III, Section 10.306, Residential Land Use Classification, through 10.314, Residential Uses, and to the site development standards contained in Article V, Section 10.721. The multi-family development standards contained in Sections 10.715A through 10.719 shall apply for residential development within the C-B Overlay.~~

~~(c) Residential development which results from conversion or remodel of existing structures, or new residential construction which exceeds the residential density standard of the MFR-30 zone shall be subject only to the off street parking and loading requirements as provided in (a) above.~~

(d) Lot coverage. When within the C-B Overlay, the maximum lot coverage of the underlying zoning district need not apply and may be one-hundred percent (100%).**(3) Bicycle Parking.** All commercial, industrial and residential development shall be required to provide for bicycle parking in accordance with Sections 10.747 through 10.751. The following shall also apply to bicycle parking.

(a) When a change of use and/or redevelopment increases the gross floor area of a use(s) by fifty percent (50%) or less, it shall not be subject to the bicycle parking standards.

(b) Bicycle parking shall be calculated and constructed as outlined in Section 10.748

For example: A general office use of 1,500 sq. ft. would have a parking requirement of 3.1 spaces per 1,000 square feet of Gross Floor Area and a bicycle parking standard requiring 10% of the parking provided for automobiles.-

[i.e. (3.1 x (1,500/1,000)) = 4.65] i.e. 5 parking spaces x 10% = 1 bicycle space

(c) Residential units may provide for bicycle parking inside or outside the dwelling unit;

(d) When no automobile parking is provided, the calculation for bicycle parking shall be based on the amount of automobile parking that would have had to have been provided, if parking was required.

(34) Streetscape Standards. All new or reconstructed streets and streetscapes within the C-B District shall be developed according to the following standards and as identified in the Street Materials Standards List.

* * *

ARTICLE IV -- PUBLIC IMPROVEMENT STANDARDS AND CRITERIA

10.426 Street Circulation Design and Connectivity.

These standards are intended to assure that development will ultimately result in complete blocks bound by a network of public streets, and/or private streets constructed to City Standards open to public use, and/or interior access roads open to public use. As it applies to this section, an Interior Access Road shall mean the following:

A public access easement on private property which facilitates through public vehicular and pedestrian access. The Interior Access Road public easement shall, at a minimum, consist of the following improvement:

1. A two-way vehicular access drive aisle having minimum aisle width of twenty (20) feet bounded with raised curb. The access drive shall remain clear and unencumbered from any parking stall taking direct vehicular access from the drive aisle. However, the drive aisle may intersect with other drive aisles within a parking lot.
2. The vehicular access drive shall be bound at minimum on one side, but preferably both sides, with a pedestrian pathway running parallel to the access drive, consisting of concrete, patterned concrete or brick pavers. The pedestrian pathway may be either attached or detached from the curb and have a minimum width of five (5) feet. Where the pedestrian path crosses intersecting vehicular drive aisles, the pathway paving material shall extend across such areas to demarcate the pedestrian crossing.

A. Street Arrangement Suitability.

The approving authority shall approve or disapprove street arrangement. In determining the suitability of the proposed street arrangement, the approving authority shall take into consideration:

1. Adopted neighborhood circulation plans where provided; and
2. Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and
3. Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and
4. Compatibility with existing natural features such as topography and trees; and
5. City or state access management standards applicable to the site.

B. Street Connectivity and Formation of Blocks Required.

1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.
2. Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.
3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.
4. Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.

C. Maximum Block Length and Block Perimeter Length.

1. Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH		
Table 10.426-1		
Zone or District	Block Length	Block Perimeter Length
a. Residential Zones	660'	2,100'
b. Central Business Overlay District	600'	1,800'
c. Transit Oriented Districts (Except SE Plan Area)	600'	1,800'
d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones	720'	2,880'
e. Regional Commercial and Industrial Zones	940'	3,760'

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:
 - a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10.426 C.1.,
 - b. Environmental constraints including the presence of a wetland or other body of water,
 - c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet,
 - d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,
 - e. The subject site is in SFR-2 zoning district,
 - f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,
 - g. The proposed use is a public or private school, college or other large institution,
 - h. The proposed use is a public or private convention center, community center or arena,
 - i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.
 - ~~j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section; or-~~
 - ~~k. Development defined as infill, per Section 10.704.~~
3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the

street and block layout requirements of 10.426 A or B or D,

4. When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

D. Minimum Distance Between Intersections.

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

10.445 Street Intersection Curb Radius Standards.

* * *

(3) Curb radii for certain intersections designated for corner extensions in the Central Business District (CBD) overlay zoning district shall be consistent with Section 10.358 (34), Figures 13, 14 and 15.

