

ORDINANCE NO. 4971

An Ordinance adopting the Northeast Gateway Planned Development Overlay, providing review processes and development standards for an area northeast of downtown McMinnville.

RECITALS:

Following an 18-month review process, a long-term plan for the redevelopment and revitalization of an area northeast of McMinnville's historic downtown, referred to as the Northeast Gateway district, was adopted by resolution by the City Council in June 2012. This plan, developed through an involved community participation process, provides direction, tools, and best management practices designed to achieve a mixed-use, pedestrian-oriented neighborhood for the Northeast Gateway district, an area that includes some 75 acres of land located generally north of 3rd Street, east of the railroad tracks, south of Riverside Drive, and west of Lafayette Avenue. Amongst a number of recommended projects for the district, the plan recommends that the City adopt amendments to the area's current zoning that would help implement the goals and vision adopted for the Northeast Gateway district.

At the same time the Northeast Gateway Plan was being developed, the City was considering the adoption of an urban renewal plan for an area that would include the historic downtown and Northeast Gateway district. In order to find the urban renewal plan consistent with the City's comprehensive plan, and therefore make it possible for the City to adopt an urban renewal plan for this area, the NE Gateway Plan's recommended zoning amendments would need to be adopted by the City.

In light of that situation, City staff initiated work on the preparation of a draft planned development overlay for consideration by the Council-appointed Northeast Gateway Plan Advisory Committee. The draft was reviewed by the advisory committee on March 12 and March 15, 2013. Prior to that review, a copy of the draft ordinance was mailed to each property owner within the Northeast Gateway district, and was posted to the City's website. At the conclusion of the advisory committee's review, a draft planned development overlay ordinance was recommended to the Planning Commission and City Council for adoption.

The recommended draft Northeast Gateway Planned Development Overlay Ordinance was presented to the Planning Commission at a public hearing held on May 15, 2013, after due notice had been published in the News Register. Public testimony regarding the draft ordinance was received at the hearing, which caused the Planning Commission to amend the advisory committee's recommended ordinance specific to prohibiting drive-up commercial uses, and limiting the height of free-standing signs. Following the close of the

public hearing, the Commission voted to forward a recommendation to the City Council for approval of the proposed Northeast Gateway Ordinance, as amended; now, therefore

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Northeast Gateway Planned Development Ordinance, as described in Exhibit A and attached hereto, is adopted.

Section 2. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of 30 (thirty) days.

Passed by the Council this 9th day of July 2013, by the following votes:

Ayes: Jeffries, May, Menke, Ruden, Yoder


Nays: _____

Approved this 9th day of July 2013.



MAYOR

Attest:



CITY RECORDER

Approved as to Form:



CITY ATTORNEY

Exhibit "A"

Northeast Gateway Planned Development Overlay

Section 1 – Definitions. In addition to the definitions found in Chapter 17.06 of the McMinnville Zoning Ordinance, the following shall also apply to the NE Gateway Planned Development Ordinance:

Artist – A person who creates art such as a painter, sculptor, or writer, who is able by virtue of imagination and talent or skill to create works of aesthetic value, especially in the fine arts.

Call Center/Centralized Office – An office used for receiving or transmitting a large volume of information by telephone or computer.

Commercial Recreation Center – A commercial establishment where participatory athletic or recreational facilities are provided, including an ice or roller skating rink, a tennis, soccer, basketball, or golfing facility (and accessory uses such as snack bar or retail sales), but excluding a riding stable, amusement center or amusement park.

Cultural Exhibit Center – A venue for the display of art, cultural artifacts, and other programs that are generally open to the public.

Dormer Window – A window set vertically into a small gable projecting from a sloping roof.

Section 2 – Purpose. The NE Gateway Planned Development Overlay (PDO) is designed to guide the transition of a light and heavy industrial area to a vital, mixed-use, pedestrian-friendly neighborhood, consistent with the vision described in the adopted NE Gateway Plan. In so doing, this PDO provides a design framework and specific use standards that allows for a complementary mix of uses to include residential, employment, cultural/tourism, education, and neighborhood-scale support services. In addition, the PDO includes design standards and guidelines that are intended to reflect the area's unique character and history, while promoting an attractive, walkable, and vibrant neighborhood.

