

**CITY OF NORTH PLAINS PLANNING COMMISSION  
REGULAR SESSION AGENDA  
North Plains Senior Center  
31450 NW Commercial Street  
WEDNESDAY, January 14, 2015 - 7:00 P.M.**

**1. CALL TO ORDER**

**2. FLAG SALUTE**

**3. ROLL CALL**

**4. PUBLIC COMMENTS**

*(This time is provided for questions or statements by persons in the audience on any item of Planning Commission business, except those items which appear on this agenda. Comments shall be limited as determined by the Chairperson.)*

**5. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

**6. CONSENT AGENDA:** *(The items on the Consent Agenda are normally considered in a single motion. Any item may be removed for separate consideration upon request by any member of the Planning Commission.)*

A. Approval of Regular Session Agenda

B. Approval of November 12, 2014, Regular Session Minutes

**7. PUBLIC HEARING**

None Scheduled

**8. NEW BUSINESS**

A. Interview Planning Commissioner applicant Lonnie Knodel

**9. OLD BUSINESS**

A. Review of draft changes to Municipal Code sections 16.20, 16.25, 16.30, and new section Mixed Use Neighborhood District

B. Staff Comments

C. Commissioner Comments

**10. ADJOURNMENT**

The Planning Commission meetings to be held at the North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon. Meetings will be held on the following dates at 7:00 p.m.:

***Wednesday, February 11, 2015***

***Wednesday, March 11, 2015***

***Wednesday, April 8, 2015***

**CITY OF NORTH PLAINS PLANNING COMMISSION  
REGULAR SESSION MINUTES  
November 12, 2014, 7:00 P.M.  
North Plains Senior Center  
31450 NW Commercial St**

1. Chairperson King called the meeting to order at 7:00 p.m.

2. The pledge of allegiance was led by Chairperson King.

3. **ROLL CALL**

Chair Stewart King, Vice Chair Heather LaBonte, Doug Nunnenkamp, Garth Eimers, Daryl Olson and Larry Gonzales.

**Absent:** Jeff Low. (Chair King advised Mr. Low will be submitting his resignation soon.)

**Ex-Officio:** City Councilor Teri Lenahan.

**Staff Present:** City Manager Martha DeBry and City Recorder Margaret Reh

**Audience:** Shaun Fidler; Tim Roth

4. **PUBLIC COMMENTS**

None were forthcoming.

5. **CONSENT AGENDA**

A. Approval of the Regular Session Agenda.

B. Approval of September 10, 2014, Regular Session Minutes

C. October 8, 2014 meeting was cancelled.

Motion by Eimers. Second by LaBonte to approve the consent agenda. Motion approved unanimously.

6. **PUBLIC HEARING**

A. Approval of a final plat for McKay Fields located on West Union Road

DeBry presented the staff report. This was a continued public hearing. Shaun Fidler, 9136 SE St. Helen's, Clackamas OR 97015 and Tim Roth 12600 SW 72<sup>nd</sup> Avenue, Suite 200, Portland, OR 97223 were in attendance representing J.T.Roth.

Discussion ensued regarding Item No. 26 of the Conditions of Approval in the Final Order dated May 17, 2013.

*McKay Fields Subdivision Final Order (05/17/13)*

*Exhibit B: Conditions of Approval-Item No E.26*

*Prior to final plat approval, the applicant shall enter into an agreement with the City providing for dedication of the 3.49 acre portion of the McKay Creek floodplain identified on the preliminary subdivision plan. Such dedication may provide for fee offsets for the value of the dedicated land area based on a City-approved appraisal. The agreement shall also provide for the applicant to make appropriate improvements to the dedicated area for use as a public park and shall provide for irrigation of any areas identified to be*

*improved with grass and/or recreational fields. If an agreement cannot be reached the usable park area may be owned and maintained by the HOA, provided an easement for walking trails is provided to the City as required by the City Parks Plan and Community Trails Plan, and is acceptable to the City as to form.*

When this condition was established it wasn't contemplated that the open space would be under separate ownership. The current developer, J.T.Roth, does not own the 3.49 acre parcel in the McKay Creek floodplain—it is privately owned. Therefore, it should be noted that the applicant cannot meet the condition of approval on item No. 26. The property will not be deeded to the city or to the HOA.

Discussion ensued regarding the installation of fencing along the entire north frontage of the development on West Union. The condition reads that it will include Lot 24, 25 and 33. The Commission decide it wants all the lots to be included 29 through 32. The developer was planning on doing this anyway, and will ensure that all clear vision requirements will be met.

*McKay Fields Subdivision Final Order (05/17/13)*

*Exhibit B: Conditions of Approval-Item No B.17*

*Applicant shall provide the City with an opaque landscape fence and buffer plan for areas adjoining the north side of Lots 24, 25 and 33 for approval. Applicant must indicate how the improvements will be maintained. If a HOA is established, provide the City a copy of the HOA agreement.*

Discussion ensued regarding steps taken to address pedestrian issues connecting this development to the rest of the city. Staff is working with the County on long term solutions. Short term may be that the County could move the center line slightly to the north to provide more area for pedestrian travel.

Motion by LaBonte. Second by Nunnenkamp to approve McKay Fields Final Subdivision Plat with modifications to conditions in Exhibit B as discussed above regarding Item No. 17—fencing along the entire north of the development and Condition No. 26—regarding dedication of the floodplain will not be met as the developer does not own the property.

## **B. Comprehensive Plan Update**

This was a continued public hearing. DeBry stated the City Council has decided to hire a consultant to engage the community in the Comprehensive Plan and to develop the Comprehensive Plan. There will be an interview process to hire this consultant. It was recommendation to close this public hearing at this time. A public hearing will be noticed at a future date.

## **7. CITY MANAGER REPORT**

DeBry explained the process for hiring a consultant for the developing of the Comprehensive Plan. Interviews will take place and staff would like to include Commissioners and Councilors in the interview panel.

An application for the McKay Creek Crossing subdivision had been submitted along with

the fees for a 58 unit plan. However, the builder requested the plans back for further review. It was deemed incomplete so the 120 day clock has not begun. King inquired about the walking path that may be included in this development. He suggested the Parks Board be made aware if plans come back including a proposed walking area.

Discussion ensued regarding zoning change suggestions that came up at the joint meeting with Council and the Commission. Specifically the minimum lot size in R2.5. Those present expressed concern about high density and wanting to scale it back. It was hoped that there would be forward motion before another application for a subdivision was received. The McKay Creek Crossing application came quicker than anticipated.

Staff noted a draft ordinance was included in the October joint meeting packet. These changes had been placed hold when Council/Commission decided to hire a consultant. DeBry stated all the proposed draft changes to the code made are on the City's website.

Discussion ensued regarding the process of approving Land Use applications associated with new house permits. The Commission felt that some of the checks and balances are missing between what is done on the City level and that which is done at the County level.

LaBonte inquired about the signature blocks the City uses on approved plats. She also would like clarification regarding who signs off on plans. The Planning Commission used to sign and now are signed by City Manager. The Commission can assign a designee to expedite the process.

## **8. ADDITIONAL BUSINESS**

### **A. Review of Land Use/Building Permit Project List**

Chair King asked what the Commission was supposed to do with this list. DeBry stated it was informational only. King said it was confusing since the agenda states "review". DeBry suggested that we list it with the Consent Agenda from now on.

### **B. Commissioner Comments**

Commissioner Nunnenkamp asked how the notices were distributed for the North Plains Christian Church's application for installing an electronic sign. Staff advised it was a Type II Application and notices were sent to property owners within 250 ft of the property.

It was noted a Hindu Temple and Education Center is being built on the south side of Highway 26, and a concern was expressed that it may have a traffic impact on the town. The application was approved by Washington County as it is not within the North Plains City Limits.

Commissioner Nunnenkamp mentioned that there appears to be more temporary signs throughout town and asked about the status of the corner sign proposed by the Chamber of Commerce. Councilor Lenahan had spoken with Cindy Hirst, Chamber Secretary regarding the sign. The Chamber is seeking funding or grant money that may be available

to create and install the sign. Chamber membership has still not made a determination of what the sign should look like or how the names will appear.

Chairman King commented that an Argus newspaper box was placed in front of his business Tri-Star Realty. The Argus did not ask for permission to install the box, it just showed up. DeBry stated we can control placement but we can't disallow these boxes. Stewart stated that he thought the paper should be contacting the business owners before placing them at a privately owned building. It was suggested that King call the Argus to have it removed.

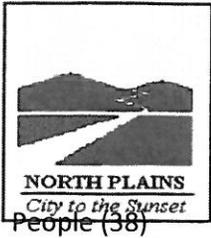
Chairman King noted there are still picnic benches on the sidewalk in front of the Rogue. These were set up during the Farmers' Market this summer and were very popular. This was a means of helping the business owners out. However, it sometimes gets difficult to walk down the sidewalk when a sandwich sign is added to the tables and benches. DeBry will have the business owner contacted about the placement of the sign in relationship to the benches.

**9. ADJOURNMENT.** Chairperson King adjourned the meeting at 8:15 p.m. The next scheduled regular session of the Planning Commission is December 10, 2014 which will be held at the North Plains Senior Center.

Submitted by:

\_\_\_\_\_  
Margaret L. Reh, City Recorder

Date Minutes Approved: \_\_\_\_\_



# CITY OF NORTH PLAINS

Submit Application to:  
31360 NW Commercial Street, North Plains, Oregon 97133 or  
info@northplains.org

## APPLICATION FOR APPOINTMENT TO THE PLANNING COMMISSION

Information provided in this application is considered public and may be used upon announcing your appointment. The Planning Commission usually meets once a month for approximately 2-3 hours. From time to time, special meetings are held to meet deadlines or conduct public hearings. Preparation for each meeting usually involves an equal amount of time. The Planning Commission's regular meetings are the second Wednesday of each month at 7:00 p.m.

Each position is a four-year term. If the application is submitted to fill a vacancy, the appointee will serve for the time remaining in that term. Each applicant is interviewed by the Planning Commission and the City Council. The Commission will relay its recommendation to the City Council for review at the Council's next scheduled meeting. The Council interview will occur prior to making its appointment to the Commission. Plan to attend both meetings for your application consideration

Name: Lonnie Knodel Date: 12/3/14

Mailing Address: P.O. BOX 729 NORTH PLAINS ORE 97133  
Add to circles

Street Address if different: 31473 NW WASCOE ST.

City: NORTH PLAINS

State: ORE Zip: 97133

Home Phone: 503-799-1244 Work Phone: 503-799-1244 Cell Phone: SAME

E-mail Address: LonnieKnodel@gmail.com

Occupation: REMAX EQUITY GROUP (Real

Please answer the following questions. There is no "right" answer to any question. If additional space is needed, use the back of this page or attach a separate page.

