

## CHAPTER 106.28 - SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS

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### Sections:

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### 106.28.010 - Purpose

The provisions of this Chapter regulate development and new land uses in the special purpose and overlay zoning districts established by Section 106.20.020 (Zoning Map and Zoning Districts), and provide guidance for development within the overlay zoning districts in the form of standards that apply to proposed development in addition to the standards and regulations of the primary zoning district, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

### 106.28.020 - Applicability of Overlay Zoning Districts

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Zoning Code. Any perceived conflict between the provisions of this Chapter and any other provision of this Zoning Code shall be resolved in compliance with Chapter 106.12 (Interpretation of Zoning Code Provisions).

- A. **Mapping of overlay districts.** The applicability of any overlay zoning district to a specific site is shown by the overlay Zoning Map symbol established by Section 106.20.020 (Zoning Map and Zoning Districts), being appended as a suffix to the symbol for the primary zoning district on the Zoning Map. The overlay districts are applied to property through the rezoning process (Chapter 106.74).
- B. **Allowed land uses, permit requirements, development standards.** Except as may be otherwise provided by this Chapter for a specific overlay district:
  1. Any land use normally allowed in the primary zoning district by this Article may be allowed within an overlay district, subject to any additional requirements of the overlay district;
  2. Development and new land uses within an overlay district shall obtain the zoning approvals required by this Article for the primary zoning district; and
  3. Development and new land uses within an overlay district shall comply with all applicable development standards of the primary zoning district, all other applicable provisions of this Zoning Code (e.g., Article 3 - Site Planning and Project Design Standards), and the City's Design Guidelines.

### 106.28.030 - Special Planning Area (SPA) Zoning District

- A. **Purpose.** The SPA zoning district is intended to provide for flexibility in the application of Zoning Code standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Zoning Code standards would produce without adjustment. The City expects each project within a Special Planning Area to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.
- B. **Allowable land uses and planning permit requirements.** Allowable land uses within each SPA district are specified by each SPA adopting ordinance.

- C. **Zoning district development standards.** Development standards that apply in a particular SPA district are as specified by the applicable SPA adopting ordinance.
- D. **Required findings.** The Commission may recommend the approval of a requested rezoning to apply the SPA zoning district, and the Council may approve rezoning to SPA only after first making all of the following findings, in addition to those required for a rezoning by Section 106.74.060 (Findings).
1. The project is consistent with the General Plan and any applicable specific plan;
  2. The project complies with all applicable provisions of this Zoning Code other than those modified by the SPA ordinance;
  3. The approved modifications to the development standards of this Zoning Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of any identified environmental impacts;
  4. The project complies with all applicable provisions of the City's Design Guidelines;
  5. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities;
  6. The planning concepts and design features of the project are reasonably suited to the characteristics of the site and the surrounding neighborhood;
  7. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;
  8. The site is adequate for the project in terms of size, shape, topography, and circumstances; and
  9. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

**106.28.040 - Corridor (COR) Overlay Zoning District**

**A. Purpose.** Portions of some major transportation corridors, where residential development fronts directly onto the street, have been identified in the General Plan as "transitional." These are areas that present special challenges for continued single-family residential uses, and where certain "light" ("low-impact" and/or "low intensity") commercial uses and a mixture of residential and light commercial uses are appropriate.

1. The Corridor (COR) overlay zone is to be applied in conjunction with a residential zoning district to expand on the uses and standards of that zoning district. The purpose of the COR overlay is to allow existing residential uses to continue, but also to allow a mix of new residential, business service, and professional office uses that are compatible with existing single-family residential uses in identified transition areas along major transportation corridors. This overlay zone is not intended to accommodate citywide demand for office space, most of which is better met in other "traditional" office and commercial zones, nor is the purpose to allow or foster strip-commercial / retail uses.
2. The COR overlay zone is intended to accomplish the following:
  - a. Allow compatible use conversions that extend the economic life of the existing residential structures;
  - b. Allow owners to justify expenditures for repairs and modernization of their residential structures;
  - c. Create both a buffer, and a true transition, between pure residential uses and major transportation corridors;
  - d. Allow for the conversion of existing structures, creating economic advantages for new users;
  - e. Allow properties to take advantage of easy access onto major streets;
  - f. Allow properties to take advantage of visibility from major streets; and
  - g. Develop well designed and aesthetically pleasing mixed uses.