Section 3 – Applicability of NE Gateway PDO. The provisions within the NE Gateway Planned Development Ordinance apply to an approximately 75-acre area located generally south of 14th Street, east of the Portland and Western Railroad, north of 3rd Street, and west of Logan Street and Lafayette Avenue, and as depicted in **Exhibit A**. The affected area is further divided into three zones (refer to map, **Exhibit B**), described as follows:

- A. **Zone 1** is bordered by 3rd Street to the south, Logan Street to the east where it intersects with 4th Street, the railroad track to the west, and 5th Street to the north where it intersects with Johnson Street. The overall

plan for this zone is a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential or office uses above active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.

- B. Zone 2** is bordered by 5th Street to the south, the railroad track to the west, 12th Avenue to the north, and Johnson Street/Lafayette Avenue to the east. This zone is considered the “heart” of the area and includes a significant employer (RB Rubber) and the *Granary District*, which has undergone much change in recent years and is currently enjoying success as a mixed-use area. **Zone 2** also includes most of Alpine Avenue along which exist a large number of undeveloped and underdeveloped properties. The purpose of **Zone 2** is to establish a mixed-use employment neighborhood with an authentic live-work environment and visitor-oriented industries. There will be a strong focus on pedestrian activity, street design, the built environment, and connectivity to adjacent neighborhoods.
- C. Zone 3** includes the remainder of the study area and is bordered by 14th Street to the north, the railroad track to the west, Logan Street and the properties fronting the eastern side of Lafayette Avenue to the east, and the portion of 4th Street (between Johnson and Logan Streets) to the south. Given the extent of existing development in this area, **Zone 3** is considered a transition area between Alpine Avenue and Zone 2 to the west, established industrial uses to the north, and residential neighborhoods to the east. The purpose of **Zone 3** is to allow for the development of a mixed-use, residential zone with a variety of housing types, neighborhood scale commercial uses, and an education component.
- D.** The regulations contained in this ordinance apply to all new development within the area subject to this ordinance including the following:¹
1. New construction.
 2. Any expansion of an existing development or structure involving the addition of 15 percent or more of the existing square footage of the building². Incremental additions over a period of three (3) consecutive years totaling 15 percent or more of the original square footage of the structure shall also be subject to the design standards in this ordinance.
 3. New signage.
 4. Parking lot design.
 5. New roofing.
 6. Changes to façade material (re-siding).
 7. Window replacement/modification.

¹ In the case of an individual project such as a new roof or parking lot, the requirements of this ordinance are applicable to the proposed project only and not to the entire property or structure.

² Additions to existing buildings are not subject to the setback requirements as noted in Section 8

- E. The following are not subject to compliance with the NE Gateway standards contained in this ordinance.
 - 1. Property line adjustments.
 - 2. Partitions.
 - 3. Interior remodels (tenant improvement).
 - 4. Painting.
 - 5. Other routine maintenance.
- F. Properties that are listed as historically *Distinctive* or *Significant* on the local register shall be subject to the standards in the Historic Landmarks Ordinance (No. 4401) and the applicable standards of this PDO.

Section 4 - Submittal Requirements. All development subject to this ordinance, as noted in Section 3 (D) shall be subject to review to ensure that the proposed development is in keeping with the goals of the adopted NE Gateway Plan, and consistent with the provisions of this PDO. To accomplish this, development plans shall be subject to review by the Planning Director either concurrent with or prior to building permit plan submittal.

- A. The applicant shall submit three (3) copies of a site plan, drawn to scale, and three (3) copies of all accompanying materials. The following information, if applicable, must be clearly demonstrated on the submitted plans:
 - 1. Site layout showing building placement (setbacks), parking, site circulation, and egress and ingress to the site.
 - 2. Building elevations that include building colors (for properties within Zone 1) and materials (texture and relief), building height, vertical and horizontal articulation, window-to-wall relationships, window treatment and other elements as appropriate.
 - 3. Off-street parking location and parking area design.
 - 4. Signage.
 - 5. Landscaping.
 - 6. A narrative explaining how the proposed building design complies with the applicable requirements of this PDO.
 - 7. Other information as may be necessary to show consistency with the standards and guidelines contained in this PDO.
 - 8. Payment of the applicable review fee.