1. Why would you like to serve on the Planning Commission?
2. What do you think are the most important issues now facing North Plains?
3. Do you have any special interests or qualifications that you would bring to the Planning Commission?  
Show details

*Thank you for applying. Your interest is appreciated!*

## **Attachment to Application for Appointment to the Planning Commission:**

### **1. Why would you like to serve on the Planning Commission?**

**My wife's family moved to North Plains in 1967 and she and I have been married for almost 25 years. We have watched this little town grow and evolve over the years and have a passion for it. It is home to us. I think it is important to be involved in whatever you "care" about.**

**I have an extensive background in construction and real estate. This furthers my interest around watching the growth of this small town. My father was a builder, then owned my own company for over 20 years as a general contractor. Currently I am a licensed real estate broker.**

### **2. What do you think are the most important issues now facing North Plains?**

**I think that it is important that the City has steady growth, but at a pace that the infrastructure keeps up as well. There is a need for business growth as well as an increase in housing. I also think it is important to keep the small town / country feeling that has always been so inviting and what draws people out.**

[Click here to Reply or Forward](#)

### **3. This question was answered in #1**



## CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 7, 2015  
To: North Plains Planning Commission  
From: City Manager Martha DeBry  
Subject: Review of draft changes to Municipal Code sections 16.20, 16.25, 16.30, 16.45, and new section Mixed Use Neighborhood District

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**Background:** As discussed at the September 22 joint meeting of the City Council and Planning Commission, draft amendments have been prepared for the residential zoning ordinances. These include 16.20-R7.5; 16.25-R5; 16.30-R2.5; and 6.45 Neighborhood Community. Additionally, a draft for mixed use development has been included in the packet. This draft is very liberally lifted from the MU-C and MU-N mixed use districts administered by the City of Hillsboro. (Should we receive an application for mixed use one day, we would likely contract with Hillsboro to assist with review of the application, as we are inexperienced at reviewing such plans and need the assistance of larger agency to identify practical problems in the review process.) The drafts were first presented with the agenda packet for the joint City Council / Planning Commission meeting on October 13 as Attachment A. At that time a decision was made to delay review of the draft ordinances until a consultant was retained for vision process.

At some point these drafts need to be forwarded to DLCD prior to formal consideration of changes by the Planning Commission or City Council. At least 45 days needs to be provided to DLCD to make comments. Once we have passed the DLCD review period the ordinances can be further edited by the Planning Commission and Council. There is no timeline for revisions or adoption once the drafts are eligible for comment, so there will be ample time to revise and edit the drafts after the DLCD review has started.

These code changes are in addition to pending revisions already submitted to DLCD for 16.05 Definitions, 16.60 Community Service Overlay District, 16.125 Lot Standards, 16.140 Planned Use Developments, 16.170 Application Process, 16.205 Annexations, and a draft Public Facilities Ordinance. DLCD provided no comments on these drafts.

**Recommendation:** The Commission discuss proposed code changes.

**Chapter 16.20**  
**ZONING DISTRICT R-7.5**

**16.20.000**    **Purpose**

The purpose of the **R7.5 District** is to provide for the development of single family uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

**16.20.005**    **Permitted Uses**

Permitted uses subject to the requirements of Design Review in this chapter, if applicable. Refer to Zoning Code Use Table.

- A. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- C. Child Care, Certified Home
- D. Child Care, Registered Home
- E. Home occupations, subject to Chapter 16.85, Home Occupations
- F. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- G. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- H. Residential Home
- I. Single family detached dwelling

**16.20.010**    **Conditional Uses**

Subject to the requirements of Design Review section of this chapter, if applicable. Refer to Chapter 16.15, Zoning Code Use Table.

The following uses and their accessory structures may be permitted in the R7.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit section of this chapter.

- A. Child Care, Certified Center
- B. Civic /Governmental use
- C. Educational Facility
- D. Extended Care Facility / Convalescent / Nursing Home

- E. Fraternal Lodge
- F. Places of Worship
- G. Utility Facilities

**16. 20.015 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the R7.5 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. ~~In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City pursuant to Variance Review section of this chapter.~~

**A. Lot/Parcel Size**

~~1. Single family detached dwelling: 7,500 square feet minimum lot/parcel size~~

~~2.1. \_\_\_\_\_ A~~  
 II other uses: 7,500 square feet

~~3.2. \_\_\_\_\_ 9~~  
~~.000 square feet maximum for lots created by subdivision. Subdivisions greater than 10 acres must average a minimum of 4 dwelling units per net acre~~

**B. Lot/Parcel Depth and Width**

- 1. The minimum average lot width shall be 60 feet.
- 2. The minimum lot depth shall be 80 feet.

**C. Minimum Setback Requirements**

- 1. Principle structures, accessory dwellings, and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks. ~~except that development on flag lots shall be subject to the setback standards of 16.125.010.~~
- 2. Front Yard (Principle structure) 20 feet
- 3. Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

4. Rear Yard:

- a. 10 feet for street-access lots
- b. 6 feet for alley-access lots
- c. 5 feet for Accessory Structures and Accessory Dwellings
- ~~e.~~

5. Side Yard:

- a. Interior 5 feet
- b. Adjacent to street 10-feet plus additional necessary to comply with the standards of Clear Vision Areas section of this chapter.
- ~~e.~~ Accessory Structures and Accessory Dwellings: **5 foot** Side Yard (adjacent to street) setback, except as provided for in 16.105.
- c.
- ~~d.~~ ~~Flag Lots approved 10 feet for all yards, except pursuant to 16.125.010, that the yard facing the garage door shall be a minimum of 20 feet, except as otherwise provided in this chapter.~~

D. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet. Accessory dwellings and accessory structures shall not exceed 25 feet.

E. Lot/Parcel Coverage

In the R7.5 District, the maximum impervious surface coverage shall not exceed sixty five (65) percent of the total area of any lot.

F. Flag Lots

Flag lots are subject to the standards set forth in Chapter 16.125.010.C.

**16. 20.020 Parking Requirements**

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in the Off Street Parking and Loading section of this chapter.

**16. 20.025 Development Standards**

The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

- A. All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:
  - 1. dormers;
  - 2. gables;
  - 3. recessed entries;
  - 4. covered porch entries;
  - 5. cupolas;
  - 6. pillars or posts;
  - 7. bay or bow windows;
  - 8. eaves (minimum 6" projection);
  - 9. offsets on building face or roof (minimums 16");
  
- B. All manufactured homes shall also comply with the requirements of Chapter 16.100, Manufactured Homes.

**Chapter 16.25**  
**HOW LAND MAY BE USED AND DEVELOPED**  
**ZONING DISTRICT R-5**

**16.25.000**    **Purpose**

The purpose of the R5 District is to provide for the development of single family residential uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

**16.25.005**    **Permitted Uses**

Permitted Uses subject to the requirements of the Design Review section of this chapter, if applicable. Refer to Zoning Code Use Table

- A. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- C. Child Care, Certified Home
- D. Child Care, Registered Home
- E. Duplex dwellings, Subject to Chapter 16.105, Duplex, Triplex, and Attached Single Family Dwellings
- F. Home occupations, subject to Chapter 16.85, Home Occupations
- G. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- H. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes
- I. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- J. Residential Home
- K. Single family attached homes/row houses. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling
- L. Single family detached dwelling

**16.25.010**    **Conditional Uses**

Conditional uses are subject to the requirements of the Design Review section of this

chapter, if applicable. Refer to Zoning Code Use Table.

The following uses and their accessory structures may be permitted in the R.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit section of this chapter.

- A. Bed & Breakfast
- B. Child Care, Certified Center
- C. Civic /Governmental Use
- D. Educational Facility
- E. Extended Care Facility / Convalescent / Nursing Home
- F. Fraternal Lodge
- G. Places of Worship
- H. Utility Facilities

**16.25.015 Dimensional Standards**

The following dimensional standards are the minimum requirements for all development in the R5 District except for modifications permitted under the Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. ~~In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City. For land within the city limits of the City of North Plains as of July 1, 2004, a minor adjustment of up to 10% of the lot size may be granted by the City pursuant to the Variance Review section of this chapter.~~

**A. Lot/Parcel Size**

1. Single family detached dwelling - 5,000 square feet minimum

~~• Within a Planned Unit development - 4,000 square feet minimum~~

~~• Lots created by Subdivision - 6,000 square feet maximum~~

2. Two family dwelling (duplex), triplex & attached single family dwelling - ~~4~~5,000 square feet minimum per unit

~~3.~~ All other uses - 5,000 square feet minimum

~~3.4.~~ Lots created by Subdivision shall have a 7,500 square feet maximum

**B. Lot/Parcel Depth and Width**

1. The minimum average lot width shall be 40 feet, ~~except that lots for attached single family dwellings may have a minimum average lot width of 25 feet.~~
2. The minimum lot depth shall be 80 feet.

**C. Minimum Setback Requirements**

Principle structures, accessory dwellings accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards of 16.125.010(C):

**1. Front Yard**

- Garage - 20 feet
- All other structures - 15 feet

With alley access garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

**2. Rear Yard**

- Street-access lots - 10 feet
- Alley-access lots - 6 feet
- Accessory Structures and Accessory Dwellings - 5 feet

**3. Side Yard**

- Interior – 5 feet
- adjacent to street - 10 feet plus additional necessary to comply with the standards of the Clear Vision Areas section of this chapter
- Accessory Structures and Accessory Dwellings: 5 foot Side Yard (adjacent to street) setback, except as provided in the Accessory Uses Structures and Dwellings section of this chapter.

**4. Flag Lots**

~~All yards shall have setbacks of 10 feet, except that the yard facing the garage shall be a minimum of 20 feet. Flag lots are subject to the standards~~

set forth in Chapter 16.125.010.C.

5. **Height of Buildings**

Buildings shall not exceed a height, measured from grade, of 35 feet.  
Accessory dwellings and accessory structures shall not exceed 25 feet.

6. **Lot/Parcel Coverage**

In the R5 District, the maximum impervious surface lot coverage shall not exceed ~~65%~~ the following percentage of the total area of any lot.

- ~~• Single family detached dwellings – 65%~~
- ~~• Duplexes, triplexes and single family attached dwellings – 65%~~
- ~~• Non-residential uses – 65%~~

**16.25.020 Parking Requirements**

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in Off Street Parking and Loading of this chapter.

**16.25.025 Development Standards**

- A. The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. dormers;
2. gables;
3. recessed entries;
4. covered porch entries;
5. cupolas;
6. pillars or posts;
7. bay or bow windows;

- 8. eaves (minimum 6" projection);
  - 9. offsets on building face or roof (minimums 16");
- B. All manufactured homes shall also comply with the requirements of the Manufactured Homes section of this chapter.

**Chapter 16.30**  
**ZONING DISTRICT R-2.5**

**16.30.000**    **Purpose**

The purpose of the R2.5 District is to provide for the development of multi-family high density housing, and to implement the housing policies of the Comprehensive Plan.

**16.30.005**    **Permitted Uses**

Permitted uses are subject to the requirements of the Design Review section of this chapter, if applicable. Refer to Zoning Code Use Table.

- A. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- C. Child Care, Certified Home
- D. Child Care, Registered Home
- E. Duplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings
- F. Home occupations, Subject to Chapter 16.85, Home Occupations
- G. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- H. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes
- I. Multi-family dwellings, Subject to Chapter 16.175 Multi-Family Dwelling(s) Section and Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling
- J. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- K. Residential Facility
- L. Residential Homes
- M. Single family attached homes row houses, 4 units. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings
- N. Single family detached dwelling
- O. Townhomes/condominiums, subject to Subject to Chapter 16.175, Multi-Family Dwelling(s) Section and Chapter 16.100, Duplex, Triplex, and Attached Single

Family Dwelling

- P. Triplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling

**16.30.010 Conditional Uses**

Conditional uses are subject to the requirements of the Design Review of this chapter, if applicable. Refer to Zoning Code Use Table.