* * *

ARTICLE V - SITE DEVELOPMENT STANDARDS

* * *

10.701A Flexible Development Standards

(A) Purpose of Flexible Development Standards. It is the purpose of this section to provide the approving authority the discretion to allow for deviations from the development standards, as defined here-in, contained within Article V. It is the intent of this section to provide for efficient development throughout the City and provide for flexibility in site design standards for infill development and preservation and restoration of environmental resources.

(B) Approval of Flexible Development Standards.

The flexible development standards shall only be applied when an applicant elects to use them in a land use application. Applicants electing to use the flexible development standards shall clearly indicate on any applicable site plan, landscape plan, architectural elevation or any applicable submittal document meeting the provisions of 10.701A(D). Distinction of the flexible development standards, on an applicable plan, shall be displayed in a tabular format as identified below in Figure 10.701A (B) – 1. The table shall indicate the underlying zone, the development standard, the deviated standard and shall have a key or symbol corresponding to the site plan.

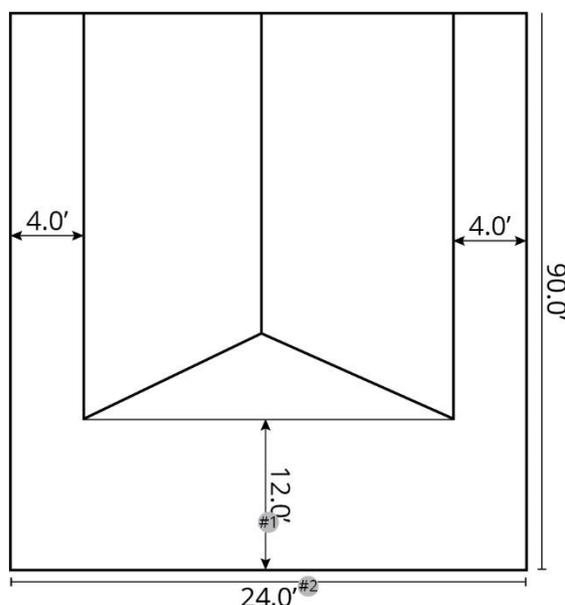
Additionally, applications shall provide a brief, written narrative explaining the flexible development standards used and how they meet the criteria outlined in 10.701A; photo evidence may be used in a narrative to support the use of the flexible development standards.

The deviations within 10.701A shall not be considered an Exception, Type III, land use review as outlined in Section 10.186. If a proposal electing to use the flexible development standards is shown to deviate from the standards outlined in 10.701A, it shall be subject to the Exception criteria outlined in Section 10.186.

(C) Denial of Flexible Development Standards. If the approving authority finds that an application for land use review, reviewed under this section, does not satisfy the conditions of 10.701A or Article V, the approving authority shall make such findings on the record or in the decision

rendered, as applicable.

Figure 10.701A (B) – 1



Flexible Development Standards 10.701A			
#	Zone District	Development Standard	Standard Deviation
#1	SFR-10	Front Yard Setback - 15'	12' (20%)
#2	SFR-10	Lot Frontage - 30'	12' (20%)

(D) Flexible Site Development Standards Permitted. The use of the flexible development standards shall only be permitted as follows:

(1) Setbacks. The approving authority shall approve an encroachment into the required setbacks, as set forth in Article V, by up to twenty percent or 24 inches, whichever is greater. The approving authority shall not allow setback deviations when the Hillside Ordinance applies, see Section 10.929 – 10.933. The requested deviation shall be compliant with applicable building, fire and life-safety codes. Deviations shall be permitted upon determination that one or more of the following conditions exist:

- (a) The part of the proposed structure that encroaches into the minimum setback area is necessitated by a fire, life, Americans with Disabilities Act (ADA) standard, or other public safety code requirement; or
- (b) The proposed structure will allow the preservation or restoration of existing environmental resources; or
- (c) The proposed development is considered infill, per 10.704; or
- (d) Deviations greater than twenty percent or 24 inches may be permitted if it can be found to meet the provisions of Section 10.707(A)(4).

(2) Lot Dimensions. The approving authority shall approve a reduction from the required lot dimensions of a parcel (i.e. lot area, lot width, depth and frontage) by up to twenty percent (20%). When reductions in lot dimensions are proposed for a subdivision, they may only be applied to twenty percent of the total number of proposed parcels. Reductions shall be permitted upon determination that the following conditions exist:

- (a) The proposal may require lot dimension deviations in order to preserve or restore environmental resources; or
- (b) The proposed development is considered infill per 10.704; and
- (c) When not infill development, the proposal creates four or more parcels; and
- (d) If a flag lot is created, the pole of the flag lot is no less than 20 feet;

* * *

10.704 ~~Through~~ Lots Types.