Section 5 – Review Process and Waiver Process.

- A. Applications for development review shall be submitted to the Planning Department for review as stated in Section 17.72.040 of the Zoning Ordinance. Applications will be subject to review as stated in Section 17.72.100 (Applications and Permits – Director’s Review without Notification) of the Zoning Ordinance. Plans submitted for review shall comply with the development standards as noted below in Section 7 unless the application includes a waiver to certain development

standard(s) as noted in subsection (B) and (C) of this section. Approval of a development review application shall be based upon findings of consistency with the applicable standards found in this planned development ordinance.

- B. Development review will also allow for some flexibility in the application of prescriptive development standards through a waiver process if it can be demonstrated that the proposed design meets or exceeds the requirements listed in this Ordinance.
- C. A waiver request application is subject to the requirements and notification process outlined in Section 17.72.110 (Applications – Director’s Review with Notification) of the Zoning Ordinance. The Director shall base a decision to approve, approve with conditions, or deny a waiver request based on the following criteria:
 - 1. There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site;
 - 2. There is demonstrable evidence that the alternative design shall accomplish the purpose of this Ordinance in a manner that is equal to or superior to a project designed consistent with the standards contained herein; and,
 - 3. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this chapter.
- D. An appeal of the Planning Director’s decision may be filed consistent with the procedures and requirements of Section 17.72.170 (Appeal from Ruling of Planning Director) of the McMinnville Zoning Ordinance.

Section 6 – Permitted and Conditionally Permitted Uses. One of the primary goals of the adopted NE Gateway Plan is to create a mixed-use neighborhood that allows for a variety of complementary uses within the same area. Thus the purpose of this section is to establish a list of such uses that would supplant traditional zoning for the area and help achieve this goal.

Table 1 describes the uses that are permitted or conditionally permitted in each of the three (3) Zones. The uses listed in **Table 1** supplant the uses that are currently permitted or conditionally permitted in the underlying zones as noted in the Zoning Ordinance. However, for properties zoned R-2 (Single-Family Residential) and R-4 (Multi-Family Residential) in Zone 3, the permitted and conditionally permitted uses listed in Chapters 17.15 and 17.21 respectively shall apply.

If a use is not listed in **Table 1** as either permitted or conditionally permitted, it should be considered a prohibited use. Alternatively, the procedure for determining the permissibility of a particular use that is not listed as permitted or conditionally permitted is stated in Section 17.54.010 (Classification of an Unlisted Use) of the Zoning Ordinance.

Table 1

Use	Zone	Zone	Zone
	1	2	3
P - Permitted C - Conditionally Permitted			
Residential			
Single-Family	P ³	P ⁴	P - Only in R-2/R-4 zones
Social Relief Facility (up to 5 Individuals)	P	P	P
Two-Family	P	P	P ⁵
Multi-Family	P	P	P - Not permitted in R-2 zone
Group Living			
Assisted Living Facility/Nursing Home	C	C	C - Not permitted in R-2 Zone
Social Relief Facility (six or more)	C	C	C
Commercial			
Animal Grooming	P	P	P - Not permitted in Res zones
Call Center/Centralized Office	P	P	P - Not permitted in Res zones
Club/Lodge	C	C	C - Not permitted in Res zones
Commercial Recreation Center	C	C	C - Not permitted in Res zones
Conference Center	C	C	C - Not permitted in Res zones
Daycare (up to 12 individuals)	P	P	P
Daycare (more than 12 individuals)	C	C	C
Financial Services	P	P	P - Not permitted in Res zones
Food and Beverage Establishment (non-drive-through)	P	P	P - Not permitted in Res zones
Laundry Services	P	P	P - Not permitted in Res zones
Lodging: Bed and Breakfast/Vacation Home Rental	P	P	P - C in res zones
Lodging: Hotel/Motel	P	P	P - Not permitted in Res zones
Office Medical/Professional	P	P	P - Not permitted in Res zones
Parking Lot (non-accessory to existing use)	P	P	P - Not permitted in Res zones
Parking Lot (Public)	P	P	P - Not permitted in Res zones
Personal Services (including gym, spa, barber shop)	P	P	P - Not permitted in Res zones
Retail Sales(General) up to 25,000 square-feet on ground floor - non-auto	P	P	P - Not permitted in Res zones
Retail Sales(General) greater than 25,000 square-feet on ground floor - non-auto	P	C	C - Not permitted in Res zones
Repair /Service (non-auto)	P	P	P - Not permitted in Res zones
Theater	P	P	P - Not permitted in Res zones
Industrial			
Food/Beverage Manufacturing	-	P	-
Industry, Light ⁶	-	P	-