The following uses and their accessory structures may be permitted in the R2.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit.

- A. Bed & Breakfast
- B. Extended Care Facility / Convalescent / Nursing Home
- C. Child Care, Certified Center
- D. Civic /Governmental Use
- E. Educational Facility
- F. Places of Worship
- G. Fraternal Lodge
- H. Utility Facilities

**16.30.015 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the R 2.5 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. ~~In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City pursuant to Variance section of this chapter provided the adjustment complies with administrative variance review criteria.~~

**A. Lot/Parcel Size**

- ~~1.~~ Lots created by subdivision ~~shall have a maximum: 6,000 square feet~~ ~~maximum~~ lot size ~~of 6,000~~ per dwelling unit
- ~~2.~~ Single-family dwelling ~~shall have a :2,500,000~~ square feet minimum

- 3. Two-family dwelling (duplexes), Triplexes & attached single family dwellings: 2,5004,000 square feet per unit minimum lot size
- 4. Multi-family dwelling developments (greater than 3 units): 410,000 square feet minimum foot lot;
- 5. All other uses 4,000 square feet minimum

**B. Lot/Parcel Depth and Width**

- No minimum lot width or depth.

**C. Setback Requirements**

Principle structures, accessory dwellings and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards for Flag Lots.

**D. Front Yard:**

- For all structures: 10 feet
- Garage: 20 feet

Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

**E. Rear Yard:**

- street-access lots 10 feet
- alley-access lots 6 feet
- Accessory Structures and Accessory Dwellings 5 feet

**F. Side Yard:**

- Side yards should be established to create separation between structures and meet fire codes and provide space for pervious surface area
- Single family dwellings created by subdivision must have at least one side yard
- Adjacent to street - 10 feet plus additional space necessary to comply with the standards of Clear Vision Areas section of this chapter.
- Accessory Structures and Accessory Dwellings - 5 foot Adjacent to street setback, except as provided for in the Accessory Use, Structures and

Dwellings section of this chapter.

**G. Flag lots approved:**

~~10 feet for all yards, except pursuant to that the yard facing the garage shall be a minimum of 20 feet.~~ Flag lots are subject to Chapter 16.125 Lot Development Standards.

**H. Height of Buildings**

Buildings shall not exceed a height, measured from grade, of 35 feet. Accessory dwellings and accessory structures shall not exceed 25 feet.

**I. Lot/Parcel Coverage**

In the R2.5 District, the maximum lot coverage for impervious surfaces shall not exceed 65%

**16.30.020 Parking Requirements**

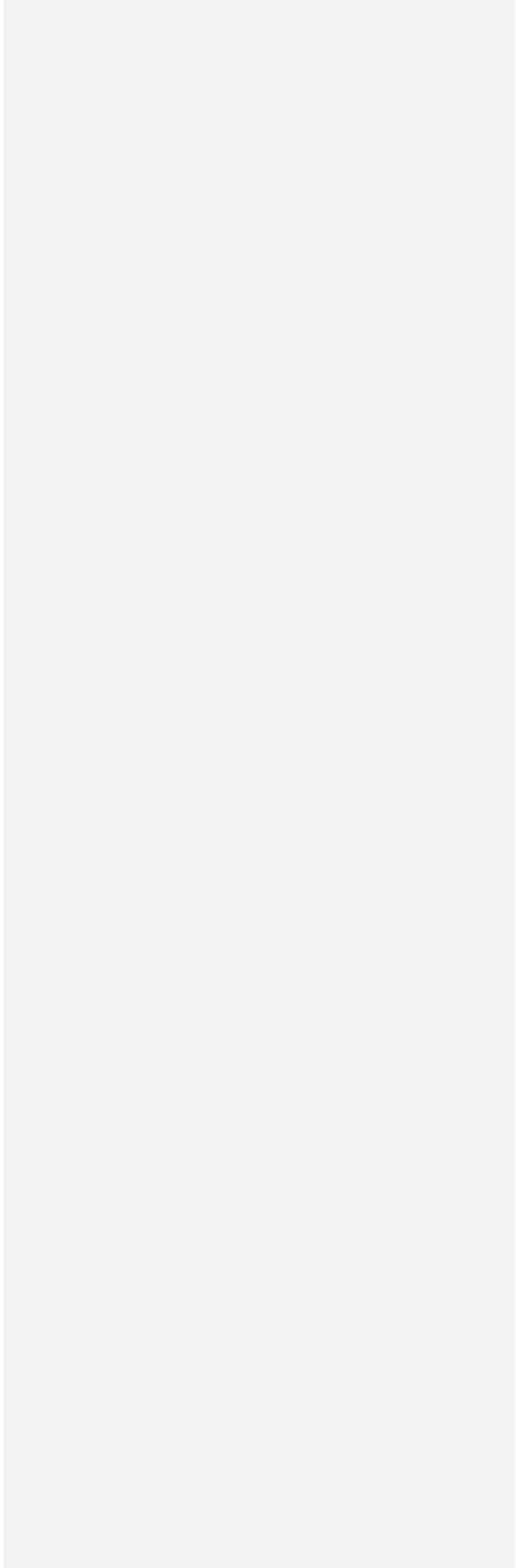
Parking requirements are specified in Chapter 16.155 Off Street Parking and Loading.

**16.30.025 Development Standards**

The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

- A. All units shall utilize at least two of the following design features to provide visual relief along the front of the home:
  - A. dormers;
  - B. gables;
  - C. recessed entries;
  - D. covered porch entries;
  - E. cupolas;
  - F. pillars or posts;
  - G. bay or bow windows;
  - H. eaves (minimum 6" projection);
  - I. offsets on building face or roof (minimums 16");
  
- B. All manufactured homes shall also comply with the requirements of the

Manufactured Homes section of this chapter.



## **Mixed Use Neighborhood District**

### **I. PURPOSE**

Mixed Use Neighborhood District implements the city's Comprehensive Plan with high pedestrian accessibility. The North Plains Comprehensive Plan map designates specific areas for mixed use under the MU Mixed Use Plan designation.

The overall purpose of the district is to create and enhance urban neighborhoods with a variety of intermixing of uses that complement the established surrounding communities. In order to accomplish these purposes, the mixed use district permit commercial, residential, and multiple use developments. Mixed uses may occur vertically or horizontally. The district also include design requirements to create active pedestrian amenities. The land use district is designed to for lively, prosperous neighborhoods that serve as attractive places to live, work, shop, and recreate.

The Mixed Use - Neighborhood District is designed to provide for a mix of small to medium scale residential uses, with minor emphasis on commercial uses. Development objectives for the MU-N District are:

1. Allow for different types of compatible land uses close together in appropriate locations to shorten transportation trips and facilitate multi-modal development.
2. Encourage infill and redevelopment of commercial, residential and mixed use development within surrounding uses.
3. Allow flexibility in development standards to recognize the challenge of developing small scale mixed use buildings that are a similar scale to surrounding residential development.
4. Limit the size of any one commercial retail use to keep the scale of commercial activity appropriate to the surrounding area.
5. Support the street system and the existing street grid patterns through redevelopment and land divisions as much as possible, or use street plans as appropriate.

### **II. PERMITTED AND CONDITIONAL USES**

#### **A. Use Table**

Land uses listed in Table 1 below shall be allowed, conditionally allowed or not permitted. The listed uses may be further restricted by other subsections of this Section and other applicable standards throughout the Municipal Code.

<b>Table-1 Land Uses</b>	
<b>P: Use Permitted Outright</b>	<b>C: Conditional Use</b>
<b>Use</b>	<b>N: Not Permitted</b>
<b>Use</b>	<b>Mixed Use</b>
<b>Residential Uses</b>	
Residential Facilities	P
Single Family Detached Housing	P
Single Family Attached Housing	P
Townhouse and Rowhouse	P
Home Occupation	P
Garden Apartment	P
Mid-Rise Apartments	P
Multi-Family Dwelling	P
Bed and Breakfast	P
<b>Mixed Use Building or Development</b>	P
<b>Public/Institutional Uses</b>	
Community Service	C
Health Clinic/Medical Offices	C
Religious Institutions	C
Geriatric Care Facilities	
-- Up to 50 patients	P
-- 50 or more patients	C
Utility Substation or Pumping Station	C
Radio and Transmission Towers	N
Permanent Open Space	P
Public Parks and Recreational Facilities	P
<b>Commercial Uses</b>	
Neighborhood Commercial and Cottage Industry	P
Commercial Uses	P/C1
Automobile Sales	N
Hotels and Residential Hotels	C
Drive Through Facilities	N
General Office	P
Retail	P
Automobile Service Station	N
Motor Vehicle Servicing or Repair 5	N
Small Appliance Repair and Service Shops	P

### III. DEVELOPMENT STANDARDS

#### A. Purpose

This Section establishes clear and objective development standards with which all uses permitted in Mixed Use Districts shall comply. In the Mixed Use Districts site development standards are used to encourage urban development with pedestrian character. Site development standards include minimum and maximum setbacks; these create a street with a walkable character. In the mixed use districts, buildings must be close to the street to create a vibrant pedestrian environment, slow traffic down, provide a visually interesting character to the street, and encourage walking. The setback standards encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks).

<b>Table 2 Development Standards</b>	
<b>Development Standard</b>	<b>Mixed Use District</b>
<b>Minimum Mixed Use or Residential Development Density</b>	If housing is a part of a mixed use development, dwellings are permitted on and above the second floor of commercial uses with no minimum density  Freestanding residential buildings are allowed at a minimum density of 8 dwelling units per net residential acre on lots fronting local or collector streets or 12 dwelling units per net acre on lots fronting arterial streets
<b>Maximum Mixed Use or Residential Development Density</b>	11 dwelling units per net residential acre on lots fronting local or collector streets or 24 dwelling units per net residential acre on lots fronting arterial streets, either in free-standing residential buildings or in mixed use buildings on and above the second floor
<b>Street Level Uses</b>	A minimum of 40% of each street frontage at street level of residential development projects with street frontage on arterial or collector streets shall be occupied by street level uses, with the remaining street frontage at street level containing residential uses and/or pedestrian or vehicular entries
<b>Lot size</b>	No lot size restrictions
<b>Minimum Lot Frontage</b>	18 feet
<b>Maximum Building Footprint</b>	15,000 square feet

	Up to 40,000 square feet may be permitted for buildings where structured parking is integrated into the building envelope
<b>Maximum Occupant on First Floor</b>	10,000 square feet Up to 40,000 square feet may be permitted for buildings where structured parking is integrated into the building envelope
<b>Setbacks</b>	
Minimum (front) based on type of development	Residential – 10 feet Mixed Use – 0 feet Commercial/Other – 0 feet
Maximum (front)	20 feet
Minimum (side and rear)	5 feet 0 feet on common wall for attached residential or commercial development
<b>Height</b>	
Minimum	1 story
Maximum	40 ft Increases in the building height may be permitted for buildings where structured parking is integrated into the building envelope
<b>Off Street Parking and Loading</b>	
Minimum	Per Section III.I.3
Maximum	Per Section III.I.4
<b>Useable Open Space</b>	100 square feet per dwelling unit

### B. Building Efficiency

Large buildings typical of Mixed Use district are required to meet a higher standard for conservation of environmental resources.

