



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Notice of Decision

DC-06-18


January 10, 2019

TYPE OF APPLICATION:	Development Code amendments to update the City's existing sign regulations (Article 13) to be more content-neutral and to improve clarity and readability.
REVIEW BODY:	Planning Commission and City Council (Type IV land use process)
APPLICANT:	City of Albany, Community Development Department
ADDRESS/LOCATION:	Not Applicable

On January 9, 2019, the Albany City Council adopted Ordinance No. 5923 to amend the Albany Development Code as described above.

A Copy of Ordinance No. 5923 is available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact Anne Catlin, Project Planner or David Martineau, Planning Manager at (541) 917-7550.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per ORS 197.830 a notice of intent to appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of the decision is mailed or otherwise submitted to parties entitled to notice.



City of Albany Mayor

Attachment:
Ordinance No. 5923 with Associated Exhibit

Mail Date: January 10, 2019

Appeal Period Expiration: January 31, 2019





AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY DEVELOPMENT CODE TEXT AND ADOPTING FINDINGS

WHEREAS, on December 3, 2018, the Albany Planning Commission held a public hearing and deliberated on proposed legislative text amendments to the Albany Development Code related to the size of retail uses in older buildings within the Neighborhood Commercial and Office Professional zones, development on steep hillsides, and the intent of Cluster Development standards (City of Albany Planning File DC-06-18); and

WHEREAS, on December 3, 2018, the Planning Commission recommended that the City Council approve the proposed text amendments. This recommendation was based on evidence presented in the staff report and consideration of public testimony during the public hearing; and

WHEREAS, the Albany City Council held a public hearing on the proposal on January 9, 2019, and reviewed the findings of fact and conclusions included in the staff report and testimony presented at the public hearing and then deliberated; and

WHEREAS, the text amendments to the Albany Development Code considered by the Planning Commission and City Council are presented as an attachment to this Ordinance as Exhibit A.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The text of the Albany Development Code is hereby amended as shown in Exhibit A of this Ordinance.

Section 2: A copy of this Ordinance shall be filed in the Office of the City Clerk of the City of Albany and these changes shall be made in the official City of Albany Development Code.

Passed by the Council: Jan 9, 2019

Approved by the Mayor: Jan 9, 2019

Effective Date: Feb 8, 2019


Mayor

ATTEST


City Clerk



ARTICLE 4 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

- 4.010 **Overview.** The zones created in this article are intended to provide land for commercial, office and industrial uses. The differences among the zones, in the permitted uses and development standards, reflect the existing and potential intensities of commercial and industrial development. The site development standards allow for flexibility of development while minimizing impacts on surrounding uses. The regulations in this article promote uses and development that will enhance the economic viability of specific commercial and industrial areas and the city as a whole. Development may also be subject to the provisions in Article 8, Design Standards, Article 9, On-Site Development and Environmental Standards, and Article 12, Public Improvements. Sites within overlay districts are also subject to the provisions in Article 6, Special Purpose Districts, and Article 7, Historic Overlay Districts. [Ord. 5555, 2/7/03]

The following list is a summary of the topics covered in this article:

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards
- Airport Approach Overlay District

ZONING DISTRICTS

- 4.020 **Establishment of Commercial and Industrial Zoning Districts.** In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following commercial and industrial zoning districts are created:

- (1) **OP – OFFICE PROFESSIONAL DISTRICT.** The OP district is intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses and the desired character of the neighborhood. OP is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts.
- (2) **NC – NEIGHBORHOOD COMMERCIAL DISTRICT.** The NC district is intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.
- (3) **CC – COMMUNITY COMMERCIAL DISTRICT.** The CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas.
- (4) **RC – REGIONAL COMMERCIAL DISTRICT.** The RC district is intended primarily for developments that serve the wider Albany region. RC allows a wide range of retail sales and service uses, and is typically appropriate for developments that require large sites near Interstate 5.

SCHEDULE OF PERMITTED USES

4.040 Interpretation. Each use category in the schedule of permitted uses is described in Article 22, Use Categories and Definitions. Article 22 classifies land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods and services are sold or delivered, and certain site factors. In addition to the clarification in Article 22, the following provisions shall be used to interpret the schedule of permitted uses found in this Article: [Ord. 5555, 2/7/03]

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the city. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics.
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan review, the entire development shall be reviewed utilizing the conditional use criteria if concurrent approval of all uses is sought.
- (3) A change in the use of a property is subject to review as specified by the schedules of permitted uses:
 - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.070,
 - (b) When a property that has been unoccupied for more than one year and is non-conforming under the provisions of Article 2 is proposed to be occupied.