³ Permitted as mixed-use above first floor commercial

⁴ Permitted as mixed-use above first floor commercial

⁵ R-2 Standards in Chapter 17.15 apply to two-family in Zone 3

⁶ Manufacturing of goods carried out without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, or grit.

Civic			
Church	C	-	C
College /University	C	C	C
Cultural Exhibit Center and Library	P	P	C
Government Building	C	C	C
School - Public or Private	C	C	C
Mixed-Use			
Artist Live/Work Space	P	P	P ⁷
Artist Live/Work Space with a Retail Component	P	P	P- Not permitted in Res zones
Food/Beverage Manufacturing with a Retail Component	P	P	P- Not permitted in Res zones
Commercial/Residential within Same Building	P	P	P- Not permitted in Res zones
Light Industrial with Residential Component above	-	P	-
Light Industrial with a Retail Component	-	P	-
Expansion of a Non-Conforming Use	-	-	-

Section 7 – Development Standards. The following standards are intended to create buildings and spaces that are functional and visually appealing, and satisfy the goals and objectives of the adopted NE Gateway Plan. They shall apply as follows:

Zone 1: For properties located within **Zone 1**, the provisions outlined in Chapter 17.59, Downtown Design Standards and Guidelines, Sections 17.59.050 through Section 17.59.080 shall apply.

Zone 2 and Zone 3: For properties located within **Zone 2 and Zone 3**, the following development standards shall apply:

A. Buildings - Minimum and Maximum Setbacks, Height.

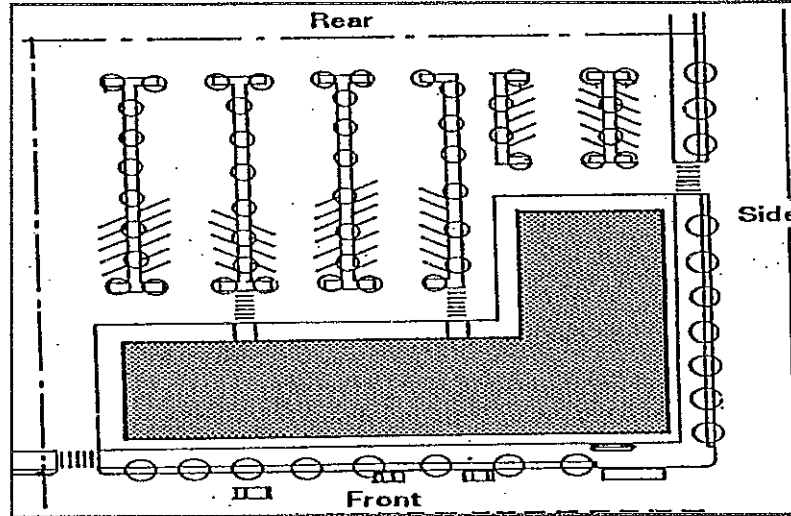
1. Except as allowed by this ordinance, there shall be no minimum setback requirement for non-residential uses unless necessary to accommodate site conditions such as utility easements. The maximum front yard and exterior side yard setback for all development in any zone is 10 feet, with the exception of garages accessory to residential development, which shall have a minimum setback of 20 (twenty) feet measured from the nearest property line to the open door side of the structure.
2. The 10-foot maximum front yard or exterior side yard setback may be increased for non-residential uses that include active, pedestrian-oriented outdoor uses such as restaurant seating and plazas. In no case, however, shall the setback be more than 20 (twenty) feet.
3. The maximum building height is 80 feet.