<b>Table 3 Development Standards in the Mixed Use District</b>		
<b>Public Benefit</b>	<b>Development Standards</b>	<b>Requirement</b>
<b>Water Efficiency:</b> Reduce water usage	<ul style="list-style-type: none"> <li>Harvest rainwater: (collect, store with sediment filtration) and use for irrigation, especially during summer drought periods.</li> <li>Use efficient irrigation systems: install high efficiency drip irrigation systems.</li> </ul>	Use at least 3 techniques throughout the project

	<ul style="list-style-type: none"> <li>• Use native and drought-tolerant plants and trees for landscaping. Limit lawn to play and recreational areas.</li> <li>• Use water conserving plumbing fixtures: 1.6 gpf (gallons per flush) toilets or dual-flush toilets; 1.0 gpf urinals or waterless type; 2.0 gpm (gallons per minute) showerheads or better.</li> <li>• Install water conserving or energy efficient appliances: refrigerators, washing machines, dishwashers, and water heating systems in all dwelling units and for non-residential uses.</li> </ul>	
<p><b>Energy Efficiency:</b> Reduce energy usage</p>	<ul style="list-style-type: none"> <li>• Design buildings to maximize natural ventilation (air circulation and cooling) and solar access (solar water heating potential and day-lighting opportunities).</li> <li>• Install energy-efficient (glazing), operable windows.</li> <li>• Use energy-efficient lighting: for example, specify and install efficient outdoor lighting (30 lumens per watt or better, with low temperature ballasts), install lamps with automated controls (including but not limited to photo sensors, timers and motion control sensors), provide solar lighting for walkways or outdoor area lighting.</li> <li>• Centrally locate heating/cooling systems to reduce the size of the distribution system.</li> <li>• Document building envelope improvements of at least 10% beyond code.</li> <li>• Flash and seal all penetrations between interior spaces and outside. Seal all penetrations for ducting, wiring, plumbing, lights and fans.</li> <li>• Use cool roofs or eco roofs for all buildings</li> <li>• Use alternative heating systems such as ground-source heat pumps, radiant heating, on-demand water heaters, solar heating, etc.</li> </ul>	<p>Use at least 5 techniques throughout the project</p>
<p><b>Storm Water Management:</b> Reduce contaminants from storm water runoff from hard surfaces, improve infiltration, and</p>	<ul style="list-style-type: none"> <li>• Use eco roofs and roof gardens for the majority of building roofs.</li> <li>• Use pervious paving for parking areas, walkways, etc.</li> <li>• Use infiltration planters</li> <li>• Use flow-through planters</li> <li>• Use rain water gardens</li> <li>• Minimize impervious surfaces</li> </ul>	<p>Use at least 3 techniques throughout the project</p>

potentially reduce and/or eliminate provision of water quality treatment or detention facilities		
<b>Green Building Materials:</b> Improve indoor air quality	<ul style="list-style-type: none"> <li>• Use recycled-content building materials, where practicable</li> <li>• Use locally made or harvested materials and products, such as wheat board</li> <li>• Use certified or recycled wood</li> <li>• Use low- or no-VOC (Volatile Organic Compounds), low-toxic interior paint and water-based finishes and stains</li> <li>• Use formaldehyde-free carpet, cabinets and insulation</li> <li>• Use low-VOC, low-toxic, water-based, solvent-free adhesives, caulks, grouts, mortars, and sealants inside the building</li> <li>• Use longer life cycle materials (durable and recyclable roofing and siding)</li> <li>• Limit use of carpet to one-third of unit’s square footage, use low pile or less allergen-attracting carpet, and install carpet by tacking (no glue)</li> </ul>	Use at least 4 techniques throughout the project
<b>Noise and Privacy:</b> Reduce external and interior noise and enhance privacy	<ul style="list-style-type: none"> <li>• Use enhanced landscaping to buffer sound</li> <li>• Use water features to mask sound</li> <li>• Provide intervening internal streets and sidewalks to buffer activity and noise</li> <li>• Locate bedrooms and/or quiet rooms away from noise sources</li> <li>• Insulate activity rooms</li> <li>• Provide sound-rated walls, floors and sound-absorbing materials on the building exterior</li> <li>• Locate shared community and/or commercial spaces on the first floor</li> <li>• Define and screen the edges of the development through the location of buildings, vegetation, building elevations, or materials changes, fencing, porches, stoops, etc.</li> </ul>	Use at least 4 techniques throughout the project
<b>Housing with age- or disability-friendly features that allow “Visitability”</b>	Provide the specified percentage within dwelling units: <ul style="list-style-type: none"> <li>• <u>An entrance without a step or threshold (zero-step):</u> that is from an accessible path of travel from the street, sidewalk or driveway. An</li> </ul>	20% of all dwelling units

	<p>accessible path of travel has no steps, is at least 36-inches wide and is not steeper than 1:20 (5% grade) for walkways or 1:12 for ramps.</p> <ul style="list-style-type: none"> <li>• <u>Through the ground floor of the unit provide:</u> 32-inch clear opening doorways and hallways that have at least 36-inches of clear width.</li> <li>• <u>Provide at least a half bath on the ground floor of the unit:</u> of sufficient depth within the bathroom for a person in a wheelchair to enter and close the door.</li> </ul>	
<p><b>Public Places</b> Provide gathering places for social interaction among residents, employees, and visitors which are neither “home” nor “work”, within the development project.</p>	<p>The following forms can be used individually or in combination, if it can be demonstrated that a Community need(s) is being met:</p> <ul style="list-style-type: none"> <li>• <u>Multi-purpose space (consisting of interior community rooms/spaces or outdoor spaces):</u> Interior community rooms/spaces consist of rooms/spaces where a variety of uses such as computer use, dance, exercise, martial arts, yoga, continuing education, arts and crafts classes, and community meeting space could be accommodated. Outdoor spaces consist of plazas, paved areas or courtyards, etc., where a variety of activities could be accommodated.</li> <li>• <u>Shared open space:</u> community gardens, walking trails and viewpoints if located next to a natural area.</li> </ul>	<p>Establish 2 different types of public places</p>

**C. Street Level Uses**

The frontage of any exterior outdoor common recreation area required for residential uses shall not be counted in street frontage. The intent of these standards is to establish vertical mixed use developments, with commercial storefronts and create a vibrant pedestrian environment with plazas, ground-level public open spaces, etc. Required street-level uses shall meet the standards of this Section.

1. The following uses qualify as required street level uses:
  - a) Commercial uses, such as personal, business and consumer services, daycare for children and elderly, entertainment, art galleries, product repair or services for consumer and business goods, small scale physical fitness studios/gyms (that serve the neighborhood), and medical (medical, dental and veterinarian clinics);
  - b) Eating and drinking establishments;

- c) Community service uses, such as libraries, senior centers, community centers, museums and indoor public recreation facilities;
  - d) Public places, open space areas and transit stops with shelters.
2. In order to allow for the provision of required street level uses within buildings with frontage on arterial or collector streets, when market factors are not conducive to mixed use development projects, the ground floor level of buildings shall be constructed to allow for the future accommodation of commercial uses, and may be occupied by residential uses. The property owner or leasing agent or property manager shall provide the Planning Director with annual market reports that provide documentation of the status of the market, where it can be determined when these spaces should be actively advertised for sale or lease, so that conversion to these uses can occur.
  - 3 The space occupied by the required street level uses must have a minimum floor to floor height of thirteen (13) feet and extend at least thirty (30 feet) in depth at street level from the street front façade.
  4. Required street level uses must be located within ten (10) feet of the street property line or abut a public open space permitted in subsection 1(d), unless an increase in the maximum front setback is granted by the Planning Director subject to the requirements in Section III.F.4.b.
  5. Pedestrian access to the required street level uses shall be provided directly from the street or permitted public open space. Pedestrian entrances must be located no more than three (3) feet above or below sidewalk grade or at the same elevation as the abutting permitted public open space.

#### **D. Lot size**

There is no minimum lot size in the Mixed Use Districts.

#### **E. Maximum Building Footprint**

The maximum building footprint standard for the Mixed Use District is shown in Table 2. An increase in the maximum building footprint up to 40,000 square feet may be permitted for buildings where structured parking is integrated into the building envelope, provided that:

1. The design of the building with integrated structured parking complies with the development standards contained in Section III.I for off-street parking and the design standards contained in Section IV.5, for location and design of off-street parking including structured parking.

2. The design of the building complies with the design standards contained in Section IV, that address building facade, building step-back and architectural design requirements.

## **F. Setbacks**

Minimum setbacks are intended to ensure new construction occurs in a manner consistent with applicable building code, public utility easement or public open space requirements. Required maximum building setbacks are intended to complement applicable standards as a means for ensuring the placement of buildings to promote an attractive streetscape and pleasant pedestrian environment.

1. Front Yard Setbacks.
  - a) Minimum Setback. The minimum front setbacks are shown in Table 2.
  - b) Maximum Setback. The maximum front setbacks are shown in Table 2. The maximum setback standard for commercial, multi-family, apartment, or mixed use buildings is met when a minimum of 75 percent of the front building façade is located no farther from the property line or future right-of-way lines than the maximum setback specified for the applicable Mixed Use District or as specified in Section III.F.4. The maximum setback standard for single family attached and detached housing, townhouses, and rowhouses is met when at least one façade, including a porch, is located no farther from the property line than the setback specified for the applicable Mixed Use District.
2. Rear Yard Minimum Setback. The minimum rear setback for all structures is shown in Table 2.
3. Side Yard Minimum Setback: The minimum side yard setback for all structures in the Mixed Use Districts is shown in Table 2.
4. Setback Exceptions.
  - a) Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, balconies, stoops, and similar architectural features may encroach into setbacks by no more than 4 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Second story bay windows, balconies, awnings, and canopies may extend up to two feet into public right-of-way upon approval by the City Engineer and Building Official.
  - b) Maximum front setbacks may be exceeded up to ten additional feet for mixed use or non-residential developments upon determination by the Planning Director that 100 percent of the additional setback would be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or other such usable pedestrian space as a feature of the development.

- c) Where a public utility easement is wider than the maximum setback of the applicable district, the structure may be set back to accommodate the easement.
- d) Where a residential garage or carport is directly accessible from a public or private street or alley, the setback to the opening of the garage or carport shall be either five feet or nineteen feet except:
  - I. Where the setback of the dwelling unit is greater than nineteen feet, then the setback to the garage/carport shall be equal to or greater than the dwelling unit; or
  - II. Where the garage door or carport entrance is oriented perpendicular or nearly perpendicular to the front property line, and there is sufficient distance to park in front of the garage/carport entrance without extending over the property line or the sidewalk, then the setback shall be equal to or greater than the dwelling.
- e) Where loading areas or drive through lanes are permitted between a public or private street and the associated structure, the maximum setback requirement may be exceeded to accommodate the loading area or drive through lanes. The building shall be placed as close to the street as practicable in order to accommodate the loading area and drive through lanes.
- f) Cantilevered awnings and canopies may extend into the public or private street right-of-way, upon approval of the jurisdiction having authority over the right-of-way and the City Engineer.

