

Chapter 19.70 GENERAL DEVELOPMENT STANDARDS

Sections:

19.70.010 Accessory dwelling units.

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19.70.050 Home occupations.

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19.70.090 Solid/hazardous waste handling, treatment, and storage facilities.

19.70.100 Vehicle impound yards.

19.70.110 Secure community transition facilities.

19.70.120 ~~Manufactured Housing~~

19.70.130 ~~Drive-Through and Drive-Up Facilities~~

19.70.010 Accessory dwelling units.

A. Purpose. Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the city while protecting the existing character of single-family neighborhoods.

B. General Requirements. The creation of an ADU shall be subject to the following general requirements:

1. Number. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure.

2. Type of Unit. An ADU will be permitted as a second dwelling unit and may be attached to the principal unit, a separate detached accessory structure (e.g., cottage), or part of a detached accessory structure (e.g., apartment above garage).

3. Size. In no case shall an ADU be more than 40 percent of the principal building's total floor area of which it is a part, nor have more than 600 square feet, nor have more than two bedrooms.

4. Design. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.

a. If detached, the building shall be of the same materials/architectural style as the main dwelling on the site.

b. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.

19.70.130 Drive Through Facilities

A. Purpose: The purpose of this section is to recognize that drive-through and drive-up uses may be appropriate at some locations provided that such uses are located in consideration of adjacent land uses, traffic patterns, aesthetics compatibility, vehicular/pedestrian conflicts, noise, light and glare, odor and emissions, and litter.

B. Where Permitted: Drive-Through and Drive Up uses are permitted as an accessory use to any principal use allowed in the following zones subject to the standards included in this section and a conditional use permit if applicable.

1. Neighborhood Commercial
2. Mixed Use District
3. Commercial

C. Exemptions: Uses regulated by this section include any use that utilizes a drive-through or drive-up as part of their service to customers. Examples include but are not limited to automobile services, restaurants, including espresso stands, financial institutions, retail and service uses and drop boxes. The following uses are exempt from this Section:

1. Delivery and loading spaces required pursuant to UPMC 19.60.
2. Drop boxes, including library, bank and video drop boxes.
3. Hotel porticos and valet parking services.

D. Standards Where permitted, drive-through and drive-up facilities shall comply with the following standards. Except that where drive-through and drive up uses are non-conforming these standards shall apply to all major improvements or major redevelopments.

1. Traffic and Circulation.

a. Except at entry and exit points, drive-through stacking lanes shall be separated physically (i.e., by a wall, raised curb or landscape planter) from the parking lot, and shall comply with the following capacity standards:

<u>Use</u>	<u>Length of Stacking Lane(s)</u>
<u>Bank /Retail</u>	<u>3—6 cars, depending upon volume</u>
<u>Restaurants</u>	<u>8—12 cars, depending upon volume</u>
<u>Automobile Service, Other</u>	<u>Determined on an individual basis, depending on volume</u>

b. The entrance and exit from a drive-through lane, or designated drive-up parking spaces shall be internal to the site and not a separate entrance/exit to or from the street.

c. The drive-through stacking lane shall be situated so that any overflow from the stacking lane shall not spill out onto public streets or major circulation aisles of any parking lot.

d. Drive-through lanes and drive-up spaces shall be located in the rear or side yards and shall not be placed between a street and the building. See diagram 1.

e. Reserved parking spaces for drive-through orders may be required.

f. Vehicle conflicts with pedestrians and bicycles shall be minimized.

2. Landscaping and Screening

a. Drive-through windows, menu boards, stacking lanes, drop-offs, and drive-up spaces shall be located to minimize impacts to adjacent properties and screened from the public right-of-way to the maximum extent possible. At a minimum, a berm or wall and Level III landscaping shall be required.

b. The drive-through, drop-off or drive-up facility shall be buffered and visually screened from residential development with a wall and Level I landscaping, or by other equivalent natural or constructed barriers, such as other commercial development.

3. Architecture: Drive-through elements shall be architecturally integrated into building design and not appearing to be applied or stuck on to the building.



Not Architecturally Integrated



Architecturally Integrated

4. Noise

a. The project applicant shall provide the plans and specifications for any potential noise sources, such as intercom system, trash compactor, etc. Plans shall include measures to mitigate any potential adverse impact from such noise sources.

b. Speakers at drive-through facilities shall not be audible to adjacent residential uses or disturbing to adjacent nonresidential uses.

Sound attenuation walls or other mitigation measures shall be required as necessary.

c. Speaker boxes of any point-to-point intercom system shall be oriented away from residential development and other sensitive receptors located in the general area of the drive-through facility.

d. Outdoor maintenance and cleaning activities shall be limited if determined necessary by the City to achieve compatibility with surrounding land uses.

e. The on-site manager shall not permit any loud music, noise or other sounds by means of radio, or other broadcasting apparatus or device, and shall not permit fighting, quarreling, loitering, or loud noise or other nuisance which disturbs the quiet and peace of the premises or the neighborhood.

f. Hours of operation shall be limited as determined necessary by the City to achieve compatibility with surrounding land uses.