4.050 Schedule of Permitted Uses. The specific uses listed in the following schedule (Table 4-1) are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings:

- Y Yes, use allowed without review procedures but may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
- CU Use considered conditionally through the Type III procedure under the provisions of Sections 2.230-2.260.
- CUII Uses considered conditionally through the Type II procedure under the provisions of Sections 2.230-2.260. [Ord. 5742, 7/14/10]
- PD Use permitted only through Planned Development approval.
- N No; use not allowed in the zoning district indicated.
- X/X Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition to determine what review process is required based on the details of the use.

A number opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). The conditions are found following the schedule, in Section 4.060.

[Ord. 5555, 2/7/03]

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	OP	NC	CC	RC	TD	IP	LI	HI
Units Above or Attached to a Business		S	S	S	CU	S	S	S	N
Residential Accessory Buildings	21	Y/S	Y/S	N	N	N	N	N	N
OTHER CATEGORIES									
Agriculture (on Vacant Land)	22	N	N	N	Y	N	Y	Y	Y
Satellite Dish, Other Antennas, & Communication Facilities <50 ft.	23	Y	Y	Y	Y	Y	Y	Y	Y
Communication Facilities >= 50 ft.	23	N	N	CU	S	CU	CU	S	Y
Kennels	24	N	N	N	CU	N	N	S	N
Non-Res'l Accessory Buildings		S-18	Y	Y	Y	Y	Y	Y	Y
Passenger Terminals		N	N	S	CU	S	CU	CU	N
Rail And Utility Corridors		CU	CU	CU	CU	S	CU	S	S

Y = Yes, allowed, no Site Plan Review required
 CU = Conditional Use review, Type III procedure
 CUII = Conditional Use review, Type II procedure

N = No, not allowed
 S = Site Plan Review required

[Ord. 5555, 2/7/03; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14, Ord. 5886, 1/6/17]

SPECIAL CONDITIONS

4.060 General. Where numbers appear in the "Special Conditions" column or in a particular cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (1) Contractors and Industrial Services in the CC, TD, IP and LI zones.
 - (a) Limited Uses. Salvage or wrecking operations are prohibited in the CC, TD, IP, and LI zones. See Section 4-290 for outside storage standards.
- (2) Manufacturing and Production. The environmental performance standards of Article 9 may limit the placement of certain uses in some districts. If the site is located within 300 feet of residentially zoned land, the use may require a Conditional Use approval.
- (3) Manufacturing in the CC zone. Manufacturing uses in CC must have a retail storefront and sell their products to the public on site.
- (4) Waste and Recycling Related Uses in the CC, LI, and HI zones.
 - (a) Limited uses in CC. Only processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are considered with a conditional use review.
 - (b) Limited uses in LI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are allowed with Site Plan Review. Salvage yards, junkyards, and refuse transfer stations are not permitted. All other material and recycling operations are considered through a conditional use review.
 - (c) Limited uses in HI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area and all other material and recycling operations, excluding salvage yards and junkyards, are allowed with Site Plan Review. Salvage yards, junkyards, sanitary landfills, and refuse transfer stations require a conditional use review.
- (5) Wholesale Sales in the IP zone. This use is allowed in IP only if all operations and storage are conducted entirely within enclosed buildings.

- (a) Limited uses in OP, NC and IP. The only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses are limited to a 5,000-square-foot maximum business footprint, except for businesses located within buildings in the OP and NC zones constructed prior to February 7, 2003 there is no business footprint limit. See Article 22 for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited.
- (b) Retail Sales and Service Uses in Existing Buildings in the LI zone. To encourage the reuse of buildings constructed prior to April 9, 2014 in the LI zone, Repair-Oriented Retail Sales and Service uses as described in Section 22.140 will be permitted through Site Plan Review. Personal Service-Oriented uses and Sales and Service-Oriented Retail Sales uses as described in Section 22.140 may be permitted through a Conditional Use review. Retail Sales and Service uses permitted in accordance with this subsection are subject to the following additional review criteria:
 - i. The street system has adequate capacity to accommodate the use through the horizon year of the current Transportation Systems Plan;
 - ii. The site has adequate on-site parking to accommodate the development, or adequate parking will be provided; and
 - iii. The development will not alter the existing building or site in a way that would discourage or preclude its later conversion back to an industrial use.
 - iv. The new commercial user shall acknowledge that industrial uses have a right to operate free from the new use complaining about externalities typical of industrial uses.