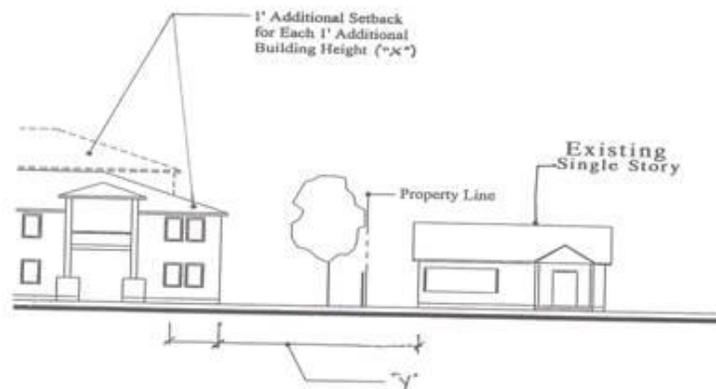
**G. Building Height**

1. Maximum height standards. Maximum height standards for the Mixed Use Districts are shown in Table 2. For buildings where structured parking is integrated into the building envelope, the floors occupied by parking shall not be counted toward the maximum building height, provided that:
  - a) The design of the building with integrated structured parking complies with the development standards contained in Section III.I for off-street parking and the design standards contained in Section IV.5, for location and design of off-street parking including structured parking.
  - b) The design of the building complies with the design standards contained in Section IV, that address building facade, building step-back and architectural design requirements.
2. Minimum height standards. Minimum height standards are shown in Table 2.
3. Within Mixed Use District building height is measured from native grade, four feet outside the foundation of the structure. For purposes of calculating minimum and maximum height as cited in Table 2 and notwithstanding the provisions of the Oregon Building Code.

## H. Building Height Transition

1. Notwithstanding the setback standards provided in Section III.F, development in the Mixed Use District shall provide for a building height transition when adjacent to existing single family residential development which is zoned R-7.5 or R5 to provide compatible scale and privacy between developments. This requirement is that taller buildings shall “step-down” to create a building height transition to adjacent single family residential developments.
2. This standard applies to new and vertically expanded buildings in a Mixed Use District within 20 feet (measured horizontally) of an existing single family residential building with a height of 30 feet or less.
3. This standard is met when the height of the taller building (x) does not exceed one foot of height for every one foot separating the new building from the existing single family residential structure (y) as shown in Figure 2.

**Figure 2 - Building Height Transition**



## III Off Street Parking and Loading

1. Off-Street Parking and Loading Standards. Off-street parking and loading for development in the MU District shall be developed in accordance with Sections 16.155 of this ordinance, except as modified in this Section. In the event of conflict, the parking standards contained in this Section shall control.
2. The minimum required parking for the permitted commercial, cottage industry, public and semi-public uses in the MU District shall average 2 spaces per 1,000 square feet of leasable gross floor area throughout the project. Shared parking shall be required when the development project is under the control of a single owner/developer and contains commercial, cottage industry, public and semi-public uses with staggered peak parking demands. A reduction in the minimum required parking may be granted by the Planning Director, provided that the following criteria have been met:

- a) The amount of off-street parking to be provided will be sufficient to serve the uses for which it is intended.
  - b) The decrease in required off-street parking shall be based on a parking demand study prepared by a qualified parking or traffic consultant, civil engineer, licensed architect or urban planner, which substantiates the basis for granting a reduced number of parking spaces. The parking demand study shall include, at a minimum, the following:
    - c) Size and type of uses or activities on site;
    - d) Composition of tenancy on site;
    - e) Rate of parking turnover;
    - f) Peak traffic and parking loads to be encountered;
    - g) Local parking habits including proximity and convenience factors;
    - h) Availability of public transportation.
    - i) Use of shared parking for the development project and transportation demand management techniques such as employee carpooling or vanpooling, dedicated valet parking, increased bicycle parking facilities, provision of subsidized or discounted transit passes to employees, and rideshare promotions.
    - j) A transit stop is located within 800 feet of the development project.
3. The minimum required off-street parking spaces for residential uses is as follows:

Type of Dwelling Unit	Minimum Required Off-Street Parking Spaces
Attached dwelling units (studio, 1-bedroom, 2-bedroom, 3-bedroom units) and the residential portion of live-work units	1 space per dwelling unit
Age-restricted dwelling unit (60 years or older)	0.50 space per dwelling unit

4. Off-Street Maximum Parking. The off-street parking cap for Non-Residential Development Projects including the Non-Residential Component of Mixed Use Development is 3 spaces per 1,000 square feet of leasable gross floor area throughout the project. The off-street parking cap for Residential Development Projects is not more than 150% of the minimum required off-street parking. All development projects providing off-street parking in excess of the minimum required off-street parking shall comply with the following criteria:

- a) The need for increased off-street parking is based on a parking demand study prepared by a qualified parking or traffic consultant, civil
  - b) The need for increased off-street parking is based on a parking demand study prepared by a qualified parking or traffic consultant, civil engineer, licensed architect or urban planner, which substantiates the basis for granting the increased number of parking spaces. The parking demand study shall include, at a minimum, the following:
    - Size and type of uses or activities on site;
    - Composition of tenancy on site;
    - Rate of parking turnover;
    - Peak traffic and parking loads to be encountered;
    - Local parking habits including proximity and convenience factors;
    - Availability of public transportation.
  - c) Use of shared parking for the development project. Required off-street parking may be accommodated within shared parking facilities located on-site or off-site if the shared parking facilities are located within 800 feet from the development and are for non-residential uses. Shared parking located within off-site shared parking facilities shall be designated and signed as belonging to the remote development and shall be part of the legal requirements for occupancy of the development.
  - d) Use of transportation demand management techniques such as employee carpooling or vanpooling, dedicated valet parking, provision of alternative vehicles for shared use by residents, increased bicycle parking facilities, provision of subsidized or discounted transit passes to employees or residents, rideshare promotions.
  - e) Reduction in surface parking through provision of on-site structured parking which is integrated into the building envelope to accommodate the increased off-street parking.
5. Shared Parking. Shared parking is encouraged within the MU District. Shared parking can be provided on-site or off-site if the shared parking facilities are located within 800 feet of the development project and are for non-residential uses. Shared parking located within off-site shared parking facilities shall be designated and signed as belonging to the remote development and shall be part of the legal requirements for occupancy of the development.

A parking demand study shall be provided to the Planning Director for any development projects proposing or required to provide shared parking facilities. The parking demand study shall be prepared by a qualified parking or traffic consultant, civil engineer, licensed architect or urban planner, which substantiates the basis for granting the increased number of parking spaces. The parking demand study shall include, at a minimum, the following:

- a) Size and type of uses or activities on site;
- b) Composition of tenancy on site;
- c) Rate of parking turnover;
- d) Peak traffic and parking loads to be encountered;
- e) Local parking habits including proximity and convenience factors;
- f) Availability of public transportation.

The Planning Director may utilize the Urban Land Institute's (ULI) Shared Parking methodology as a guide in reviewing shared parking proposals.

6. On-Street Parking Credit. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. The following constitutes an on-street parking space:

- a) Parallel parking, each 24 feet of uninterrupted curb;
- b) Curb space must be connected to the lot which contains the use;
- c) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- d) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

#### **J. Open Space for Residential Developments**

Residential projects including mixed use projects with residential uses shall provide a minimum of 100 square feet of usable open space per unit, which may be private yards, courtyards, atriums, balconies, patios, gardens including rooftop gardens, porches, terraces, or commonly owned tracts. Usable open space within such residential projects may be privately accessible to residents and guests only, without providing public accessibility; however projects are encouraged to provide some public or semi-public usable open space in order to create attractive, vibrant places to live, work, shop, and recreate. The development standards for some of the different types of usable open space listed herein are as follows:

1. Common open space areas shall be convenient to the majority of dwellings and shall contain amenities appropriate to the development project's size. Potential amenities could include art, sculpture, fountains or water features, benches, seat walls, raised planting beds, etc.
2. Private usable open space shall be contiguous to the unit served and should be screened from public view for privacy. All balconies and patios that front a public street should be substantially enclosed for screening and privacy. Balconies are encouraged to be oriented so as not to have a direct line-of-sight into adjacent units within the development.
3. Private usable open space in the form of balconies or porches shall have a minimum average depth and width of six (6) feet in order to accommodate a small table and chairs.
4. Patios shall have a minimum depth of six (6) feet and width of ten (10) feet. Patio depths and widths greater than ten (10) feet are preferable.
5. Use of rooftop spaces for courtyards, gardens and terraces may be used as common open space for the development, when directly accessible to the units it serves.
6. Use of decorative pavers and pervious pavement treatment for hardscape areas such as plazas and courtyards is encouraged. Changes in paving color, pattern and texture also help to define public and private open space and add visual interest.
7. Within usable open space areas, incorporation of ample landscaping in beds or planters which provide year-round greenery is encouraged.

#### **IV. DESIGN STANDARDS**

##### **A. Purpose**

This Section establishes design standards for development in the Mixed Use District. These clear and objective standards shall apply to permitted uses.

The design standards described in this subsection are intended to promote good quality design in site development and new building construction within mixed use zoning designations. Good design in mixed use zones results in buildings and dwellings visually compatible with one another and adjacent neighborhoods, contributing to a district which is attractive, visually stimulating, active and safe. These qualities contribute to the creation of an environment which facilitates easy pedestrian movement and a rich mixture of uses. A diversity of architectural styles is encouraged except in large scale mixed-use developments where unified architectural and urban design is important to the identity of the development project. On sites protected by a historic or cultural resource overlay zone or designation, architectural consistency with the design standards of the overlay zone or designation shall be required.

## **B. Process**

All new development and expansions of existing uses located in mixed use districts shall comply with these design standards during Development Review.

## **C. Building and Site Design Standards**

The standards and guidelines contained in this subsection are intended to encourage good quality, pedestrian-sensitive design in new building construction. These qualities contribute to the creation of a mixed use area which facilitates easy pedestrian movement and establishment of a rich mixture of uses.

### **1. Building Entry and Orientation Requirements**

The purpose of this subsection is to require buildings and entrances to be oriented to the street to the maximum extent practicable to encourage pedestrian access and movement. Requirements for orientation and primary entrances are intended to provide for convenient, direct and accessible pedestrian routes to and from public sidewalks and transit facilities; provide for safe, pleasant and convenient pedestrian circulation by connecting activities within a structure to the adjacent sidewalk and to nearby transit stops; and promote the use of pedestrian and transit modes of transportation to retail and commercial facilities.

The following design standards shall apply to development in Mixed Use Districts except where noted:

- a. All ground-floor tenant spaces with at least 25 feet of frontage facing a public or private street shall have at least one building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access to the entrance from the street, but the entrance may include architectural features such as arcades, anti-chambers, porticos and the like without being in violation of this provision. If a building has frontage on more than one street, the building shall provide a main building entrance oriented to one of the streets or a single entrance to the corner where the two streets intersect. Where one single tenant has 200 feet or more of frontage on a public or private street, one additional entrance shall be provided for each 200 feet of frontage on one of the public or private streets. Freestanding banking institutions and restaurants located in the MU District are exempt from the provisions contained in this subsection and may locate the primary building entrance on any façade of the structure. A clear internal site pedestrian sidewalk or pathway shall be provided to the building entrance from all public or private street sidewalks. A building may have more building entrances than required by this Section oriented to a public or private street, and may have secondary entrances facing off-street parking areas and loading areas.