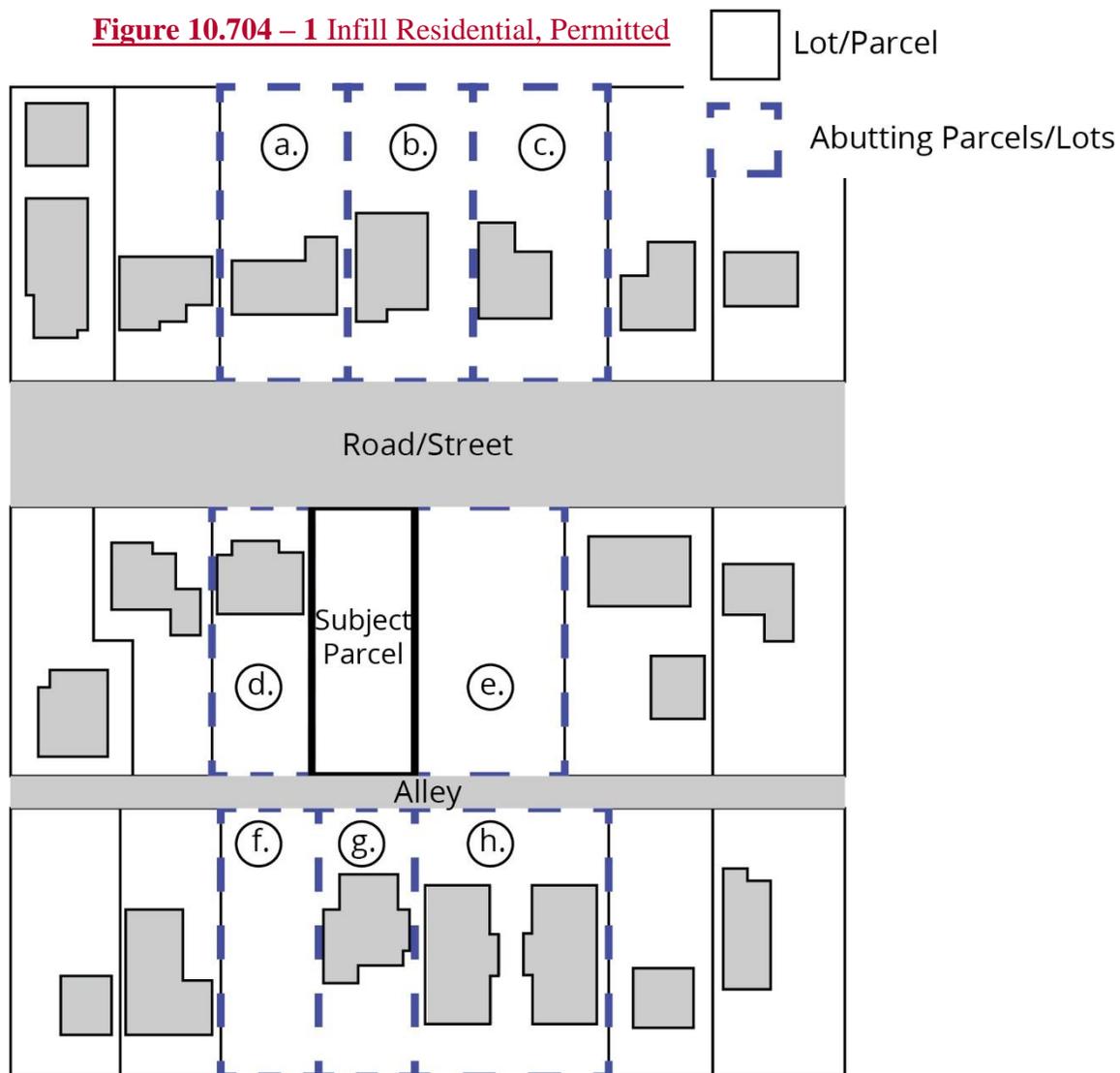
(A) Infill Lot (Infill Development). An infill lot is the subject lot (or parcel) which is being proposed to develop or redevelop, that meets the below criteria:

(1) Infill, Residential. (see Figures 10.704 – 1-2)

- (a) The subject parcel is not large enough to be split into four or more lots, consistent with the underlying zoning district; and
- (b) 60 percent (60%) of the abutting parcels to the subject parcel shall be built to the minimum residential density of the abutting parcel's underlying zone and/or are commercially developed parcels (excluding parking lots); and
- (c) Abutting parcels, as considered under 10.704(A)(1)(b), shall not be large enough that the parcel(s) can be divided into four or more lots nor shall abutting parcels be zoned SFR-00;
- (d) SFR-10, MFR or Commercial Zones only, in lieu of (a-c): A subject parcel shall be considered infill when a single-family home is removed and/or redeveloped to create two or more dwellings, excluding ADUs, but including mixed-use buildings.