B. Pedestrian Oriented Development. In order to promote a pedestrian oriented street environment, active frontages are required for the façade of any building facing a public street. Active frontages are integral

⁷ In Residential zones within Zone 3, subject to Home Occupation standards in Chapter 17.67

components of design that ensure the public realm (streets, buildings) is lively and animated, thereby making it feel safer and more welcoming.

1. Except for access driveways, areas reserved for vehicular maneuvering and off-street parking and loading shall be located behind the building for all uses except for properties where the use is exclusively single-family or two-family residential.



2. Uses that are strictly commercial, must have either outdoor uses (e.g., restaurant seating, benches) or be designed to have windows allowing views into the buildings from the public sidewalk to satisfy the active frontage requirement. A minimum of 60% glazing below a point eight foot above the sidewalk is required in order to satisfy this requirement.
 3. All buildings shall be oriented to the public street with at least one primary entrance facing the street. For corner properties (excluding single-family and two-family residential) within **Zones 2 and 3** with frontage on either Lafayette Avenue or Alpine Avenue, the primary entrance shall front Lafayette Avenue or Alpine Avenue with the secondary entrance facing the exterior side street frontage. Alternatively, for corner properties, a single entrance located on the corner is permitted. Such an entrance shall generally be located at a 45-degree angle to the corner and shall have distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner.
- C. Primary entrances for all development (excluding single-family and two-family residential development) shall be clearly visible from the street, welcoming to pedestrians and shall incorporate changes in appearance to emphasize the entrance. Architectural features used at the primary pedestrian entrance shall complement the architectural style of the building. A primary entrance shall incorporate at least one of the following elements into the design:

1. If the building is not constructed to the property line, the entrance projects architecturally a minimum of two (2) feet from the face of the building and includes either a portico or a covered porch.
 2. The entrance is identified by a recessed entry.
 3. The entrance incorporates an architectural element such as a cornice or gable extending along the width of the entrance. In the case where only a cornice is used to signify a primary entrance, the material immediately surrounding the entrance shall differ in texture and color from the material used on the primary building façade.
- D.** Building entrances fronting a street shall open directly to the outside and, if not immediately abutting a street, shall have walkways connecting them to the public sidewalk.
- E. Design and Building Materials.** The design and construction of all buildings shall be consistent with the goals and objectives of the NE Gateway Plan and this ordinance. This standard is met when the approval body finds that all applicable standards below have been met.
- F. Standards Applicable to All Development.**
1. The following materials are permitted on all street facing building facades:
 - a. Brick and tile masonry.
 - b. Stucco or synthetic stucco.
 - c. Textured concrete.
 - d. Fiber cement.
 - e. Corrugated metal panels.
 - f. Split faced block.
 - g. Lap siding (excluding metal or vinyl).
 2. The following materials are prohibited on all street facing building facades:
 - a. Vinyl or aluminum siding.
 - b. Corrugated plastic panels.
 - c. T1-11/plywood siding.
 3. Pitched roofs shall have eaves, brackets, gables with decorative vents, or other detailing. Pitched roof material may include architectural composition, slate (either natural or man-made), shingle (either wood or asphalt composition), metal formed to resemble standing seams or other similar materials. Specifically prohibited are corrugated plastic or corrugated metal roofing.
 4. The edges of flat roofs shall be treated with appropriate detailing (*i.e.*, cornice, pediment, flashing, trim, or other detailing).
- G. Standards Applicable to Residential Development.** In addition to the standards of (F) (1-4) above, the inclusion of the following design features shall be incorporated into the facade of any single-family or two-family residence facing a public street in order to satisfy the active frontage requirement.