- b. An exception to the requirement of paragraph a. above shall be allowed upon finding that:
  - i. The slope of the land between the building and the street is greater than 1:12 for more than twenty feet (20') and a more accessible pedestrian route to the building is available from a different side of the building;
  - ii. The land between the building and the street contains a natural resource which would be unavoidably and irreparably degraded by providing a reasonably direct pedestrian connection and an alternative route without such impacts is available; or
- c. Residential dwellings fronting on a public or private street shall have a main entrance to the dwelling opening onto the front of the dwelling at the ground floor level. Such an entrance shall open directly to the outside and shall not require passage through a garage to gain access to the doorway. The doorway may be above final grade where a porch, stoop, portico, anti-chamber, wheelchair ramp or similar architectural feature is included in the design. Ground floor single family attached and row/townhouse residential units fronting on a public or private street shall have separate entries directly from the major pedestrian route. Ground floor and upper story residential units in a multi-family building fronting on a public or private street may share one or more entries accessible directly from the street.
- d. Residential building facades over 150 feet in length facing a street shall provide two or more main building entrances.
- e. Entryways into mixed use buildings containing residential units shall be clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

## **2. Ground Floor Windows and Building Façade Requirements**

Long expanses of blank walls facing a street or other public areas detract from the attractiveness of the streetscape and perceived safety of pedestrians using those spaces. The standards of this subsection are intended to enhance street safety and provide a comfortable street environment by providing ground-level features of interest to pedestrians along streets. These standards also have the purpose of encouraging surveillance opportunities where buildings face abutting streets and public areas, preventing fortress-like facades, and avoiding a monotonous pedestrian environment. The standards also help enhance the economic vitality of a neighborhood by providing the opportunity for merchants to display goods and advertise their wares to shoppers. By encouraging "window shopping" in mixed use districts the activity on the street is increased along with security.

The following design standards shall apply to development in Mixed Use Districts:

- a. All development shall provide ground floor windows on the building facade facing and adjacent to a public street, or facing onto a park, plaza or other public outdoor space. Required windows shall allow views into lobbies or similar areas of activity, pedestrian entrances, or display windows. Required windows shall provide a lower sill no more than three feet (3') above grade; except where interior floor levels prohibit such placement, the sill may be located not less than two feet (2') above the finished floor level to a maximum sill height of five feet (5') above exterior grade. Where on-site service docks and loading areas are provided, buildings containing 10,000 square feet or more, and demised up to two individual tenants, are exempt from the ground floor window requirement.
- b. Darkly tinted windows and mirrored windows which block two way visibility are prohibited as ground floor windows required under this provision except where the closest face of the building to the nearest edge of the sidewalk within a public right-of-way or private street parallel and adjacent to the building is greater than fifty feet (50').
- c. In all districts, building frontages along streets shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances or other articulation so as to provide pedestrian scale to the first floor.
- d. Where ground floor windows are required by this section on multifamily, apartment, public institutional and commercial structures, exterior walls facing a public street, public open space, pedestrian walkway and/or transit station shall have windows, display areas or doorways for at least fifty (50%) of the length and fifty percent (50%) of the area of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or fifteen feet (15') above finished grade, whichever is less.
- e) On single family detached, single family attached, townhouse, and rowhouse structures, exterior walls facing a public street, public open space, pedestrian walkway and/or transit station shall have windows, display areas or doorways for at least twenty percent (20%) of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or fifteen (15') above finished grade, whichever is less.

**3. Building Step-Back Requirements**

Step-back requirements help assure a comfortable street environment by preventing fortress-like facades, providing light and air at the street level, and providing features of interest to pedestrians along streets in mixed use districts.

The following design standards shall apply:

- a) Step-back requirements shall be achieved, at the option of the applicant, by one of two methods:
  - i. Floors above the second floor shall be stepped back a minimum of five feet (5') for the first story above two, and an additional five feet (5') for floors above three (3). The maximum step-back under this method shall not exceed fifteen feet (15'); or
  - ii. A building shall be stepped-back by an appropriate amount from the plane of the street so as to maintain an angle not greater than sixty (60) degrees between the top of the building facade fronting on to the street and the back of the sidewalk of the opposite side of the same street.
- b) Upon petition of the applicant, the Planning Director may waive the building step-back requirements of this subsection provided that the applicant clearly demonstrates the proposed project:
  - i. extends the same architectural features described in paragraph (a) above the ground floor level through variations in design, detail, and proportion, and by avoiding designs featuring a monolithic street facade; and
  - ii. is designed so as not to obstruct sunlight from falling on the back of the sidewalk on the opposite side of the street for more than four hours of any given day between March 21 and September 21.

#### 4. **Architectural Design Requirements**

Good design results in buildings visually compatible with one another and adjacent neighborhoods, contributing to mixed use areas which are attractive, stimulating, active and safe.

The following design requirements shall apply to development in Mixed Use Districts:

- a) Buildings shall promote and enhance a pedestrian scale and orientation on the facade facing the public street. Street-side building facades and dwelling units within all Mixed Use Districts shall be varied and articulated to provide visual interest to pedestrians and avoid a flat appearance. In addition, development proposals shall make provisions and include designs consistent with the following:
  - i. All new commercial, public/institutional, mixed use, and residential buildings constructed within a Mixed Use District shall demonstrate during the Development Review process that it promotes and enhances a pedestrian scale and orientation on any facade facing a public or private street and it incorporates discernible and architecturally appropriate

features; such as, but not limited to, cornices, bases, fenestration, fluted masonry, bays, recesses, arcades, display windows, unique entry areas or other treatments for visual interest, to create community character and to promote a sense of pedestrian scale. The design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat facade, in and of themselves, does not meet the requirements of this subsection; and

- ii. All residential dwellings, of any type, constructed within any Mixed Use District shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence and durability. Materials such as, and including, masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, authentic vertical board & batten siding, articulated architectural concrete masonry units (CMU), and similar durable architectural materials are allowed. Materials such as, and including, T-111 siding, plain or plain painted plywood and strandboard sheets, concrete or cinder block, smooth surface concrete panels, and similar quality and non-durable material are prohibited.
  
- b) Commercial buildings and sites shall be organized to group the utilitarian functions away from the public view. Delivery and loading operations, HVAC equipment, trash compacting and collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the landscaping. The visual and acoustic impacts of these functions, along with all wall- or ground-mounted mechanical, electrical and communications equipment shall be out of view from adjacent properties and public streets, and screening materials and landscape screens shall be architecturally compatible with and not inferior to the principal materials of the building and primary landscaping. The visual and acoustic aspects of roof-mounted equipment, vents and chimneys shall be minimized by placing equipment behind parapets, within architectural screening, roof-top landscaping, or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment.

## **5. Location and Design of Off-Street Parking**

Parking should be located and designed so as to not only facilitate its major function but also to complement and encourage easy and safe pedestrian movement to, through and around the facility. The scale and orientation of parking areas shall be consistent with their purposes in supporting a mix of commercial and residential uses and shall be consistent with the pedestrian- and transit-oriented community to which they contribute.

Except as expressly modified below, the parking design standards contained in Sections 16.155 shall apply. The following additional standards shall apply only within Mixed Use Districts:

- a) No surface parking or maneuvering area shall be located between the facing façade of an adjacent building (or a line extended from the plane thereof) and a public or private street where a maximum setback is prescribed by this Section. Service docks and loading areas may be located between a building and public or private street when an anchor tenant requires the use of delivery vehicles with an overall length of forty (40) feet or greater and where the service docks and loading areas comply with the provisions contained in Section IV.C.5.b.
- b) To create pedestrian interest, maneuvering areas, service docks, and loading areas shall be located interior to the site wherever practicable. Where locations of these facilities on the site exterior, adjacent to a street, driveway, or pedestrian route cannot be avoided, exterior building walls or screen walls for such facilities shall include decorative elements that provide visual (pedestrian) interest such as openings with decorative grates, artwork, and decorative tiles. Screening walls surrounding service docks and loading areas shall be a minimum of 12 feet in height. Windows and display area are not required on walls surrounding service docks and loading areas.
- c) For development projects in a Mixed Use District that are required to provide integrated structured parking for increases in the maximum building footprint per Section E, and where the floors occupied by parking are not counted toward the maximum building height per Section G.1, the structured parking shall be wrapped at the ground level with street level uses for projects with street frontage on arterial or collector streets. For projects proposing integrated structured parking with frontage on local or neighborhood route streets, the structured parking shall be wrapped at the ground level with residential or public open space areas, such as small plazas with seating areas.

If there are multiple parking floors within the integrated structured parking, the upper floors shall be wrapped with office and/or residential uses or two-story eating and drinking establishments. The area of the roof of the structured parking not occupied by buildings shall provide usable courtyard space, terraces, green roofs and/or community garden plots, which are accessible by the office and residential uses and/or eating and drinking establishments.

The size of the parking entrance shall be minimized and visually integrated into the overall architecture of the building by continuing a frieze, cornice, canopy, overhang, trellis, decorative grilles, or other devices from adjacent structures along the façade.

- d) Bicycle parking spaces shall be sited so as not to occupy space within, reduce the size of, or impede the use of required sidewalks, pedestrian ways, curbside landscape strips, landscape buffers or usable open spaces. All bicycle parking must be easily accessible and shall be equipped or located so as to allow the bicycle to be conveniently and securely locked to a parking device or within a secured bicycle parking area. Covered bicycle parking shall provide security and protection from the weather. Covered parking may be provided within a parking structure, garage, under a separate roof, within a bicycle locker, or in a designated area within a building or residential complex. Except in single-family detached and duplex dwelling units, allowance for required bicycle parking within an individual residence is not considered to be in compliance with this requirement.
- e) Surface parking areas shall provide perimeter parking lot landscaping adjacent to a street other than a major pedestrian route which meets one of the following standards:
  - i. A five foot (5') wide planting strip between the right-of-way and the parking area shall be provided for streets designated Collector or Local on the Transportation System Plan. A ten foot (10') wide planting strip between the right-of-way and parking area shall be provided for streets designated Arterial. The planting strip may be pierced by pedestrian-accessible and vehicular accessways. Planting strips shall be planted with large-scale, high canopy, horizontally-branching street tree species and/or an evergreen hedge. Hedges shall be no less than thirty (30") inches or more than forty-two (42") inches in height. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot.
  - ii. In lieu of hedges specified in subsection d.1, decorative walls or fences thirty (30") inches to forty-two (42") inches in height parallel to and not nearer than two feet (2') from the right-of-way line may be utilized. The area between the wall or fence and the back of the sidewalk shall be landscaped. The required wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.
- f) Surface parking areas shall provide interior landscaping which meets the following standards:
  - i. Angled or perpendicular parking spaces shall provide, where needed, extruded curbs (tire stops) or widened curbs to prevent bumper overhang into landscape areas or walkways.