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Figure 10.704 – 1 Infill Residential, Permitted

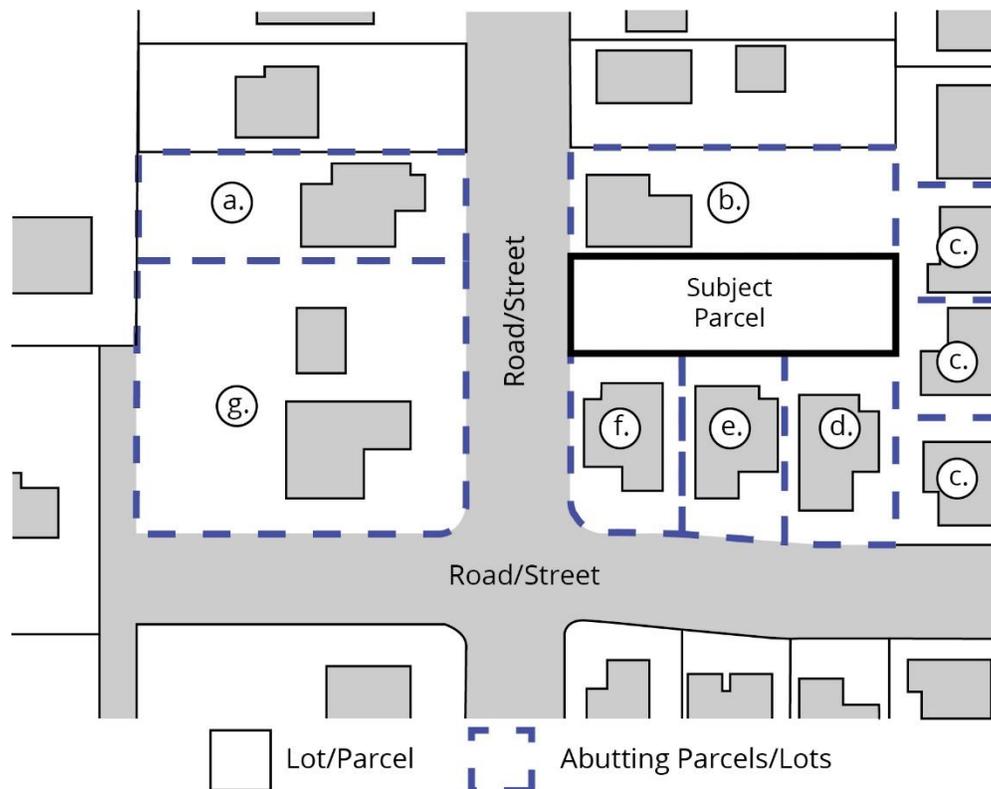


10. 704 – 1 illustrates a subject parcel in a residentially zoned neighborhood, with a mix of densities. Densities range from one dwelling unit per acre minimum to 10 dwellings per acre maximum. Abutting lots cannot be split into four or more lots nor are they zoned SFR-00, per 10.704(A)(1)(c) At least 60% (75% in Figure 10.704 – 1 meet standard) of the abutting parcels are built to the underlying zone’s minimum density, per 10.704(A)(1)(b).

Table 10.704 – 1 Infill Residential, Permitted

Parcel ID	Underlying Zone	Gross Lot Acreage (sq. ft.)	Minimum Density (10.708), Meets (Y/N)
a.	SFR- 6	.24 (10,500 sq. ft.)	1 dwelling unit per acre Y
b.	SFR-6	.24 (10,500 sq. ft.)	1 dwelling unit per acre Y
c.	SFR-10	.24 (10,500 sq. ft.)	1 dwelling unit per acre Y
d.	SFR-10	.16 (7,000 sq. ft.)	1 dwelling unit per acre Y
e.	SFR-10	.27 acres (11,700 sq. ft.)	2 dwelling units per acre N
f.	SFR-10	.16 (7,000 sq. ft.)	1 dwelling unit per acre N
g.	SFR-10	.16 (7,000 sq. ft.)	1 dwelling unit per acre Y
h.	SFR-10	.34 (14,810 sq. ft)	2 dwelling units per acre Y

Figure 10.704 – 2 Infill Residential, Not Permitted



10.704 – 2 illustrates a subject parcel in a residentially zoned neighborhood, with a mix of densities. Densities range from one dwelling unit per acre minimum to 10 dwellings per acre maximum. Abutting lot g. can be split into four or more parcels and lots a. and g. are zoned SFR-00. Therefore, the subject parcel in figure 10.704 – 2 is not to be considered infill per Section 10.704(A)(1)(c), even though the criteria in Section 10.704(A)(1)(a & b) are met.