1. Dormer windows. In the case where a residence faces two (2) streets, the application of dormer or double-hung windows shall be to the primary street façade,
 2. A covered or open porch that extends a minimum of one-half the distance of the residence's front façade.
- H. In addition to the standards of (F) (1-4) above, the following design features shall be incorporated into the design of multi-family development facing a public street.
1. The front of the dwelling units shall face outward toward the street.
 2. Building layout must be non-linear in design even if the number of units has to be reduced to meet this goal.
 3. In order to avoid monotonous uninterrupted walls or roof planes, for multi-family development with more than one story, ground floors shall be defined and separated from upper stories by appropriate architectural features (e.g., cornices, trim, awnings, canopies, overhangs, or other features) that visually identify the transition between floors.
- I. **Standards Applicable to Non-Residential Development.** This Ordinance aims to create development that reduces the visual scale of buildings. In addition to the standards of (F) (1-4) above, the following shall apply:
1. Regularly spaced and similarly shaped windows shall be provided throughout each story of a building on facades visible from any public street. Compliance with this standard shall be assessed based on a consistent window pattern for each floor and not the window pattern for the entire building.
 2. As noted above in (B) (2), a minimum of 60% glazing below a point eight feet above the sidewalk is required when the use of a building is solely commercial.
 3. Display windows shall be trimmed, recessed, or otherwise defined by wainscoting, sills, bulkheads, or similar architectural features. Reflective glass or dark tinted/painted glass is not permitted for display windows.
 4. On multi-story buildings, ground floors shall be defined and separated from upper stories by appropriate architectural features (e.g., cornices, trim, awnings, canopies, overhangs, or other features) that visually identify the transition from ground floor to upper story.
 5. Where buildings with greater than 25,000 square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations in compliance with Section 17.56.050 (Development Standards) in order to provide visual interest to pedestrians. Buildings with less than 25,000 square feet shall also provide building façade articulation on street-facing

elevations that include at least two (2) of the following employed at intervals no greater than 40 feet of horizontal building face:

- a. Use of window and/or entries that reinforce the pattern of small storefront spaces.
- b. Use of weather protection features that reinforce small storefronts. For example, a façade having 120 feet of frontage could use three (3) separate awnings to break down the building's scale.
- c. Vertical or offset breaks in roofline.
- d. Placement of building columns or vertical piers that reinforce a small storefront pattern. Such columns or piers should appear as part of a structural element (supporting overhead structure) and not simply added as ornamentation.
- e. Change in building color, material or siding style.
- f. Other methods that meet the intent of the standards as approved by the review body.

Section 8 – Off-Street Parking and Loading - Location and Standards. The NE Gateway Plan recognizes that application of the City's current off-street parking requirements may not be practicable or conducive to the goals and future development of the area. The following off-street parking standards shall apply to development within this area. Except as noted below, the standards listed in Chapter 17.60 (Off-Street Parking and Loading) of the Zoning Ordinance shall apply to the development of properties in **Zone 1-3**.

- A. No off-street parking shall be required for non-residential uses having 3,000 square feet or less of floor area. Off-street parking must be provided for the floor area in excess of 3,000 square feet.
- B. For non-residential development within the NE Gateway, parking may be waived or reduced based on the following:
 1. A demonstrated need of the specific use proposed, provision of exceptional pedestrian-oriented design, or other project-specific factors that are consistent with the NE Gateway Plan and that have the effect of reducing required off-street parking.
 2. For lots less than 20,000 square feet, parking requirements may be waived for a change in use or redevelopment that does not increase the square footage of an existing building.
- C. An applicant seeking to utilize either option must submit a request in writing with supportive documentation illustrating that the proposed development meets the review criteria described above. A request to waive or reduce parking based on a specific use and how it fits with the overall goal for the NE Gateway will be reviewed by the Planning Director.
- D. Shared parking and off-site parking is encouraged to maximize the mixed-use development potential in **Zones 2 and 3**. For a shared off-street parking agreement to be approved, it must be demonstrated that the hours of operation of the businesses that require the subject parking do not overlap. In addition, the off-site parking must be located no more than 500 feet from the building for which parking is being provided and that there is

adequate on-street parking to serve both uses. A contract outlining the details of a shared parking agreement or off-site parking agreement shall be submitted to the Planning Department for review to determine if the proposed off-site parking arrangement is feasible and satisfies these requirements. Such a contract shall run with the uses on the properties for which the agreement was approved. A change of use on one or both properties shall require a review of the contract by the Planning Director.