[Ord. 5832, 4/9/14]

- (12) Self-Serve Storage. These facilities are subject to the following standards:
 - (a) The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
 - (b) The maximum storage unit size is 1,000 square feet.
 - (c) All outdoor lighting shall be shielded to prevent glare and reflection on adjacent properties.
 - (d) Repair of autos, boats, motors, and furniture and the storage of flammable materials are prohibited on the premises, and rental contracts shall so specify.
- (13) Self-Serve Storage in the HI zone. Self-Serve storage units are allowed in HI only on sites less than 3 acres.
- (14) Truck Stops/Fuel Sales in the LI zone. This use is classified as Contractors and Industrial Services, rather than Vehicle Service, Quick.
- (15) Community Service Uses. Community Service uses that may have significant off-site impacts, such as public swimming pools, public safety facilities, and homeless shelters, may be considered through the conditional use process.
- (16) Educational and Religious Institutions.
 - (a) Vocational or trade schools in IP, LI and HI are allowed through Site Plan Review. All other educational and religious institutions are reviewed as a conditional use. [Ord. 5742 7/14/10]
 - (b) The conditional use approval for educational and religious institutions includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before- and after-school childcare activities; fund raising activities; and cultural programs. Such uses will not be required to go through

- (b) Dish antennas larger than three feet in diameter and located within ten feet of a residential lot line or visible from a public street shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
 - (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
 - (d) Antennas satellite dishes, monopoles and other communication structures less than 50 feet in height when measured from the ground or over 15 feet above a rooftop, and not in conformance with the above may be considered by conditional use review, Type II process.
[Ord. 5886, 1/6/17]
 - (e) See Section 8.500 for additional design standards for all telecommunications facilities.
[Ord. 5445, 4/12/00]
- (24) Kennels adjacent to residential districts are restricted to sites containing a minimum of two acres. This restriction does not apply to care and boarding provided indoors by veterinary hospitals.
[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10]
- (25) Hours of Operation. Hours of operation for establishments or outdoor seating areas within 300 feet of a residence may be restricted through conditions of approval to be compatible with neighbors.
[Ord. 5728, 1/27/10]

SPECIAL STATUS FOR SINGLE FAMILY RESIDENCES

- 4.075 Existing Uses Granted Special Status (Allowed) in the Commercial and Industrial Districts. Notwithstanding the restrictions of any other section of the Albany Development Code (ADC), all single-family residential dwellings built before January 1, 2002, on commercial or industrially zoned properties shall be deemed conforming to the base zoning district. If any building on these properties is substantially destroyed, as defined in ADC 2.340(4), it may be rebuilt to the same size (in square feet) as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted use in the base zoning district, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Article 4.
[Ord. 5789, 10/10/12; Ord. 5555, 2/7/03]

DEVELOPMENT STANDARDS

- 4.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 4-2, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-family and multiple-family developments.
[Ord. 5445, 4/12/00, Ord. 5555, 2/7/03; Ord. 5742, 7/14/10, Ord. 5768, 12/7/11]

**ARTICLE 6
HILLSIDE DEVELOPMENT**

6.170 **Purpose.** The Hillside Development overlay district (/HD) is intended to regulate the development of potentially hazardous terrain, minimize public and private losses due to earth movement hazards in specified areas, and minimize erosion and related environmental damage. It is not the intent of Hillside Development standards to transfer density within a development. [Ord. 5668, 4/11/2007]

6.180 **Applicability.** The Hillside Development standards apply to any property proposed for development that has slopes of 12 percent or greater as shown on Plate 7 of the Albany Comprehensive Plan. Where Plate 7 shows that there are slopes 12 percent or greater on a property, the applicant may choose to submit a topographic survey, prepared and stamped by a licensed surveyor or civil engineer, showing two-foot contour intervals for the entire site. If the applicant chooses to submit survey information, and the survey indicates that the property does not contain slopes 12 percent or greater, the Hillside Development standards will not apply. [Ord. 5668, 4/11/2007]

Staff Comments: Currently all developments proposed in this overlay district, except those requiring a building permit only, require a public hearing (Type III procedure) even when the concurrent land use application is a staff-level review. For example, a two-lot partition reviewed at the staff-level would require a public hearing if proposed within the Hillside Development overlay district. Examples of Type III land use applications that require a public hearing include subdivisions of 20 lots or more, cluster and planned developments, and some conditional uses.

Staff proposes that Hillside Developments be processed at the same level as the concurrent land use applications. When a land use application is not required, Hillside Development is reviewed by staff through the Type I procedure.