5. Emission Control: Drive-through and drop-off lanes and drive-up spaces shall not be located adjacent to plazas and other pedestrian use areas, other than walkways, and are discouraged adjacent to nonresidential buildings within thirty feet (30') of the proposed lane. Drive-through stacking lanes shall not be located within fifty feet (50') of any residential uses.

6. Light and Glare: All lighting fixtures shall be designed, installed and maintained so as to direct light only onto the subject property.

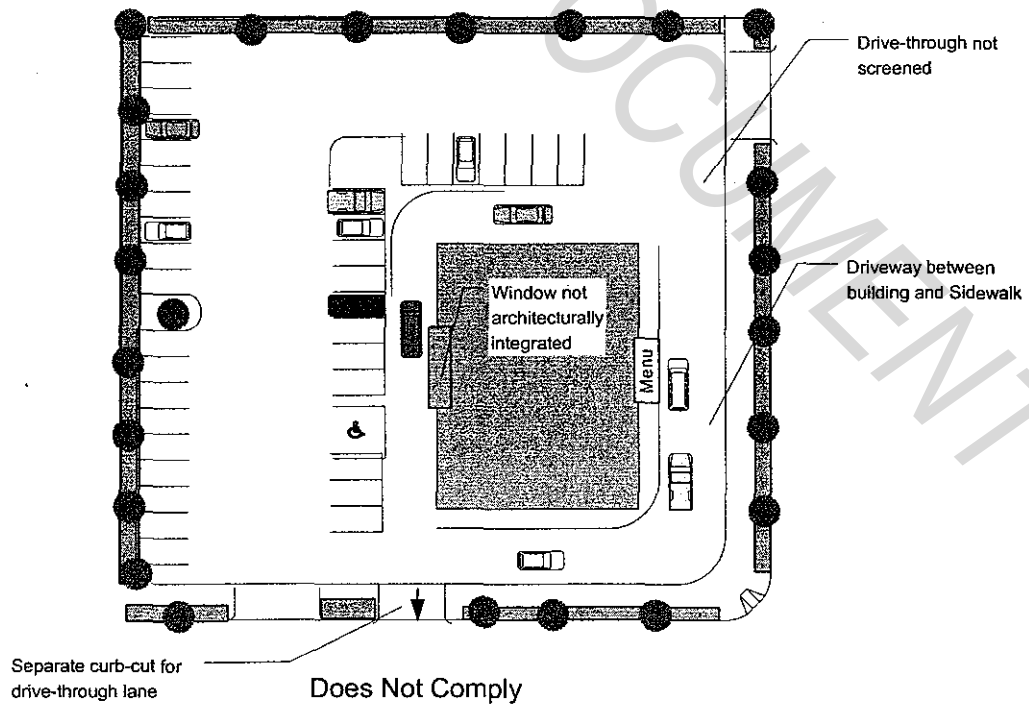
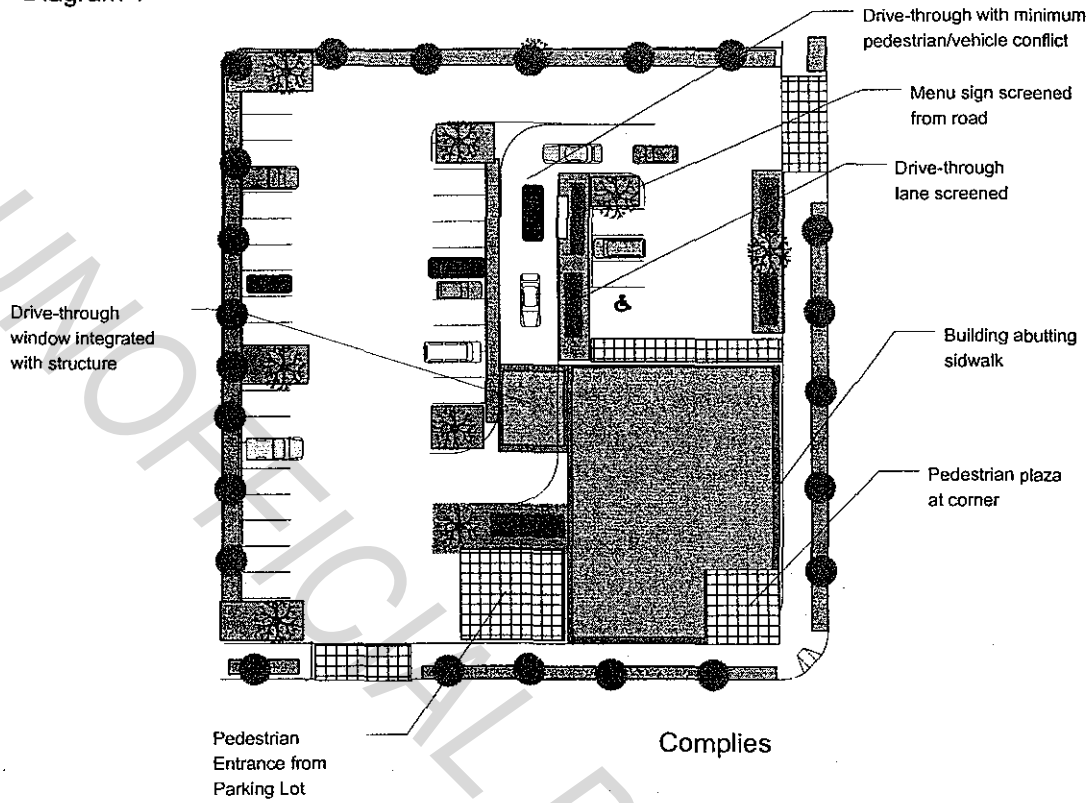
7. Maintenance: The site shall be maintained in a litter free condition and no undesirable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that the trash or litter originating from the use is not deposited on adjacent properties. Trash enclosures and bins shall be enclosed on all sides to suppress odors and prevent spillage of materials. Graffiti shall be removed within 48 hours.