Section 9 – Signage.

Zone 1: Signage in Zone 1 shall comply with Section 17.59.080 of the McMinnville Zoning Ordinance.

Zone 2 and Zone 3: Signage in Zone 2 and Zone 3 shall comply with the standards of Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance except as follows:

- A. Each site or multi-tenant complex is allowed a maximum of one (1) permanent monument sign not to exceed 48 square feet in area and six (6) feet in height.
- B. Properties with frontage on Lafayette Avenue may have one additional permanent free-standing sign per site not to exceed 12 feet in height and 48 square feet in area. If the property has frontage on Lafayette Avenue and one or more additional public streets, the additional free-standing sign is permitted only on Lafayette Avenue.
- C. For every lineal foot of building frontage, 1.5 square feet of signage may be allowed, to a maximum of 200 square feet. Wall signage shall be constructed of a material that is complementary to the material of the building façade. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as above transoms or below cornices.

Section 10 – Landscaping. Landscaping plans are subject to the review and design standards outlined in Chapter 17.57 (Landscaping) of the Zoning Ordinance and as noted below:

All Zones:

- A. Landscaping shall be provided between the public street right-of-way and the front building line, exclusive of pedestrian walk-ways, patios, plazas, and similar facilities. Such landscaping shall be designed to provide interest to pedestrians and shall be maintained at a height no more than three (3) feet so that it is not site obscuring.
- B. Off-street parking located behind the building but visible from the public right-of-way shall be screened through the provision of a continuous row of shrubs, or a fence or seating wall, not less than three feet and no more than four feet high.
- C. Off-street parking areas with 10 (ten) or more parking spaces shall have, at a minimum, internal landscaping designed to visually break up a paved parking area as follows:

1. Landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated no more than 60 feet from another. Such islands shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non columnar.
- D. Lighting of parking and landscaped areas shall be directed either into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

Section 11 - Non-Conforming Uses. This Ordinance is intended to create a mixed-use neighborhood, a large component of which is dependent upon the extent to which the uses within the area provide a service to the immediate area and surrounding neighborhoods. Recognizing that certain existing uses are considered incompatible with the goals outlined in the NE Gateway Plan, and that property owners may have considerable investments in their property, the following shall apply to non-conforming uses within the NE Gateway.

- A. Existing non-conforming uses shall be permitted to continue until they are changed to a conforming use, or until the existing non-conforming use is inactive for a period of 12 (twelve) consecutive months. Following a 12-month period of inactivity of a non-conforming use, neither the original non-conforming use nor a new non-conforming use shall be permitted on the property.
- B. In the event that a structure containing a non-conforming use is destroyed by fire, accident, or act of God, the non-conforming use may resume upon the re- building of the structure provided that:
 1. The structure is rebuilt and the non-conforming use resumes within 12 months of the event which ended the use, and;
 2. The structure is rebuilt to comply with the design standards contained in Section 7 of this Ordinance.
- C. The expansion of a structure housing a non-conforming use for the purpose of intensifying or increasing the non-conformity is not permitted.