Table 10.704 – 2 Infill Residential, Not Permitted

Parcel ID	Underlying Zone	Gross Lot Acreage (sq. ft.)	Minimum Density (10.708), Meets (Y/N)
a.	SFR-00	.27 (11,760 sq. ft.)	1 dwelling unit per acre Y
b.	SFR-6	.27 (11,760 sq. ft.)	1 dwelling unit per acre Y
c. (3 lots)	SFR-10	.17 (7,400 sq. ft.)	1 dwelling unit per acre Y
d.	SFR-6	.16 (6,970 sq. ft.)	1 dwelling unit per acre Y
e.	SFR-6	.16 (6,970 sq. ft.)	1 dwelling unit per acre Y
f.	SFR-6	.16 (6,970 sq. ft.)	1 dwelling unit per acre Y
g.	SFR-00	.80 (34,850 sq. ft.)	1 dwelling unit per acre Y

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(2) Infill, Commercial/Industrial.

- (a) The development or redevelopment on land that is designated for commercial or industrial use where at least 75 percent of the abutting properties contain a structure of at least 1,200 square feet of gross floor area or contain a multiple family dwelling; and
- (b) Neither the subject or abutting parcels are large enough to be subdivided into four or more individual lots using the underlying zoning district’s development standards; and
- (c) The subject parcel’s proposed development will not be permitted to develop structures using the development standards as outlined in MLDC Sections 10.722 – 10.725, Large Retail Structures.