- ii. All surface parking facilities shall include landscaping along the perimeter of the lot to a depth of at least four feet (4'). Perimeter landscaping shall not be required where two parking lots using a common driveway are joined by a common circulation aisle or other traffic area, and landscaping may be reduced or eliminated adjacent to landscaped open space in order to transition the open space landscaping into the parking area and afford better access between the two areas. Landscaping shall also be installed within planting bays, and in any other area where parking stalls, circulation aisles, driveways, or pedestrian movements would not be precluded by the landscaping. Except where requested by the applicant, if in following these standards, the amount of interior landscaping would exceed ten percent (10%) of the area devoted to outdoor auto parking facilities, the amount of required landscaping shall be limited to ten percent (10%). All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.
- iii. A minimum of one 2½" caliper street tree shall be provided in protected planting bays located within the surface parking area at the end of each parking row and at intervals not exceeding 100 feet within the parking rows. Planting bays shall have a minimum width of five feet (5') and a minimum area of 185 square feet for double loaded parking bays and 90 square feet for single loaded parking bays. The remainder of each bay shall be landscaped in a manner consistent with the provisions of this subsection.
- iv. All parking lot construction, internal walkways, markings and access shall meet and fully comply with the requirements of the Americans with Disabilities Act.
- e. Except in residential areas, parking associated with new development shall be designed to the extent practicable to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the street for parallel movements.
- f. General Landscaping Standards for Off-Street Parking Areas.
  - i. The minimum planting size for all required trees shall be 2½ inch caliper as measured by American Association of Nurserymen standards. Trees shall be deciduous shade trees capable of at least thirty-five feet (35') in height and spread at maturity.
  - ii. A minimum of seventy percent (70%) of all required landscaped areas, including required planting strips and planting bays, shall be covered with trees, or shrubs. All areas shall also include continuous ground cover

consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.

- iii. Evergreen shrubs shall be not less than two feet (2') higher than finished grade at the time of planting. Evergreen shrubs shall be of the type that grow to be at least thirty-six inches (36") higher than finished grade.
- iv. All curb cuts are subject to approval based on standards to ensure safe pedestrian circulation, traffic flow, access points needed for the proper functioning of the development and the objectives of the Section. To meet these standards, consolidation of curb cuts may be a condition of development approval.

## **7. Requirements for Improvements Between Streets and Buildings**

Landscaping or "hardscaping" of property between the street curb and buildings promotes and enhances a comfortable pedestrian scale and orientation and encourages pedestrian use of the area.

The following street design standards shall apply to development in Mixed Use Districts:

- a) The property between the street curb and an adjacent building shall be landscaped or hardscaped. Landscaping shall be irrigated.
- b) Except for single family detached dwellings, where a hard-surfaced area, other than a pedestrian connection leading from the sidewalk to a building entrance, is used in lieu of landscaping between the sidewalk and the building, such areas shall contain at least two (2) pedestrian-sensitive amenities. Such amenities include, but are not limited to, benches, low walls with seating or planters atop, drinking fountains, courtyards, free-standing planters, street furniture, public art or other pedestrian space or design features integrated into the overall design of the building or portion of the site in order to enhance the pedestrian environment.
- c) Trees selected from the City's approved street tree list. Trees may be within tree wells with a minimum planting area of 15 square feet (with standard 3' x 5', 4' x 4' or 4' diameter cast iron grates.) Such trees shall be planted every thirty feet (30') on center (or, depending on species, at some other distance to ensure their proper spacing) so as to develop a continuous canopy when mature. Street trees shall be at least 2½ inches in caliper at planting, shall be planted within an approved root barrier, and shall be irrigated and maintained by the property owner along with other landscaping planted within the parking strip.
- d) Topping, shearing or pollarding of street trees is prohibited, unless necessary to protect overhead utility lines.

- e) Except as noted below, all public utility distribution and service connections to new buildings and dwellings within all Mixed Use Districts shall be underground. Aerial utility service (electricity, telephone, cable, etc.) may be used in new construction where all of the following circumstances apply:
  - i. The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aerially rather than underground;
  - ii. The project is located between other utility users on the same block face;
  - iii. It would not be practicable to serve the new project underground without also serving the neighboring uses; and
  - iv. The neighboring uses on the same block face and the utility company are unwilling to pay the additional cost of undergrounding their service;
- f) Ornamental street lights shall be installed when public right-of-way improvements are required as a part of a development.
- g) Bulb-outs, or curb extensions, shall be constructed at all intersections of public streets when public right-of-way improvements are required as a part of a development. The design of the bulb-outs shall be approved by the Planning Director and City Engineer.

## **V. REVIEW PROCEDURES**

**A. Section 16.175 Design Review**, or any amendment thereof, and the provisions of this section shall apply to all uses permitted in Mixed Use Districts except for construction of single family detached dwellings built on a single lot. Provisions of 16.135 Subdivisions, applies to all project proposals involving the subdivision or partitioning of existing properties.

**B. Applications for Development Review** approval for projects within a Mixed Use District shall include the pertinent materials specified in Section 16.175 as well as preliminary plans and drawings, and other pertinent materials and reports illustrating and documenting the following:

1. Site plans, housing types, proposed commercial and industrial uses, elevation sketches, exterior building material/color boards and floor plans for all typical multi-family and attached single family dwellings, mixed use and non-residential buildings within the project;
2. Residential densities;
3. Usable open space, landscaping, and natural resource and tree preservation plan;
4. Planned streets and alleys, public rights-of-way, pedestrian and bicycle system plan, and off- and on-street parking;

5. Stormwater management and grading plans, underground utility service plan and easement dedications, including infrastructure location, sizing, and system connections;
6. Compliance with the Comprehensive Plan, Zoning Ordinance provisions for the applicable Mixed Use District.

### **C. Development Review**

The City shall require that the developer provide for and establish one or more property owner associations, or similar mechanism acceptable to the City Attorney, for the ownership and maintenance of any common open space, private streets or alleys, or other appropriate lands and improvements which are of a public nature and are not dedicated to and accepted by the City.

Further, the City shall require any such association be incorporated, or otherwise legally organized such that the association is legally capable of, and shall adopt and file by-laws, restrictive covenants, and/or other binding agreements that provide an enforceable mechanism to raise the revenue required to maintain such property, and which include provisions that prohibit the association from disposing of or abandoning any common open space, private street or alley without the permission of the City, in which case the association shall first offer to dedicate the property to the City and shall provide for its long-term maintenance in a manner satisfactory to the City. Nothing in this provision shall obligate or be construed to imply any obligation by the City to accept any street, alley, park, greenway, open space, or other common lot, parcel or tract of land or improvement proposed to be dedicated by an applicant, owner or developer of a project, or by any owner's association.

### **D. Variances**

The development and design standards in this Section are intended to implement the goals and policies of the Comprehensive Plan. Variances to these standards are discouraged. However, some sites may be difficult to develop in compliance with these regulations. In those instances, the Variance process provides relief where the proposed development continues to meet the intended purpose of these regulations.

#### **1. Standards**

- a) A Variance by the Planning Commission may be granted to any development regulation or design standard contained in this Section provided the Commission finds that by granting the Variance:
  - i. The adjustment will equally or better meet the purposes of the Mixed Use Districts and of the regulation to be modified;
  - ii. The Variance or cumulative Variance adjustments results in a project which is still consistent with the overall purpose and intent of the district; and

- iii. The Variance will not result in significant detrimental impacts to the environment or the natural, historic, cultural or scenic resources of the City.
- b) The Planning Commission may approve a Variance from the standards listed below if, in addition to the criteria listed in subsection (D)(1)(a), the proposal meets the following criteria:
  - i. Multiple main building entrances required to be oriented to the street. Variances may be granted to allow a single secured entrance to an establishment upon a finding that the internal security measures which are standard operating procedures of the applicant would be irreparably harmed by this requirement; except in no case shall there be less than one main entrance oriented to a public or private street unless otherwise authorized by an exception contained in this Section.
  - ii. Ground floor windows. A variance to the percentage of window area required for ground floor windows in building facades where required by this Section may be allowed upon findings that:
    - a. such windows would unavoidably compromise necessary personal privacy or security within the building (for example, privacy in a clinic examination room, security in a pharmacy storeroom, or security and privacy in a research and development laboratory);
    - b. due to the design of the structure or other demonstrable restrictions or constraints, the required personal privacy or security cannot otherwise be provided; and
    - c. the loss of the window area cannot be recaptured elsewhere on the facade.

## 2. Application and Fee

A request for a variance may be initiated by a property owner or authorized agent by filing an application with the City Recorder. The applicant shall submit plans to the City shall pay the fee set in the Master Fee Schedule.

## 3. Public Hearing on a Variance

Before acting on a request for a variance, the Planning Commission shall consider the variance at a Public Hearing held within 40 days after filing of the application. Not less than 20 days prior to the date of the Hearing, the City Recorder shall give written notice by mail of the hearing to owners of property situated within a 200 foot radius of the boundary of the property subject to the request using for this purpose names and addresses of owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a variance.

#### 4. Action of the Planning Commission

The Commission may attach conditions to an authorized variance which it feels are necessary to protect the public interests and carry out the purpose of this Ordinance. The City Recorder shall notify the applicant for a variance, in writing, of the Commission's action within five days after the Commission has rendered its decision.

#### VI. DEFINITIONS

Except as expressly modified below, the definitions set forth in 16.05 Definitions shall apply. The following additional definitions shall apply only within Mixed Use Districts.

- a. Access. An unobstructed means of ingress and egress from a lot or parcel to a public street, alley or a City-approved private street or tract, either through private ownership or permanent easement over an improved private street, alley or driveway of sufficient width and structural cross-section to meet or exceed the standards for emergency vehicle approach to the use on said lot or parcel. Also applicable to "flag lots," where there is no frontage on an existing or proposed alley, or public or private street.
- b. Adjacent. A building or use is adjacent to a transit trunk route, major pedestrian route, transit station or point of interest if the building or use is sited on a parcel or lot abutting the route, station or point of interest, and is not separated from the route, station or point of interest by an existing or planned intervening building as shown on an approved master plan. Intervention of a street or alley does not interrupt adjacency.
- c. Auto-Accommodating. A use, area or district which is primarily pedestrian-sensitive but includes facilities where access by automobiles is allowed without giving preference to autos or allowing auto-oriented services such as drive-through windows or services.
- d. Bed and Breakfast. A residential building or group of residential buildings with not more than five separate bedroom units for travelers' temporary accommodation, which unites do not contain individual cooking facilities with the lodging price including the price of a morning meal available only to guests of the inn. Additional rooms or structures may be added onto the original building or site provided the total number of bedroom units does not exceed five.
- e. Certified Wood Products. Certified wood products are those made from lumber harvested in a sustainable manner and certified by a reliable third party. The certifying groups most active at this time are the Forest Stewardship Council (FSC), Sustainable Forestry Initiative (SFI) and the Canadian Standards Association (CSA).
- f. Commercial Uses. Uses and activities involving the sale, lease or rent of new or used products to the general public; the provision of personal, consumer and business services (including daycare for children and the elderly) and entertainment; the provision of product repair or services for consumer and business goods; and office facilities for business, government, professional, medical (including free-standing medical, dental and veterinarian clinics), and

financial services. Commercial Uses do not include hospitals and those which are specifically identified as not permitted in Table-1. Animal Services Facilities as defined in Section 3 are considered Commercial Uses; accessory overnight pet boarding if permitted may be subject to conditional use approval.

