

~~suitably surfaced for garden furniture shall be provided, not less than 100 feet in area or ten feet in minimum dimension. This section may be covered in whole or in part by a roof.~~

~~8.—Walkways and lighting. Concrete walkways not less than four feet wide shall be provided from mobile home sites to service buildings and along all access drives. All walkways shall be lighted at night with a minimum illumination consistent with the "Outdoor lighting" standards of section 15.05.140.~~

15.05.190 Use of Public Rights-of-Way

Commentary:

No substantive changes are proposed to this section.

Public rights-of-way shall be used for public purposes, including, but not limited to, utilities, streets and alleys, pedestrian walkways and bicycle paths, landscaping, and public signs (speed limit, street name signs, etc.). Private use of the public right-of-way, where allowed, is subject to chapters 13.04, Work in City Property, and 13.37, Use of Public Places, as well as section 15.05.090, "Landscaping, buffering and screening" of the Municipal Code.

15.05.200 Residential Compatibility

Commentary:

This section represents a new section in the development standards chapter.

As suggested in the Assessment Memo, these are new standards to ensure compatible transitions between districts and uses. The standards in this section are not the only standards that serve to protect neighborhoods in the updated LDC. For example, the zoning map itself will ensure that appropriate transitions are being applied between more intense development and residential development. The use regulations also require physical separation (250 feet or more depending on use) between residential and more intensive types of uses (examples include vehicle repair, bars/nightclubs, funeral facilities, marijuana retail, etc.). As another example, the building design standards in earlier sections also help to protect neighborhoods by setting the bar higher for development quality and aesthetics.

As an alternative to this distinct section on residential compatibility, these standards could be woven throughout the LDC (use-specific standards, parking, landscaping, operations, etc.). DISCUSSION: Are there other important aspects of neighborhood protection that should be addressed in this section?

A. Purpose

The purpose of this section is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when nonresidential and mixed-use districts abut lower-intensity residential districts.

B. Applicability

1. These standards apply to the following:
 - a. Attached residential, nonresidential or mixed-use development adjacent to lots used for or zoned for less intensive residential uses in the R-RU, R-SF, R-MI and PUD districts.

- b. Specific uses as identified in Section 15.04.030 as having to comply with this section.
2. When the provisions of this section conflict with other sections of this development code, the more restrictive provision(s) shall apply.

C. Building Organization and Design

1. Building design shall comply with non-residential and mixed use design standards in Section 15.05.120 or residential design standards in Section 15.05.110.
2. Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses, so that new structures have a comparable scale as adjacent residential structures along the shared lot line or street frontage.
3. Horizontally integrated mixed-use developments shall locate nonresidential uses away from adjacent lots zoned for residential land uses.
4. Multi-story structures with balconies, patios, or other public gathering spaces more than 2 stories above grade shall orient these features to avoid direct views into lots in lower intensity residential districts.
5. Design review board – Reserved.

D. Building Height³⁷

1. No portion of an attached residential, mixed-use, or nonresidential building shall exceed the allowed height of the adjacent residential zoning within 75 feet of a property occupied by or zoned for single-family detached or other less intensive residential use.
2. Any portion of an attached residential, mixed-use, or nonresidential building between 75 and 125 feet of a property occupied by or zoned for single-family detached residential or other less intensive residential use may be up to [X] additional story(ies) taller than the allowed height of the adjacent residential zoning, provided the building is designed to be compatible with adjacent residential uses.

Insert graphic showing building step-backs

E. Location of Off-Street Parking Areas³⁸

Off-street parking shall be located in one or more of the areas listed below. The areas are listed in priority order from highest to lowest; the applicant shall select the highest feasible area from this list, and shall demonstrate why that area was selected over alternative areas.

1. Adjacent to off-street parking lots serving nonresidential uses;
2. Adjacent to lots with nonresidential development;
3. Adjacent to lots with mixed-use development;
4. Behind the building;

³⁷ DISCUSSION: What is an appropriate building height transition between different uses?

³⁸ These standards may be relocated to the parking design standards or to the residential site design standards.

5. In front of the building; or
6. Adjacent to lot lines abutting residential uses.

F. Buffering and Screening

1. Mixed-use or nonresidential service areas containing outdoor garbage or recycling containers or off-street loading areas shall not be located within 10 feet of a lot occupied by or zoned for residential use.
2. Landscaped buffers shall be provided pursuant to Section --.³⁹
3. Service and loading areas shall be screened from lots zoned for residential use pursuant to Section -
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G. Outdoor Lighting

Outdoor lighting shall meet all standards in Section -- and shall:

1. Have a maximum pole height of 15 feet within 50 feet of any residential zoning district, 25 feet in height for locations between 51 and 150 feet from any residential zoning district, and 30 feet in height for all other locations;
2. Be fully-shielded;
3. Be configured so that the source of illumination is not visible;
4. Be directed away from adjacent lots in residential districts; and
5. Not exceed one foot-candle at the property line if the subject property abuts a residential zoning district or a lot containing a residential use.

H. Use and Operation

1. Where these residential compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:
 - a. Public address systems and/or outdoor speakers; and
 - b. Outdoor storage.⁴⁰
2. Nonresidential uses with outdoor activities located adjacent to lots in a residential district shall cease operation of such outdoor activities by 10:00 p.m.
3. Loading or unloading activities shall take place only between the hours of 7:00 a.m. and 10:00 p.m.
4. Alternate hours of outdoor activities may be approved by the Director if the applicant demonstrates that the activity is compatible with the surrounding properties and neighborhood.⁴¹
5. The use complies with operational and performance standards of Section 15.05.160.

³⁹ Cross-references will be updated in public draft when all development standards are included in a consolidated draft.

⁴⁰ Are there other uses that should be prohibited in these transition areas?

⁴¹ Currently 15.04.020.B.24 allows alternative hours with evidence that such operations comply with the city's noise standards. We left this alternative standard more broad, requiring the applicant to demonstrate compatibility. Should this process require a public hearing, such as a variance?

I. Residential Development Adjacent to Nonresidential or Mixed-Use Development⁴²

When residential development is proposed adjacent to an existing nonresidential or mixed-use development, the decision-making body may impose residential compatibility standards on the proposed residential development including the configuration of the building and dwelling units to minimize potential conflicts with adjacent development. Any required mitigation shall be installed and maintained by the residential development, not the existing commercial or industrial use.

⁴² New standard intended to address potential “we were here first” issues.