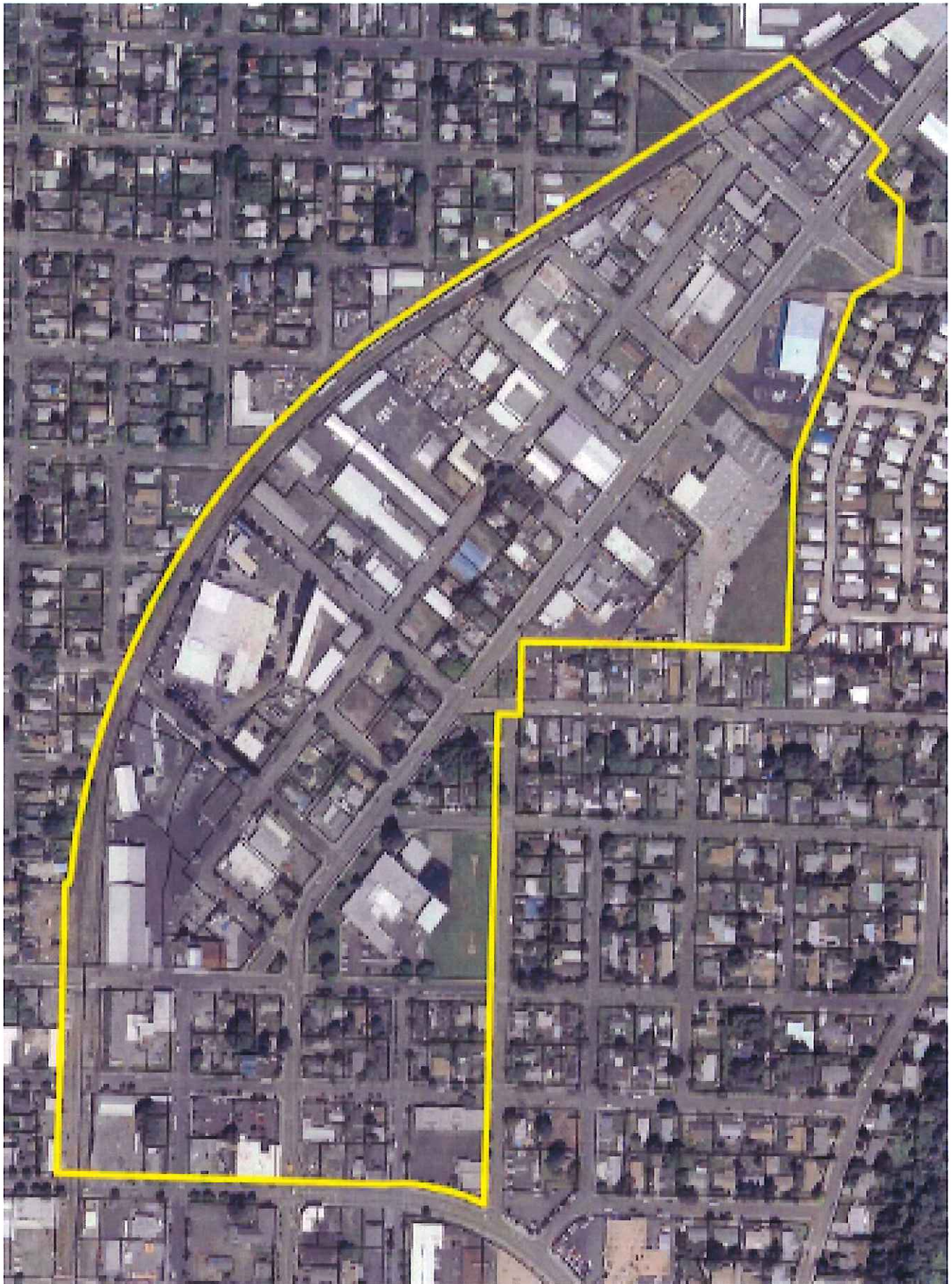
Section 12 - Non-Conforming Development. It is recognized that many existing buildings within the NE Gateway do not conform to the design standards outlined in this Ordinance. As a goal of this Ordinance is to establish design standards that foster a pedestrian-oriented built environment, the following requirements pertain to expansions of existing development within the NE Gateway in which the structure's existing design or other development element is not consistent with the NE Gateway design standards (e.g., height, setback, lot size).

- A. The expansion of a non-conforming structure involving the addition of 15 percent or more of the existing square footage of the building shall be subject to the design standards outlined in Section 7 except that the setback maximum requirement as noted in Section 7 B, (1) shall not apply.

This expansion refers to an addition (attached) to an existing structure or the construction of a separate structure on the same property.

- B.** Any structure destroyed by fire, accident, or act of God, may be rebuilt to the same footprint as existed before the event occurred, provided the structure is rebuilt within 12 months of the event that destroyed the structure. All other design standards listed in Section 7 shall apply to the rebuilding of the structure.

Northeast Gateway Planned Development Overlay (Exhibit "A")



The Northeast Gateway Study Area is a 75-acre area bordered by 3rd Street to the south, 14th Street to the north, the railroad to the west and Logan Street and Lafayette Avenue (inclusive of properties fronting Lafayette Ave) to the east.