**B. Allowable land uses and permit requirements.**

1. **Permitted uses.** The following uses are permitted within the COR overlay zone:
  - a. All uses listed by Article 2 (Zoning Districts and Allowable Land Uses) as permitted in the applicable residential zone, including home occupations; and
  - b. Non-residential uses legally in existence on or before November 13, 2005.
2. **Conditional uses.** The following uses are allowed within the COR overlay zone subject to Use Permit approval (Section 106.62.050).
  - a. All conditional uses permitted in the underlying residential zone;
  - b. New non-residential uses that meet the development and operating standards in Subsection C., and are consistent with the purposes in Subsection A.
    - (1) Examples of the type of uses that would be consistent in this overlay zone include various business and professional offices including those for insurance, real estate, law, photography, and advertising.

- (2) Uses generating a high volume of traffic, and Commercial/Industrial or other uses that create heightened levels of noise, odor, or nuisance conditions for surrounding residents, are prohibited in this zone (e.g. certain retail sales; certain medical offices);
  - c. Expansion or enlargement of non-residential uses legally in existence on or before November 13, 2005; and
  - d. Expansion of existing retail sales and medical offices, only if the review authority determines that the resulting traffic generation is minimal.
3. **Accessory uses.** The following accessory uses are permitted within the COR overlay zone:
- a. All accessory uses permitted in the underlying residential zone;
  - b. Accessory uses legally in existence on or before November 13, 2005 [the effective date of the revised Corridor overlay]; and
  - c. Existing residential uses shall be allowed to construct a wood fence, masonry wall or other acceptable buffering feature 10 feet back from the front property line. Landscaping shall be required in the 10-foot setback area. The design of the wall and landscaping shall comply with the traffic safety visibility area requirements of Section 106.30.060.E (Height Limits and Exceptions - Height limits at street corners). The design of the wall and landscaping shall be reviewed by the Department to ensure compatibility of design, materials, and species.
4. **Prohibited uses.** The following uses are prohibited within the COR overlay zone.
- a. Automotive uses;
  - b. Check cashing;
  - c. Eating, drinking, and lodging uses, except for bed and breakfast inns;
  - d. Entertainment uses;
  - e. Food, drug, and liquor sales;
  - f. Kennels;
  - g. Liquor sales;
  - h. Manufacturing and processing uses;
  - i. Recreation equipment sales;
  - j. Repair services, except for small appliance and minor household equipment repair;
  - k. Retail sales exceeding 1,000 square feet;
  - l. Tattoo parlors;
  - m. Transportation facilities and services, except for transit shelters or bus benches;
  - n. Other uses determined by the Commission to be of a similar nature, but not specifically named in this Section.

C. **Development and operating standards.** Each use requiring Use Permit approval within the COR overlay zone shall comply with each of the following standards.

1. **Height.** Height regulations, shall be the same as otherwise provided for within the underlying residential zone.
2. **Area and setback requirements.** The area, lot width and yard requirements shall be the same as those of the underlying residential zone. Setbacks for rear and side yards, for any new construction, or addition to the dwelling, for purposes of housing a conditional use, shall be twice those required for residential uses. Front yard setbacks shall be the same as those of the underlying residential zone.
3. **Subdivision requirements.** The intent of the COR overlay zone is to apply only to parcels fronting on a major corridor. If there is a request to subdivide a parcel within the COR overlay zone, there shall be a zone change hearing held simultaneously, to rezone the parcel no longer fronting on the major corridor, to remove the COR designation.
4. **Other required conditions.** Other required conditions shall be the same as those of the underlying residential zone.
5. **Driveway consolidation.** Wherever possible, new uses shall provide for consolidation of driveway access through parcel consolidation or reciprocal easements.
6. **Hours of operation.** Traffic generating hours shall reflect the underlying residential zoning, and shall be restricted to the hours of 8:00 am to 8:00 pm, or shorter, as deemed appropriate by the Commission, through the Use Permit process, to maintain compatibility with adjoining residential uses.
7. **Signs.** One freestanding monument sign is allowed per parcel. Maximum area is 24 square feet. Three feet of landscaping is required in every direction from the exterior portions of any part of the monument sign. Maximum height of the sign is six feet. Spacing of freestanding signs shall be a minimum of 50 feet from adjacent freestanding signs on adjacent parcels. Parcels that have no public street frontage shall be allowed to advertise on a freestanding sign located on a contiguous parcel which fronts on a public street. Sign area may be increased by a maximum of 12 square feet in area and shall be in addition to the sign area allowed for the parcel having public street frontage. Wall mounted tenant identification signage to guide customers to a particular office is allowed, up to a maximum of 24 inches by 36 inches. The front yard setback for signage is 10 feet.
8. **Equipment.** No equipment shall be used that creates electrical or electronic interference, noise, vibration, fumes, odor, glare, smoke, dust, visual blight, conditions that constitute a nuisance, or hazardous conditions not normally associated with residential uses. Each application for a conditional use shall be reviewed by the City to ensure compatibility with adjoining uses.
9. **Employees, clients, patrons.** The number of employees, clients, and/or patrons may be limited by the availability of on-site parking and/or by traffic considerations. New high-traffic generating uses shall not be allowed.
10. **Architecture/design modification.** New structures or modification of existing structures for new uses must be architecturally compatible with adjoining residential uses, and shall require the submittal of a Design Review application in conjunction with the Use Permit application, for review and approval by the Commission.
11. **Parking.** Parking shall be provided as required by Chapter 106.36 (Parking and Loading). The location of parking within the subject site shall be determined through Use Permit or Design Review, and shall be