6.190 **Procedure.** Hillside Development is reviewed ~~as part of the~~ concurrently with the land use application(s) required for the development and is processed using the same procedure as the primary land use application. ~~land division, Site Plan Review, or conditional use applications processes as a Type III procedure, except a~~ Development that only requires a building permit is reviewed administratively as a Type I procedure. [Ord. 5668, 4/11/2007; Ord. 5886, 1/6/17]

6.200 **Geotechnical Report Required.** For any development subject to the applicability criterion in ADC 6.180, an applicant shall provide a geologic and soils report prepared and stamped by a certified engineering geologist or a licensed civil engineer, licensed in the specialty of geotechnical engineering with the State of Oregon.

The report must identify the following:

- (1) All geologic and soils hazards and certify that the site, and each individual lot if land division is proposed, are suitable for the proposed development.
- (2) Area(s) suitable for building and describe how slopes will be stabilized.
- (3) Suitable building footprint(s) for development on each lot.
- (4) Any requirements that must be met from the time construction begins to the time construction is completed.
- (5) Any requirements that must be met after construction is completed (e.g., maintenance requirements for continued slope stabilization). [Ord. 5668, 4/11/07]

6.210 **Drainage.** In all slope areas, impervious surface drainage from roofs, driveways, and parking areas must be directed to a City storm drain or other City-approved drainage system. Development activities must not block the flow of stormwater in natural drainageways without prior approval from the Public Works Director. [Ord. 5265, 12/18/96]

ARTICLE 11 CLUSTER DEVELOPMENT

Staff Comments: The proposed amendments are intended to clarify the purpose of cluster developments following Goal 5-related amendments and ensure consistency between the purpose statement, the review criteria, and the priorities for natural area designation.

Evolution of Cluster Development Standards: Cluster development was first created with adoption of the North Albany Refinement Plan in 2003. The primary purpose was to create an incentive to protect natural features not zoned Open Space. In 2007 revisions were made to clarify the purpose of Cluster Development was not intended to increase residential density. The most recent revisions to Cluster Development standards came with adoption of amendments related to complying with Statewide Planning Goal 5 (Open Spaces, Natural Resources, Scenic & Historic Areas), which created the Significant Natural Resource overlay districts (wetlands, riparian corridors, and habitat). One goal of the Goal 5 revisions was to balance protection of resources with reasonable economic use of property. The Goal 5 revisions expanded the purpose of Cluster Development from protection of natural resources to include restoration of degraded or marginal quality significant natural resources to good. The priority list for designating natural resources was modified to prioritize restoration of degraded or marginal quality resources located in significant natural resource overlay districts and protection of significant natural resources over resources outside of the significant natural resource overlays.

- 11.400 **Purpose.** Cluster development is intended to protect and/or restore natural and other special features that either would not otherwise be protected, or otherwise restored to good quality, in the development of a site. In return, the more flexible standards found in this section may supersede other stricter standards of this Code. Cluster developments may provide greater flexibility, reduced and/or varied lot sizes, and more variety in permitted uses. It is not the intent of cluster development to increase the overall housing density of property above the density that would have been allowed in a standard subdivision. Residential density may be transferred within the development in exchange for restoring degraded or marginal quality resources located in a Significant Natural Resource overlay district or for protecting natural or other special features of the site. Developments must satisfy high-quality master planning and design requirements.
- 11.405 **Optional Nature.** Cluster development is an optional form of development. Cluster development proposals are reviewed as part of the land division, site plan, or conditional use application processes.
- 11.410 **Eligibility.** To be eligible to apply for cluster development, all of the following are required:
- (1) **Residential Zoning.** The site must be located in a residential zoning district.
 - (2) **Natural and Other Special Features.** The site must contain one or more of the features listed in Section 11.460.
 - (3) **Professional Designer.** An applicant for cluster development approval must certify in writing that a certified landscape architect, site planner, or landscape designer, approved by the Director, will be used in the planning and design process for the proposed development. [Ord. 5668, 4/11/07]
- 11.420 **Relationship to Other Regulations.** If the applicant chooses the cluster development option, and the site is deemed eligible by the City, these standards will supplement other provisions of this Code. For example, a subdivision proposed as a cluster development is also subject to other provisions of Article 11 of the Development Code. Other types of residential development are subject to site plan review or conditional use review. These provisions apply to issuance of building permits in a cluster development and to ongoing uses and activities in a cluster development. [Ord. 5562, 10/10/03; Ord. 5668, 4/11/07]

