

ARTICLE III. - LH LINDEN HILLS OVERLAY DISTRICT

551.180. - Purpose.

The LH Linden Hills Overlay District is established to preserve and promote the pedestrian character of the Linden Hills commercial districts, to establish parking requirements for certain high impact uses, to reduce the impact of commercial uses and off-street parking and loading facilities on adjacent properties, to maintain the economic viability of the Linden Hills commercial districts while retaining a core of businesses providing neighborhood services, and to mitigate the impacts of vehicular speeds and congestion in the neighborhood. Small, neighborhood scale commercial uses are encouraged.

551.190. - Established boundaries.

All land located within the established boundaries of the LH Overlay District shall be subject to the requirements of this chapter. All applicants are encouraged to meet with the designated neighborhood organizations to discuss and review proposed plans for development within the Linden Hills commercial districts. The boundaries of the LH Overlay District shall be the areas known as the following as shown on the official zoning map:

- (1) Forty-third Street West and Upton Avenue South commercial district.
- (2) Forty-fourth Street West and Beard Avenue South commercial district.

551.200. - Prohibited uses.

The following uses shall be prohibited in the LH Overlay District:

- (1) Drive-through facilities.
- (2) Automobile services uses.
- (3) Video stores of more than two thousand (2,000) square feet gross floor area.
- (4) Bicycle and in-line skate rental.

551.210. - Commercial deliveries.

All commercial deliveries and shipments of products, merchandise or supplies shall conform to existing road and truck use restrictions on residential streets, and are encouraged to be provided by use of straight trucks or smaller vehicles and not semi-tractor trailers.

551.220. - Fast food restaurants.

Fast food restaurants shall be located only in storefront buildings existing on the effective date of this ordinance, provided further that no significant changes shall be made to the exterior of the structure and freestanding signs shall be prohibited.

551.230. - Restaurant seating plan.

All restaurants and coffee shops shall provide to the zoning administrator a complete accounting of the number of seats in the establishment, including all indoor and outdoor customer seating, and shall conspicuously post upon the premises the legal seating permitted and approved site plan for outdoor seating, if any.

551.240. - Building placement.

The placement of buildings shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. The first floor of buildings shall be located not more than eight (8) feet from the front lot line, except where a greater yard is required by this zoning ordinance. In the case of a corner lot, the building wall abutting each street shall be located not more than eight (8) feet from the lot line, except where a greater yard is required by this zoning ordinance. The area between the building and the lot line shall include amenities such as landscaping, tables and seating. Buildings shall be oriented so that at least one (1) principal entrance faces the public street rather than the interior of the site.

551.250. - Building façade.

(a) *Window area.* At least forty (40) percent of the first floor façade of any nonresidential use that faces a public street or sidewalk, shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building. Windows shall be distributed in a more or less even manner. Minimum window area shall be measured between the height of two (2) feet and ten (10) feet above the finished level of the first floor.

(b) *Awnings and canopies.* Awnings and canopies are encouraged to provide protection for pedestrians and shall be placed to emphasize individual storefronts and entrances. Plastic, vinyl or similar material and backlit awnings shall be prohibited.

(2009-Or-057, § 3, 7-17-09)

551.260. - Prohibited on-premise signs.

The following on-premise signs shall be prohibited in the LH Overlay District:

- (1) Pole signs.
- (2) Backlit awning signs.
- (3) Backlit insertable panel projecting signs.

(2009-Or-057, § 4, 7-17-09)

551.270. - Accessory parking.

(a) *Location.* On-site accessory parking facilities established after June 1, 1997 shall be located to the rear or interior side of the site, within the principal building served, or entirely below grade.

(b) *Dimensions.* Parking lots shall be limited to not more than sixty (60) feet of street frontage.

(c) *Driveways.* Driveway width for all parking areas shall not exceed twenty (20) feet of street frontage. Parking areas existing on or before June 1, 1997 shall not be affected by this provision regardless of the amount of street frontage, provided that street frontages shall not be increased beyond the limits of this section.

551.280. - Specific parking requirements.

Accessory off-street parking shall be provided as specified in Table 551-1, LH Overlay District Minimum Off-Street Parking Requirements.