limited to those areas of the site which minimize parking related impacts on adjoining residences. Under no circumstances shall parking be located closer than 10 feet from any property boundary.

12. **Exterior lighting.** Exterior lighting shall be minimal and shall not exceed typical lighting for a residence. Allowed lighting shall not spill-over onto nor cause glare for adjoining properties. Any lighting associated with a use requiring a Use Permit and Design Review, shall be reduced in output or turned off during non-business hours. Under no circumstances shall any lighting exceed a one foot-candle level in any location along the perimeter of the subject property, nor shall any luminaire be closer than 10 feet to any property line. Exterior lighting shall also comply with Chapter 106.35 (Outdoor Lighting).
  13. **Walls and fencing.** Masonry walls may be required along the side and rear property lines to protect adjoining residential uses, refer to section 106.30.090 (Screening). Sound walls along the street are generally not allowed except where determined by the City to be necessary to protect sensitive uses. Landscaping shall be installed adjacent to any required masonry wall. Each wall or fence shall also comply with the requirements of Section 106.30.050 (Fences and Walls).
  14. **Unique environmental features.** Unique environmental features of the site including creeks, trees, and original landscaping (where desirable) shall be protected and incorporated into the site plan.
  15. **Other applicable regulations.** Each use shall comply with provisions of health code regulations, the Americans with Disabilities Act, relevant uniform building codes, applicable provisions of the Alcohol, Tobacco, and Firearms Division of the federal Department of Treasury, and all other applicable federal, state, or local regulations.
- D. **Approval process.** Except as otherwise provided in this Section, the requirements of Section 106.62.050 (Use Permit and Minor Use Permit) shall apply.
1. Each conditional use within the COR overlay zone shall require the submittal and approval of individual Use Permit and Design Review applications. Each application shall be prepared, submitted to the Department, and scheduled for public review and hearing before the Commission in compliance with Chapters 106.60 (Permit Application Filing and Processing), and 106.62 (Permit Review and Decisions).
  2. The notice of the public hearing before the Commission for the Use Permit and Design Review required by Chapter 106.76 (Public Hearings) shall be mailed to property owners within a 500 foot radius of the project site, or greater distance at the discretion of the Department.
  3. Public comment shall be included as part of the record for consideration by the Commission at the public hearing.
  4. Upon acceptance of a properly filed application, the Commission shall determine whether to approve, approve with conditions, or deny the application. Applicants shall receive written notice of the decision, circulate it for public review, and schedule the application for public hearing before the Commission.
  5. Decisions of the Commission may be appealed to the Council in compliance with Chapter 106.72 (Appeals).
- E. **Required findings for approval.** The approval of a conditional use allowed by Subsection B. shall require that the review authority first make all of the following findings:
1. The use is compatible with adjacent land uses;
  2. The proposed site layout and building designs are compatible with adjoining residential land uses;

3. The site is of an appropriate size and configuration for the new use, and is efficiently and aesthetically designed for the proposed operations;
4. The use complies with the development standards in Subsection C., and all applicable design guidelines; and
5. The parking design emphasizes safety, minimizes traffic congestion, avoids aesthetic impacts, and does not negatively impact pedestrian circulation.

