

## ORDINANCE NO. 9G

### AN ORDINANCE ESTABLISHING REVISIONS TO ORDINANCE 9 & 9A PROVIDING FOR COMMERCIAL ZONING STANDARDS IN THE CITY OF MAYWOOD PARK IN ACCORDANCE WITH MAYWOOD PARK'S COMPREHENSIVE PLAN

#### THE CITY OF MAYWOOD PARK ORDAINS AS FOLLOWS:

**TITLE.** This Ordinance shall be known as the City of Maywood Park Commercial Zoning Standards

**PURPOSE.** The Purpose of this Ordinance is to implement the map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. Two sites are designated Residential Commercial and one site is designated Mixed Commercial/Residential. The zones encourage commercial uses that are supportive of surrounding residential areas. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the commercial zone.

#### COMMERCIAL RESIDENTIAL ZONE

**DEFINITIONS.** The Commercial Residential (CR) zone is a low-intensity zone for small and isolated sites in residential neighborhoods. The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately zoned single-dwelling residential. The zone encourages the provision of small-scale retail and service uses for surrounding residential areas. Uses are restricted in size to promote a local orientation, and to limit adverse impacts on surrounding residential areas. Where commercial uses are not present, residential density is limited to provide compatibility with surrounding residential areas. Development is intended to be pedestrian-oriented and building height is intended to be compatible with the scale of surrounding residentially zoned areas.

All restrictions included in the Single Family Residential (R-7) zoning provisions apply with the following commercial uses allowed.

#### Section 1 – Use

Allowed Uses:

##### A. Residential Office

**Characteristics.** Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals that generally focus on business, government, professional, medical, or financial services. Office uses require customers or clients to visit the site on a regular basis.

**Examples.** Professional services such as lawyers, accountants, or management consultants; temporary staffing agencies, sales offices, portrait photography studios.

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**Exceptions.** Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

**Limitations.** Office use is limited to 2,000 square feet of net building and the hours when Service and Office uses can be open to the public are limited to 6:00 AM to 11:00 PM.

#### B. Retail Sales and Service

**Characteristics.** Retail Sales and Service firms in the Commercial Residential Zone provide personal services or entertainment, or provide product repair or services for consumer and business goods.

**Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking.

**Allowable Uses.** Allowable uses are from the two subgroups listed below:

1. Entertainment-oriented: Restaurants, cafes, delicatessens.
2. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; tailor; locksmith; and upholsterer.

#### C. Residential Parks and Open Area

**Characteristics.** Parks and Open Areas are uses of land focusing on natural areas, consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

**Accessory Uses.** Accessory uses may include maintenance facilities and parking.

**Examples.** Examples include parks, public squares, plazas, botanical gardens, nature preserves, and community gardens.

#### D. Residential Religious Institutions

**Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.

**Accessory Uses.** Accessory uses include Sunday school facilities, food membership distribution, and parking.

**Examples.** Examples include churches, temples, synagogues, and mosques.

#### E. Residential Daycare

**Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

**Accessory Uses.** Accessory uses include offices, food membership distribution, play areas, and parking.

**Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.

**Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include registered or certified family child care

homes as specified in ORS 329A. Registered or certified family child care homes for up to 16 or fewer children, including the children of the provider that also meet the State's requirements are Household Living uses.

## **MIXED COMMERCIAL/RESIDENTIAL ZONE**

**DEFINITIONS.** The Mixed Commercial/Residential zone promotes development that combines commercial and housing uses on a single site. This zone allows increased development on busier streets without fostering a strip commercial appearance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Other uses are allowed to provide a variety of uses that may locate in existing buildings. Development is intended to consist primarily of businesses on the ground floor with housing on upper stories.

Uses allowed in the Mixed Commercial/Residential zone include Household Living, Office, Retail Sales and Service, Community Service, Colleges, Medical Centers, Religious Institutions, and Daycare.

### **Section 1 – Use**

#### **A. Household Living**

**Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see Community Service category). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living.

**Accessory Uses.** Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, accessory short-term rentals, and food membership distribution are accessory uses that are subject to additional regulations.

**Allowable Uses.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, and other structures with self-contained dwelling units.

#### **Exceptions.**

1. Lodging in a dwelling unit where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is not permitted.
2. SROs that contain programs which include common dining are not permitted.
3. Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.
4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short-term housing or mass shelter.

#### **B. Office**

**Characteristics.** Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. There are two subgroups within the Office category:

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1. Traditional Office. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Traditional Office uses require customers or clients to visit the site on a regular basis.

2. Industrial Office. Industrial Office uses are characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.

**Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Accessory uses may also include food membership distribution.

**Allowable Uses.** Allowable uses are from the two subgroups:

1. Traditional Office: Professional services such as lawyers, accountants, or management consultants; business services such as headquarters, temporary staffing agencies, sales offices, or call centers; financial services such as lenders, brokerage houses, banks, real estate agents and developers or property managers; television and radio studios; portrait photography studios; government offices and public utility offices; medical and dental clinics, and blood collection facilities.