- (e) Existing channels identified in the most current version of the City of Albany Storm Water Master Plan.
- (f) Springs.
- (g) Land with natural slopes 12 percent or greater as designated by the Hillside Development overlay district (/HD).
- (h) Wooded area with five or more healthy trees over 8 inches in diameter measured 4½ feet from the ground, if approved by the City Forester.
- (i) Land that provides bike or walking trails that connect to existing or proposed parks or trails, inventoried natural features, or areas zoned Open Space; or areas otherwise protected as permanent natural areas.
- (j) Incorporate public parks, trails, trailheads or open space designated in the Parks, Recreation and Open Space Plan, the North Albany Refinement Plan, and the South Albany Area Plan. [Ord. 5801, 2/13/13]
- (k) Other features of the site unique to Albany, if approved by the Director.

- (4) The fourth priority for natural area designation is to create “open spaces” in and around neighborhoods. This priority is satisfied by any of the following:
 - (a) Continuity of adjacent open space corridors or parkways.
 - (b) A network of interconnected open space corridors.
 - (c) A buffer between neighborhoods.

11.470 Creation of Permanent Natural Areas.

- (1) Natural areas in a cluster development may be set aside and managed in one or more of the following ways:
 - (a) Portions of one or more individual lots; or
 - (b) Common ownership by residents of the development; or
 - (c) Third party (non-profit organization) whose primary purpose is to hold or manage the open space, subject to a reversionary clause in the event of dissolution of the non-profit organization; or
 - (d) Dedicated to City of Albany, if the City agrees to accept ownership and maintain the space.
- (2) Except for Subsection (1)(d) above, natural areas shall be subject to restrictive covenants and easements reviewed by the Community Development Director and recorded and filed when the subdivision plat for the project area is recorded. Except when allowed in 11.480, an easement shall include permanent provisions prohibiting the placement of structures or impervious surfaces, alteration of the ground contours, or any other activity or use inconsistent with the purpose of these provisions. [Ord. 5562, 10/10/03; Ord. 5668, 4/11/07]

11.480 Protection of Permanent Natural Areas.

- (1) If any applicable overlay districts allow it, the development may encroach into permanent natural areas, only under the following circumstances:
 - (a) Meets the requirements of all overlay districts in Articles 4, 6 and 7; and
 - (b) The encroachment is necessary to meet transportation, utility infrastructure requirements, or post construction stormwater quality requirements; or
 - (c) The encroachment is necessary to provide bike or walking trails that connect to existing or proposed parks or trails, inventoried natural features, or areas zoned Open Space or otherwise protected as permanent natural areas. [Ord. 5801, 2/13/13; Ord. 5842, 1/01/15]

- (3) The maximum lot coverage may be up to 100 percent for lots that provide land only for the building footprint. [Ord. 5801, 2/13/13]

11.500 **Perimeter Lot Compatibility.** The following standards and exceptions will apply to the lots on the perimeter of a proposed cluster development.

- (1) **Standards.** The term “standard minimum lot size” as used in this section, means the minimum lot size allowed in the underlying base zone without any reductions in size allowed elsewhere in this Code.
- (a) When the proposed cluster development abuts developed property in a lower density residential zoning district, the size of lots on the perimeter of the proposed cluster development shall be at least the standard minimum lot size allowed in the zone underlying the cluster development.

Example:

<p>Proposed Cluster Development in RS-6.5 Perimeter lots must be at least 6,500 sf</p>	<p>Abutting Property with LOWER Density Residential Zoning: RS-10</p>
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- (b) When the proposed cluster development abuts developed property in the same residential zoning district as the proposed cluster development, the size of lots on the perimeter of the cluster development shall be at least 70 percent of the standard minimum lot size of the underlying zoning district.

Example:

<p>Proposed Cluster Development in RS-10 Perimeter lots must be at least 7,000 square feet (70% of minimum lot size of underlying zoning district)</p>	<p>Abutting Property With SAME Residential Zoning: RS-10</p>
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- (2) **Exceptions.** The Perimeter Lot Compatibility standards do not apply in the following cases:
- (a) Perimeter lots that are adjacent to land that is zoned for higher density housing, mixed-use or non-residential uses, or to residentially zoned property not in residential use (such as educational, institutional, religious or park uses).
- (b) Where the same property owner owns the property abutting the proposed cluster development or when the perimeter lots share a property line with the Urban Growth Boundary.
- (c) If a buffer area is created as a separate property along the perimeter and is at least 20 feet wide, the buffer area shall become a permanent natural area and shall meet the provisions in Sections 11.470 and 11.480.