Figure 10.704 – 3 Infill Commercial/Industrial, Permitted

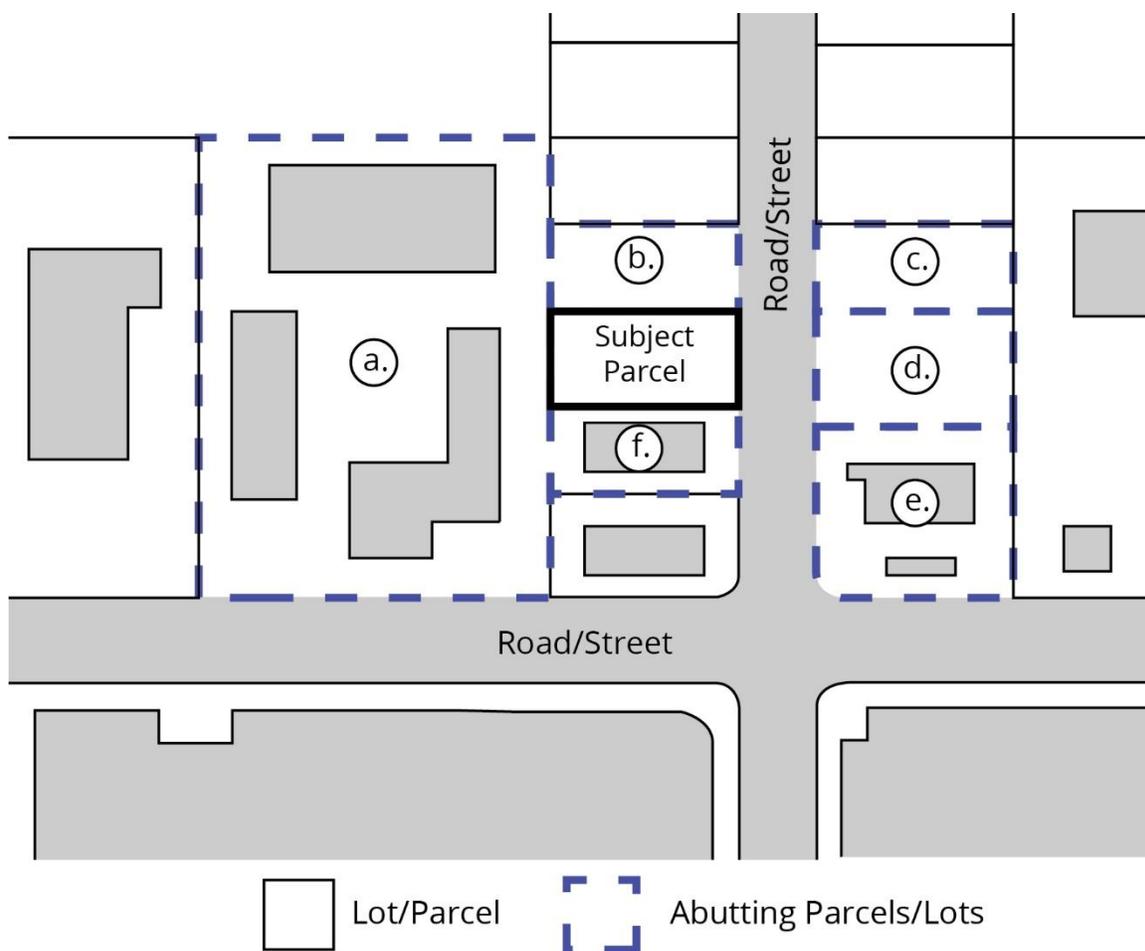


10.704 – 3 illustrates a subject parcel in a commercially and residentially zoned neighborhood, with a mix of uses. Uses include offices, retail, restaurants and residential units. Five of the six (5/6), or 83%, of the abutting properties meet the criteria in 10.704(A)(2)(1); the criteria requires that 75% of the abutting parcels contain either a structure with a gross floor area of 1,200 sq. ft.

or a multi-family dwelling (i.e. a building with three or more dwelling units attached).

Table 10.704 – 3 Infill Commercial/Industrial, Permitted				
<u>Parcel ID</u>	<u>Underlying Zone</u>	<u>Building Gross Floor Area</u>	<u>Land Use</u>	<u>Meets 10.704(A)(2)(a) (Y/N)</u>
<u>a.</u>	<u>C-S/P</u>	<u>2,600 sq. ft.</u>	<u>Multi-family</u>	<u>Y</u>
<u>b.</u>	<u>SFR-10</u>	<u>1,500 sq. ft.</u>	<u>Single-Family</u>	<u>Y</u>
<u>c.</u>	<u>C-S/P</u>	<u>1,050 sq. ft.</u>	<u>Single-Family</u>	<u>N</u>
<u>d.</u>	<u>C-S/P</u>	<u>1,800 sq. ft.</u>	<u>Single-Family</u>	<u>Y</u>
<u>e.</u>	<u>C-S/P</u>	<u>1,200 sq. ft.</u>	<u>Office</u>	<u>Y</u>
<u>f.</u>	<u>C-S/P</u>	<u>2,000 sq. ft.</u>	<u>Restaurant</u>	<u>Y</u>

Figure 10.704 – 4 Infill Commercial/Industrial, Not Permitted



10.704 – 4 illustrates a subject parcel in a commercially and industrially zoned district, with a mix of uses. Uses include offices, retail, manufacturing and warehousing. Three of the six (3/6), or 50%, of the abutting properties meet the criteria in 10.704(A)(2)(1); the criteria requires that 75% of the abutting parcels contain either a structure with a gross floor area of 1,200 sq. ft. or a multi-family dwelling (i.e. a building with three or more dwelling units attached).

Additionally, parcel a. is able to be subdivided into more than four lots. Parcel a. has a gross lot area of 180,000 square feet (4.1 acres) and can be subdivided into 12 commercial properties per the underlying zoning district’s minimum lot area (i.e. 15,000 square feet for C-R zone). Therefore, the subject parcel is not considered infill as it doesn’t meet two of the criteria identified in 10.704(A)(2).

Table 10.704 – 4 Infill Commercial/Industrial, Not Permitted				
<u>Parcel ID</u>	<u>Underlying Zone</u>	<u>Building Gross Floor Area</u>	<u>Land Use</u>	<u>Meets 10.704(A)(2)(a) (Y/N)</u>
<u>a.</u>	<u>C-R</u>	<u>40,000 sq. ft.</u>	<u>Warehousing</u>	<u>Y</u>
<u>b.</u>	<u>C-R</u>	<u>No Building</u>	<u>Vacant</u>	<u>N</u>
<u>c.</u>	<u>C-R</u>	<u>No Building</u>	<u>Vacant</u>	<u>N</u>
<u>d.</u>	<u>C-R</u>	<u>No Building</u>	<u>Vacant</u>	<u>N</u>
<u>e.</u>	<u>C-H</u>	<u>10,000 sq. ft.</u>	<u>Retail</u>	<u>Y</u>
<u>f.</u>	<u>C-H</u>	<u>10,000 sq. ft.</u>	<u>Manufacturing</u>	<u>Y</u>

(B) Through Lot. A through lot contains both a front and rear lot line abutting a street. Through lots shall be permitted in all zones when one of the abutting streets is a collector or arterial street. The property owner shall designate one frontage as the front yard and the other shall be the street side yard. Those yards shall be subject to required yard standards in Sections 10.710-10.723.