2. Industrial Office: Architectural, engineering and related services including landscape architects; drafting services; consultant service providers in the building inspection, architectural, geophysical surveying and mapping, environmental, agricultural, motion picture, biology and life sciences, biotechnology, physics, chemistry, economics, energy, and engineering fields; medical, dental, and veterinary labs primarily engaged in providing testing services to practitioners; interior, industrial, and graphic design services; commercial photography studios; computer system, software, or internet content design services where all support occurs off-site; data processing and hosting services.

**Exceptions.**

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.

2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

### C. Retail Sales and Service

**Characteristics.** Retail Sales and Service firms in the Mixed Commercial/Residential Zone are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

**Accessory uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking.

**Allowable Uses.** Allowable uses are from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, plants, printed material, stationery, and videos; food sales, and Farmers Markets.

2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic

studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; veterinarians; kennels limited to boarding, with no breeding; and animal grooming; private lodges, clubs, and private or commercial athletic or health clubs.

3. Entertainment-oriented: Restaurants, cafes, delicatessens, commercial museums.

4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; tailor; locksmith; and upholsterer.

**Exceptions.**

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation.

2. Sales of landscape materials, including bark chips and compost.

3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks.

Repair and service of industrial vehicles and equipment, and heavy trucks is classified.

4. Sales, rental, or leasing of heavy trucks and equipment.

5. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.

6. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service.

7. Trade schools where industrial vehicles and equipment, including heavy trucks, are operated.

#### D. Colleges

**Characteristics.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.

**Accessory Uses.** Accessory uses include offices, food membership distribution, meeting areas, parking, and maintenance facilities.

**Allowable Uses.** Allowable uses include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

**Exceptions.** Business and trade schools are classified as Retail Sales and Service.

#### E. Community Services

**Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short-term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

**Accessory Uses.** Accessory uses may include offices, meeting areas, food preparation areas, food membership distribution, parking, health and therapy areas, daycare uses, and athletic facilities.

**Allowable Uses.** Allowable uses include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, social service facilities, mass shelters or short-term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, and surplus food distribution centers.

**Exceptions.**

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Services. Commercial museums are in Retail Sales and Service.
2. Parks are in Parks and Open Areas.

F. Daycare

**Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

**Accessory Uses.** Accessory uses include offices, food membership distribution, play areas, and parking.

**Allowable Uses.** Allowable uses include preschools, nursery schools, latch key programs, and adult daycare programs.

**Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include registered or certified family child care homes as specified in ORS 329A. Registered or certified family child care homes for up to 16 or fewer children, including the children of the provider that also meet the State's requirements are Household Living uses.

G. Religious Institutions

**Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.

**Accessory Uses.** Accessory uses include Sunday school facilities, food membership distribution, parking, caretaker's housing.

**Allowable Uses.** Allowable uses include churches, temples, synagogues, and mosques.

These uses are allowed if they comply with the development standards and other regulations. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to these provisions.

**Section 2- Development Standards**

The following Development Standards apply only to properties zoned Mixed Commercial Residential.

A. Lot Size

Creation of new lots in commercially zoned properties is prohibited.

B. Height

**Purpose.** The height limits are intended to control the overall scale of buildings. Light, air, and the

potential for privacy are intended to be preserved in adjacent residential zones.

**Height standard.** The height standard for the Mixed Commercial/Residential zone is 45 feet. Exceptions to the maximum height standard in the Mixed Commercial/Residential are stated below.

1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other similar items attached to a building, with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.

2. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:

- a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
- b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

3. Antennas, utility power poles, and public safety facilities are exempt from the height limit.

4. Small building or pole-mounted wind turbines are must meet the following standards:

- a. The maximum rotor swept area, as defined by the American Wind Energy Associated (AWEA) may not exceed 150 square feet;
- b. The pole and turbine must be set back at least 10 feet from all lot lines;
- c. A turbine may not be higher than 45 feet above the height of the building it is mounted on.
- d. Turbines must have an AWEA-rated sound level of 45dBA or less.
- e. Roof mounted solar panels are not included in height calculations and may exceed the maximum height limit if the following are met:
  1. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
  2. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

### C. Setbacks

**Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the properties zoned commercial. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

**Minimum Building Setbacks.** The minimum building setback standards apply to all buildings and structures on the site as specified in this section.

Buildings adjacent to residential lots in the Mixed Commercial/Residential zone must have a minimum 10-foot setback.

### D. Building Coverage

The maximum building coverage standard is 50% of the site area. The building coverage standard limits

the footprint of buildings and works with the height and setback standards to control the overall scale of development. This standard promotes buildings at a scale compatible with surrounding residential development.