- g. Community Service. Activities and uses of a public, non-profit or charitable nature generally providing a local service to people of the community on site or through employees on the site on a regular basis. Examples include libraries, museums, senior centers, community centers, indoor public recreation facilities, religious institutions, corrections facilities, emergency services and similar facilities. Community services do not include schools, hospitals, or geriatric care facilities.
- h. Contiguous. Parcels, lots and tracts of land, projects, and expansions of existing uses are considered contiguous regardless of interruptions by streets, alleys, public easements or rights-of-way provided that the parcels would otherwise abut.
- i. Cool Roof. A roof which reflects most solar radiation before it penetrates the interior of the building, and which maintains a temperature a few degrees above the ambient air temperature.
- j. Drive-Through Facilities. Facilities allowing transactions for goods or services without leaving a motor vehicle, but excluding car washes, and motor vehicle service, maintenance or repair facilities. Also known as “drive-in” facilities.
- k. Ecco Roof. An eco roof is a vegetated roof system used in place of a conventional roof. Eco roofs are comprised of several layers that include a root barrier, waterproof membrane, drainage, soil system, and plants. Eco roofs are also referred to as green roofs.
- l. Emergency Service Facilities. Facilities housing police, fire or ambulance services; excluding jails.
- m. Establishment. A term used to describe business activity. For purposes of this code, businesses shall be defined and described at the four digit Standard Industrial Classification (“SIC”) level set forth in the most recent edition of the Standard Industrial Classification Manual, published by the U.S. Office of Management and Budget.
- n. Expansion. Enlargement of a land use increasing the overall density or intensity of the use. The expansion may be an addition attached to an existing structure or service facility, an additional structure or service facility on the same parcel, or additional structures or facilities constructed on land contiguous with the existing parcel. Construction of new facilities on parcels which are not contiguous are considered new uses, not expansions of an existing use. Except as applied to commercial parking facilities, the term is not applicable to enlargement of existing parking lots and structures.

- o. Flex Space. A building constructed to accommodate a variety of commercial, office and/or light industrial uses, including: administration, direct and telephone sales, back-office operations, product assembly, component and inventory warehousing, shipping, and related or similar activities.
- p. Floor Area Ratio (FAR). Floor area ratio is the ratio of the total amount of enclosed gross floor area (GFA) within a building or structure to the amount of net lot area. To calculate FAR, the total GFA is divided by the net lot area, and typically expressed as a decimal. For the purposes of calculation, both floor area and net lot area are expressed in square feet. For example, if the GFA for all buildings on a site totals 75,000 and the net lot area is 100,000, then the FAR equals 0.75, or if the total GFA equals 200,000 and the net lot area is 100,000, then the FAR equals 2.0.
- q. Gross Floor Area (GFA). The sum of the horizontal areas of all floors of a building intended for occupancy or storage and not including interior parking or loading spaces, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. GFA is also referred to as gross square feet or GSF.
- r. Gross Leasable Area (GLA). The portion of GFA that is available for leasing to a tenant. Generally, GLA is equal to GFA less “common” areas that are not leased to tenants, including spaces for circulation to and from tenant spaces (lobbies, atriums elevator cores, stairs, corridors), restrooms, utility/mechanical spaces, and loading docks.
- s. Hardscape. Hard-surfaced areas improved in lieu of landscaping. Such areas include specially treated or textured concrete designed as a plaza, courtyard or building entrance and contain pedestrian-sensitive amenities such as benches, drinking fountains, planters, trees in grated wells, street furniture, lighting, public art, water features or other design features integrated into the overall design of a building or portion of the site.
- t. Hotel. A building with a common entrance consisting of individual sleeping quarters for rental to transients, and in which no provision is made for cooking in the lodging room. A “residential hotel” is a hotel typically providing for longer term stays and which may allow in-room cooking.
- u. Major Pedestrian Route. Any pedestrian route located along an arterial or collector street, a transit trunk route, or light rail transit route. A major pedestrian route also includes any local street or street segment within 1,300 feet of a light rail station or Transit Center where the street or street segment provides reasonably direct connection to the station or center.
- v. Master Plan. A development plan for a project to be built in two or more phases. A master plan may involve multiple blocks, provided the blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian ways or space, designated open space, park space or protected natural areas, or surface water treatment facilities. May provide the basis for a Concept Development Plan in Design Review.

- w. **Mixed Use Building or Development.** A building or development characterized by either a vertical or horizontal physical integration of uses. A mixed use building is a structure at least two stories in height which includes a mix of uses such as retail and office uses, residential and commercial uses, or commercial and light industrial uses. A mixed use development typically consists of multiple buildings, usually with multiple stories, designed to assure a diversity of compatible land uses which may include a mixture of residential, office, retail, services, recreational, live/work units, flex space uses, and other miscellaneous uses allowed in a district. A campus development is considered a mixed use development. However, within a mixed use development, a mix of residential and industrial uses is prohibited in a single building or on immediately adjoining land.
- x. **Motor Vehicle Service, Maintenance or Repair Facilities.** Facilities servicing motor vehicles, including gasoline stations, oil and lubrication services, tire and muffler installation and service, body shops, car washes, and other motor vehicle services.
- y. **Neighborhood Commercial and Cottage Industry.** Neighborhood commercial includes “commercial uses” as defined in this subsection, provided they are small scale retail and service uses primarily serving nearby residential areas and neighborhood businesses and their employees. General office and other commercial uses which are not retail or service in nature are allowed on and above the second floor of a neighborhood commercial building. Cottage Industry includes very light industrial or manufacturing uses that do not use hazardous materials, and have a low impact to adjacent properties related to noise, dust, odor or light glare. Outdoor storage for Cottage Industry uses must be screened.

Neighborhood commercial and Cottage Industry uses are limited in size and intensity to promote a local orientation and to limit adverse impacts on nearby residential areas. Neighborhood commercial uses may be auto-accommodating and provide off-street parking behind the building, but the overall development is intended to be predominantly pedestrian-sensitive and compatible with the scale of surrounding residential development.

- z. **Parking structure.** Any building above grade, below grade, or both for parking motor vehicles. Also referred to as structured parking.
- aa. **Pedestrian-Related Office or Service Use.** Commercial uses, excluding the sale, lease or rental of new or used durable goods, whose primary business relies on face-to-face customer contact or walk-in trade.
- bb. **Pedestrian Space.** An area or plaza on public or private property which is directly accessible to pedestrians and which includes two or more of the following features covering the entire area or disbursed throughout the entire pedestrian space: Hardscaped areas; lawn areas with trees and seating; awnings or other weather protection; water features incorporating, or with nearby, seating areas, public art or kiosks; outdoor eating areas with seating, and street-side vendor carts or stands selling flowers, food or other small consumer goods. Interior corridors within a building, used primarily as access among rooms within the building, are not considered pedestrian space, but an atrium or interior court containing the above named

features and is accessible from common hallways by the public shall qualify. A space otherwise meeting the definition of a pedestrian space which is located within a secured area on private property but is accessible, used and useful to employees, residents, and other authorized visitors to the site, qualifies under this definition.

- cc. Pedestrian Way. Any paved public or private travel route intended for pedestrian use, whether shared with other transportation modes such as a bicycle/pedestrian accessway or intended solely for pedestrian use.
- dd. Permanent Open Space. A parcel, lot, or tract of land identified on a recorded plat or by deed designation as intended to provide natural area preserves or environmental, scenic or recreational benefits to an adjacent development. Such a parcel, lot, or tract may, at the discretion of the applicant, be considered a part of an abutting lot for purposes of lot setback, open space and similar requirements, provided that the open space is not double counted in the process.
- ee. Project. Sometimes referred to as a “development project” or “development.” A residential, non-residential or mixed use development to be built in one or more phases. A project may involve single or multiple buildings and single or multiple blocks, provided the multiple blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian connections or spaces, designated open space, park spaces or protected natural areas, or stormwater treatment or detention facilities. The construction of one single family, duplex or ancillary dwelling built on or added to a single lot is not a project unless constructed as part of a larger residential development project of ten or more dwellings.
- ff. Recreational Facilities. Indoor and outdoor facilities, excluding usable open space, intended to serve the recreational needs of the general public. Indoor and outdoor “Land-extensive recreational facilities” are generally discouraged within the Mixed Use Districts and include such activities as golf courses, driving ranges, polo fields, shooting ranges, and similar uses.
- gg. Redevelopable Land. Land on which development has already occurred but on which, due to present or expected market forces, existing development is likely to be converted or replaced with a more intensive use.
- hh. Residential Structures.
  - i. Single Family Detached Dwelling. A detached dwelling unit, constructed on-site or elsewhere, situated on its own lot or parcel.
  - ii. Single Family Attached Dwelling. A dwelling unit, located on its own lot, which shares one or more common or abutting walls with one or more dwelling units.
  - iii. Attached Duplex. A duplex, located on its own lot, which shares one or more common or abutting walls with one other duplex, thereby totaling four dwelling units.

- iv. Multi-Family Dwelling. A structure on a single lot or parcel containing three or more units which share common walls or floor/ceilings with the adjacent unit(s). Multifamily dwellings include condominium and apartment units without regard to ownership status, and includes congregate (or independent) care and assisted care facilities for the elderly, but excludes all types of nursing home, convalescent care and institutional type living arrangements.
- v. Garden Apartment. A multifamily dwelling with access to a large open space area(s) such as a courtyard, garden or plaza, where such access is typically provided at the ground floor level.
- vi. Mid-Rise Apartment. A three- to six-story multi-family dwelling with reduced landscaping, generally built at 25 or more units per acre.
- vii. Rowhouse. An attached dwelling of two or more stories that has the appearance of a townhouse but not located on individual lots.
- viii. Townhouse. A single family attached dwelling of two or more stories, in a building of two or more units, with each dwelling unit and its underlying lot platted to allow separate ownership.
- ix. Ancillary Dwelling Unit. An additional dwelling unit located on the same lot as a single family dwelling or duplex.
- ii. Shared Parking. A public or private parking facility shared by two or more uses.
- jj. Transit Street. A public arterial or collector street designated as a bus or LRT route on the Comprehensive Transportation Plan Map.
- kk. Transit-Supportive. A use or development which supports increased mobility, particularly by transit, walking and bicycling and is sited in a pedestrian-sensitive manner. Transit-supportive developments are designed to enhance pedestrian and bicycle mobility and access, and to reduce conflicts with motor vehicles through a system of streets, pedestrian ways and bicycle facilities designed for multimodal access and circulation for cars and commercial vehicles, transit vehicles, bicycles, and pedestrians. Also known as “transit-oriented development,” “transit-oriented use” and “TODs.”
- ll. Visitability. Building designs which allow persons with mobility impairments to enter and stay, but not live, in a residence. The dwelling must include at least one zero-step entrance, 32-inch clear opening doorways and at least one half- bathroom on the main level that meets the minimum clear floor space for half-bathrooms as required by the Fair Housing Act.
- mm. Volatile Organic Compounds (VOCs). Volatile Organic Compounds are an entire class of carbon-based chemicals that give off vapors at normal room temperatures. Vapors may be harmful or trigger allergic reactions in people with environmental allergies. Products that emit VOCs include paints and lacquers, paint strippers, adhesives and sealants, carpets and

carpet backing, cleaning supplies, pesticides, building materials and furnishings, office equipment (copiers and printers), graphics and craft materials, and permanent markers.