* * *

10.707 Exceptions to Yard Requirements.

A. General Exceptions. These exceptions shall be in addition to the provisions outlined in Section 10.701A. The following projections shall be permitted within the required yard area:

* * *

10.721 Commercial and Industrial Site Development Standards.

The following standards apply to commercial and industrial development. See Article III, Sections 10.326 through 10.332 for detailed descriptions of each zoning district, and Section 10.337 for conditional, special, and permitted uses.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT								
Development Standards	C-N	C-S/P	C-C	C-R	C-H	I-L	I-G	I-H
Minimum & Maximum Area for Zoning District (Acres)	0.5 - 3.0	None						
Residential Standards (See 10.837)	-N/A Dwelling units allowed subject to the density standards for housing within the MFR-30 district. Site development standards shall follow the MFR-30 zone except for the maximum building height and setbacks, which shall follow the underlying commercial zoning in which the property is located. <u>See section 10.837 for additional standards for the C-N zone</u>					N/A		
Minimum	7,000	15,000			7,000	20,000	10,000	

COMMERCIAL AND INDUSTRIAL DEVELOPMENT								
Development Standards	C-N	C-S/P	C-C	C-R	C-H	I-L	I-G	I-H
Lot Area (Square Feet)								
Maximum Coverage Factor (See 10.706)	30 ⁴⁰ %	40 ⁶⁰ %			60 ⁷⁰ %	50%	90%	
Minimum Lot Width	70 feet							
Minimum Lot Depth	100 feet							
Minimum Lot Frontage	70 feet	30 feet	70 feet		30 feet	70 feet		
Minimum Front & Street Side Yard Building Setback	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports							
Minimum Side and Rear Yard Building Setback	None EXCEPT 1/2 foot for each foot in building height over 20 feet							
Maximum Building Height (See 10.705)	35 feet	85 feet EXCEPT 35 feet if structure is within 150 feet of a residential zoning district boundary or Special Area Plan designation.			35 feet	85 feet EXCEPT 35 feet if structure is within 150 feet of a residential zoning district boundary or Special Area Plan designation.		
Maximum Building Height (See 10.705)	35 feet	<u>85 feet</u> <u>EXCEPT 35 feet for the portions of a structure within 150 feet of a residential zoning district, specifically the SFR-00, SFR-2, SFR-4 and SFR-6 zones (See notes 4 & 5).</u>						
Maximum Gross Floor Area Per	2,500							

COMMERCIAL AND INDUSTRIAL DEVELOPMENT								
Development Standards	C-N	C-S/P	C-C	C-R	C-H	I-L	I-G	I-H
Business (Square Feet) Except as noted in 10.337		None	50,000	None				
Permitted Outdoor Uses	See Note 1	See Note 2				See Note 3		
Note 1: All uses must be located completely within an enclosed building or behind a sight-obscuring fence.								
Note 2: All uses, EXCEPT those customarily conducted outdoors, must be located completely within an enclosed building.								
Note 3: All uses, EXCEPT those customarily conducted outdoors, must be located behind a sight-obscuring fence.								
Note 4: <u>When the SFR-00 zone is used as a holding zone for a multi-family or commercial zone, the above building height restrictions shall not apply to the building height standards.</u>								
Note 5: <u>The 150 feet shall be measured from the property line residential zoning district, not the street centerline.</u>								
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>								

* * *

10.741 Parking and Loading, General Provisions.

* * *

B. Change of Use Parking and Loading Requirements.

The number of parking and loading spaces provided shall be increased when a change of use of either a structure or of land requires additional parking and loading spaces in compliance with this Code, except as provided below. Parking and loading spaces may be decreased when a change of use requires fewer spaces than originally provided.

A principal use which is not deficient in the number of parking and loading spaces provided may expand without having to provide additional parking and loading spaces under certain circumstances. Such circumstances are:

- (1) When, after the expansion or change in use, the number of parking and loading spaces provided still meets or exceeds the required minimum or,
- (2) If the expansion or change in use results in the need to provide no greater than ~~twenty-five~~ twenty-five percent (~~25~~50%) additional parking and/or loading spaces in order to meet the minimum number of required spaces, these additional spaces are waived. This provisions shall not exempt conformance with parking required under the Americans with Disabilities Act (ADA);

* * *

10.743 Off-Street Parking Standards.

- (1) Vehicle Parking – Minimum and Maximum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10.743-1 or other applicable provisions of this code that reduce the parking requirement.