#### E. Landscaped Areas

Landscaping is required because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. Landscaping is required for all commercial-zoned lands abutting –residential properties to provide buffering and promote the livability of the residential lands.

**Minimum landscaped area standard.** The required amounts of landscaped is 15% of the site. Required landscaped areas must be at ground level. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks, applies towards the landscaped area standard.

#### F. Ground Floor Windows

Blank walls on the ground level of buildings in the Mixed Commercial/Residential zone are limited in order to provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas and to encourage continuity of retail and service uses.

The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. On lots with more than one street frontage, the general standard must be met on one street frontage only. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units.

Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall.

#### G. Screening

The screening standards address specific unsightly features which detract from the appearance of commercial areas.

**Garbage and Recycling Collection Areas:** All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt.

**Mechanical Equipment:** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of a residential lot.

1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; or



3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.

#### H. Transit Street Main Entrance

Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

#### I. Exterior Display, Storage, and Work Activities

The standards of this section are intended to assure that exterior display, storage, and work activities will be consistent with the desired character of the zone, will not be a detriment to the overall appearance of a commercial area, will not have adverse impacts on adjacent properties, especially those zoned residential; and will not have an adverse impact on the environment.

**Exterior display.** Exterior display areas must be set back at least 5 feet from street lot lines and be landscaped. Exterior display areas must be set back at least 5 feet from lot lines abutting R zones and be landscaped.

**Exterior storage.** Exterior storage is limited to 10 percent of the site area and must be back 5 feet from non-street lot lines and 10 feet from street lot lines, with the setback area landscaped.

**Exterior work activities.** The following exterior activities are allowed in the Mixed Commercial/Residential zone: outdoor eating areas, entertainment and recreation uses that are commonly performed outside, and outdoor markets.

**Paving:** All exterior display and storage areas must be paved.

### Section 3- Additional Requirements in the Mixed Commercial/Residential Zone

**Purpose.** These standards encourage new mixed-use and residential development. They also provide for small amounts of existing nonresidential uses to remain as allowed uses, and to allow limited expansions to ensure their viability.

#### A. Where These Standards Apply

The standards of this section apply to sites in the Mixed Commercial/Residential zone where any of the floor area is, or is proposed to be used for commercial uses. For the purposes of this section, these uses are called limited nonresidential uses.

**Measurements.** For the purposes of this section, measurements are as follows:

1. Parking excluded. Floor area does not include area devoted to structured parking.
2. Residential common areas. Areas shared exclusively by residential uses such as hallways, stairs, and entries are included in residential floor area.
3. Other common areas. Areas shared by residential and nonresidential uses, such as hallways, stairs, and entries, are included in nonresidential floor area.
4. Balconies. Balconies are included in residential floor area if the balcony serves only residential units and is at least 48 square feet in area and at least 6 feet long and 6 feet wide.

**New development.** For new development, at least one square foot of residential development is required for each square foot of limited nonresidential floor area.

## B. Fences

**Purpose.** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

**Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

### **Location and heights.**

1. Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:
  - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
  - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
2. Fences abutting other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.
3. Fences in all other locations. The height for fences in locations other than described in Paragraphs 1 and 2 is the same as the regular height limits of the zone.

## C. Minimum Required Parking Space Requirements for Vehicles and Bicycles

**Purpose.** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long-term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

**Use of Required Parking Spaces.** Required parking spaces must be available for the use of residents, customers, or employees of the use. All parking areas must be designed so that a vehicle may enter or exit without having to move another vehicle to allow vehicles to enter and exit the roadway in a forward motion. Required parking spaces may not be assigned in any way to a use on another site. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

### **Improvements.**

1. Striping: All parking areas must be paved and striped in conformance with the parking dimension standards. A standard parking space must be at least 9 feet by 18 feet. Disabled parking space for vans and access aisles and vehicular routes serving them shall provide a minimum vertical clearance of 98 inches. Van parking spaces shall be a minimum 132 inches wide and must contain an access aisle. Car parking spaces shall be at least 96 inches in width.
2. Protective Curbs Around Landscaping: All perimeter and interior landscaped areas must have protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards, or other protective barriers may be used

at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers.

**Short-term bicycle parking**

**Purpose:** Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists.

**Standards:** Short-term bicycle parking racks must be provided and must be outside a building at the same grade as the sidewalk or at a location that can be reached by an accessible route; and within 50 feet of the main entrance(s).

D. Signs

Signs are pursuant to the provisions of MCC 11.15.7902-.7982. *[Amended 1986, Ord. 543 § 2]*

Effective Date THIS ORDINANCE TAKES EFFECT IN 30 DAYS FROM THE DATE OF ADOPTION.

PASSED and APPROVED by the City Council of the City of Maywood Park on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Matthew Castor, Mayor

or

\_\_\_\_\_  
Art Winslow, Council President

ATTEST:

\_\_\_\_\_  
Rene' Sanders, City Recorder

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