Table 551-1LH Overlay District Minimum Off-Street Parking Requirements

Use	Minimum Parking Requirement	Specific Parking Standards
Video store not more than	1 space per 250 square feet	Nonconforming parking

2,000 square feet of gross floor area	of gross floor area but not less than 4 spaces.	rights shall apply. Off-site parking shall be prohibited.
Bank or financial institution	1 space per 300 square feet of gross floor area but not less than 4 spaces.	Off-site parking shall be permitted within 300 feet of the property line.
Grocery store	1 space per 300 square feet of gross floor area but not less than 4 spaces.	Off-site parking shall be prohibited.
Coffee shop	1 space per 3 seats but not less than 4 spaces.	Off-site parking shall be prohibited.
Restaurants without wine or beer	1 space per 3 seats but not less than 4 spaces	Off-site parking permitted within 300 feet of the main entrance of the premises to the property line of the parking lot.
Restaurants with wine or beer	1 space per 3 seats but not less than 4 spaces. Parking shall be provided for all customer seating, including outdoor seating.	Off-site parking permitted within 300 feet of the main entrance of the premises to the property line of the parking lot.

551.290. - Maximum number of accessory parking spaces.

The number of accessory parking spaces for nonresidential uses shall not exceed one hundred fifty (150) percent of the minimum required parking spaces, as specified in Chapter 541, Off-street Parking and Loading, except where it is determined by the zoning administrator that such excess parking spaces serve to provide parking for another use, subject to the requirements of this section. Parking areas existing on or before June 1, 1997 shall not be affected by this provision provided that the amount of off-street parking shall not be increased if it is already in excess of one hundred fifty (150) percent of the minimum required parking.

551.300. - Site plan review required.

The following shall be subject to the standards of Chapter 530, Site plan Review, and the site plan review standards of this article:

- (1) All uses listed in Chapter 530, Site Plan Review.
- (2) Any increase in gross floor area to three thousand (3,000) square feet or more through expansion of an existing building or construction of a new building.
- (3)

Any increase in impervious parking surface area that results in a principal or accessory parking facility of ten (10) or more spaces.

551.310. - LH Overlay District site plan review requirements.

All uses subject to site plan review shall comply with the standards of Chapter 530, Site Plan Review, and the following requirements:

- (1) *Commercial buildings adjacent to residence or office residence districts.* Commercial buildings on property adjacent to a residence or office residence district boundary shall comply with the following:
 - a. Exterior materials and appearance of the rear and side walls of any building shall be the same as the front of the building.
 - b. A landscaped setback area of at least five (5) feet containing evergreen or deciduous shrubs that form a continuous screen not less than three (3) feet nor more than six (6) feet in height within two (2) years shall be provided between any building and the residence or office residence district boundary. The city planning commission may consider the substitution of a decorative fence or masonry wall in lieu of planted materials.
- (2) *Parking areas fronting along public streets.* Parking areas fronting along a public street shall comply with the following:
 - a. A landscaped setback area of at least five (5) feet containing evergreen or deciduous shrubs that form a continuous screen three (3) feet in height within two (2) years shall be provided between the parking area and public street. The city planning commission may consider the substitution of a decorative fence, masonry wall or similar architectural feature in lieu of planted materials.
 - b. One canopy tree at least three (3) inches in caliper shall be provided for every fifteen (15) feet of parking lot frontage. Trees shall be planted between the parking area and the sidewalk, or between the sidewalk and the street.
- (3) *Parking areas adjacent to residence or office residence districts.* Parking areas adjacent to a residence or office residence district boundary shall provide a six (6) foot decorative solid fence or a landscaped setback area of at least five (5) feet containing evergreen or deciduous shrubs that form a continuous screen not less than three (3) feet nor more than six (6) feet in height within two (2) years between the parking area and the residence or office residence district boundary.
- (4) *Maneuvering and loading.* Any expansion of an existing building or construction of a new building resulting in a gross floor area of five thousand (5,000) square feet or more shall be subject to the following additional standards:
 - a. *Vehicle maneuvering.* In order to encourage pedestrian activity and to enhance public safety to the extent practical, all vehicle maneuvers associated with parking and loading shall occur in the off-street parking or loading area or structure. Public streets shall not be used to conduct any parking maneuver, including backing out onto the street.
 - b. *Commercial deliveries.* The commercial delivery and shipment of products, merchandise or supplies in straight trucks or smaller vehicles shall be encouraged.
 - c. *Shared loading.* A loading facility shared by two (2) or more uses may be provided in lieu of one (1) required automobile parking space, subject to the provisions of Chapter 541, Off-street Parking and Loading.

551.320. - Exceptions to LH Overlay District site plan review requirements.

The city planning commission may approve exceptions to the LH Overlay District site plan review requirements upon finding that the use or development includes site amenities that address any adverse effects of the exception or where the planning commission finds that strict adherence to the requirements is impractical because of site location or conditions.