Where a use is not specifically listed in Table 10.743-1, parking requirements shall be determined

by the Planning Director or designee finding that the use is similar to one of those listed in terms of parking needs.

Parking spaces that count toward the minimum requirement are parking spaces meeting minimum dimensional and access standards in garages, carports, parking lots, bays along driveways, and shared parking areas.

[For non-residential uses, there is no minimum number of off-street parking spaces required in the Downtown Parking District, per Section 10.358(1)(a); and the Southeast (S-E) Overlay District, Commercial Center, per Section 10.378(6).]

(2) Number of Required Parking Spaces. Off-street vehicle parking spaces shall be provided as follows:

(a) Parking Space Calculation. Parking space ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.

(b) Parking Categories.

(i) Table 10.743-1 contains parking ratios for minimum required number of parking spaces and maximum permitted number of parking spaces for each land use.

A. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.

B. Maximum Number of Permitted Parking Spaces. The number of parking spaces provided shall not exceed the maximum number of parking spaces allowed for each listed land use.

(3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The approving authority may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.186 if they find that ~~the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following:~~ any of the below provisions apply. No more than two proposed deviations outlined in 10.743(3) may be used for a parking exception. The parking exceptions are as follows:

~~_____ (a) An explanation why the characteristics of the proposed use require a different off-street parking standard than what is otherwise required.~~

~~_____ (b) An analysis providing parking data for the same business or a similar use within the city that demonstrates a need for a different off street parking standard than what is otherwise required.~~

(a) Expansion or change of use of an existing structure, with a permitted use, may waive the first fifty percent (50%) of the new required parking. This provisions shall not exempt conformance with parking standards required under the Americans with Disabilities Act (ADA); or

(b) In multi-family or mixed-use developments, the first five off-street parking spaces required of the residential units shall be waived when consisting of 15 or more units; or

(c) A reduction of one off-street parking space shall be approved for each 24 feet of linear roadway with on-street parking directly abutting the proposed development, excluding driveway widths/throats; or

(d) Residential development may reduce the required off-street parking requirement by fifty percent if it is within:

_____ (i) A quarter miler (1/4) radius of a transit stop;

- (ii) A half (1/2) mile radius of an existing bicycle facility including a bicycle lane, multi-use/shared-use path or neighborhood bikeway;
- (iii) A transit oriented district, as outlined in the Transportation System Plan (TSP); or

(e) Reductions of any amount of off-street parking shall be approved to preserve environmental resources or to allow for environmental restoration.

(f) Reductions of off-street parking, of any number, shall be approved when the applicant for land use review has produced parking needs analysis for the proposed use that demonstrates that a lower parking requirement adequately serves the parking needs of the use. This parking needs analysis shall be prepared by an Oregon registered engineer, architect or by a professional qualified to do such analysis. At a minimum, parking analysis shall include:

- (i) A finding as to why the characteristics of the proposed use/development require a different off-street parking standard than what is otherwise required; and
- (ii) An analysis providing parking data for the same business or a similar use/development within the city that demonstrates a need for a different off-street parking standard than what is otherwise required; and
- (iii) A finding as to why the standards mentioned above (10.743(1)(a-e) are not sufficient enough to provide a significant parking reduction.

* * *

10.837 Dwelling Units in Commercial Districts.

Dwelling Units shall be allowed in all commercial districts except the Neighborhood Commercial (C-N) zone subject to the density standards for housing within the MFR-30 district. The site development standards shall follow those for the MFR-30 zone, except for the maximum building height and setbacks, which shall follow the underlying commercial zoning in which the property is located. In addition, single family dwelling units shall be allowed in all commercial districts when attached to a commercial building and approved by the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission as applicable.

~~(1) In the~~ Neighborhood Commercial (C-N) district. ~~s~~Single family and multiple family residential uses are permitted only when:

- (a) residential density is comparable to the average density of the abutting parcels; or
 - (b) mixed-use and subordinate to the primary use, or
 - (c) permitted per the Accessory Dwelling Unit standards (§10.821), or
 - (d) permitted per the non-conforming standards outlined in Sections 10.032 – 10.037.
- ~~the total residential use is attached, accessory, and subordinate to the primary commercial use.~~