E. Additional Conditions: The standards above constitute the minimum deemed necessary under general circumstances and in most cases to prevent adverse effects from drive-through facilities. Other and further standards may be required as conditions of approval to ensure that such uses are consistent with the Comprehensive Plan, and findings required to grant a Conditional Use Permit if one is required.

F. Continuation of Use: Any non-conforming drive-through or drive-up facility is discontinued for a period of 12 months or longer, any new drive-through facility shall comply with these standards.

a. A non-conforming drive-through lane or drive-up may relocate to a more conforming location consistent with this section.

Diagram 1



Note: This diagram is for illustrative purposes only and NOT intended to dictate required site layout or design

Chapter 19.80
NONCONFORMING LOTS, USES, AND STRUCTURES

Sections:

19.80.010 Applicability.

19.80.020 Intent.

19.80.030 Nonconforming lots.

19.80.040 Nonconforming uses.

19.80.050 Nonconforming structures.

19.80.060 Nonconforming parking, loading, signs, landscaping and other required improvements.

19.80.070 Unclassified use permits.

19.80.010 Applicability.

This chapter applies to any land, structure, or use that became nonconforming after August 31, 1995, by the passage of any zoning ordinance of the city.

(Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.020 Intent.

This chapter is intended to permit legal nonconforming developments, lots, structures and uses to continue until they are removed but not to encourage their perpetuation. It is further intended that nonconforming developments, lots, structures and uses not be enlarged upon, expanded, extended or be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

Because nonconforming developments, lots, structures and uses do not conform to requirements of the zone where they are located, they are declared by this chapter to be incompatible with the permitted developments, lots, structures and uses in the zone.

(Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.030 Nonconforming lots.

The party asserting the existence of a lawful nonconforming lot has the burden of establishing that the lot was not substandard according to the requirements in effect at the time of its creation.

A. Nonconforming Single Lots. Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded with the county auditor's office prior to August 31, 1995, may be used for the purposes permitted by this title notwithstanding the minimum lot area required.

B. Any permitted uses or structures, including any accessory uses or structures permitted in conjunction with a principal use, shall be allowed to be built or expanded on a nonconforming lot. Compliance with applicable development standards such as height and setbacks is required. (Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.040 Nonconforming uses.

The party asserting the existence of a lawful nonconforming use has the burden of establishing that as of August 31, 1995, the effective date of the ordinance codified in this chapter, or subsequent revisions or amendments, the use was either consistent with the zoning provisions or was a pre-existing legal nonconforming use.

A legal nonconforming use may be continued; provided, that:

A. The nonconforming use is not replaced by a conforming use. If replaced by a conforming use, the nonconforming use may not thereafter be resumed.

B. Abandonment. A nonconforming use may be continued by successive owners or tenants where the use continues unabandoned. If the use ceases for a period of more than one year the subsequent use of the land shall be conforming.

C. Expansion on Land, in Buildings or Structures. The nonconforming use shall not be enlarged, increased, expanded or extended to occupy a greater area of land, building or structure than was occupied on the date the use became nonconforming. ~~Except if the non-conforming use is an accessory use and the principal use is a conforming use, the conforming principal use may expand so long as the non-conforming accessory use is not made more non-conforming.~~

D. The use is not moved in whole or in part to any other portion of the lot or parcel or another lot or parcel in a zone where the structure would be nonconforming.

~~E. Substantial Destruction. If the structure in which the use depends is harmed or destroyed by more than 50 percent of the improvement value as shown in the county assessor's data, the non-conforming use shall be deemed abandoned and can no longer continue.~~

~~FF. Exception for Single-Family Detached Houses. Any existing nonconforming single-family detached housing unit may be expanded as an exception to the basic rules on expansion of nonconforming uses. (Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).~~