

ORDINANCE NO. 172-2018

AN ORDINANCE AMENDING SECTIONS OF THE DONALD DEVELOPMENT ORDINANCE RELATED TO DOWNTOWN MIXED-USE ZONING, PLANNED UNIT DEVELOPMENT PROVISIONS, WALKABILITY PROVISIONS, RESIDENTIAL DESIGN STANDARDS, AND MINOR CODE CLEAN-UP ITEMS.

WHEREAS, Oregon Revised Statue (ORS) 197.175 requires each city and county to have a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect; and

WHEREAS, Oregon Administrative Rules (OAR) 660-015-0000 Oregon's Statewide Planning Goals and Guidelines express the state's policies on land use and related topics, such as citizen involvement, housing and natural resources; and

WHEREAS, the Donald Comprehensive Plan was updated in 2015 to include policies for a pedestrian-oriented central shopping area and design standards for downtown commercial development; and

WHEREAS, the Donald Comprehensive Plan was updated in 2015 to include policies for increasing densities in the residential zones to accommodate projected housing needs through the year 2034; and

WHEREAS, On May 19, 2016 the City was awarded a Transportation and Growth Management grant from Oregon Department of Transportation and Oregon's Department of Land Conservation to fund this Development Code update and accepted the funds and signed an intergovernmental agreement by means of Resolution No. 441-17 on May 17, 2017; and

WHEREAS, the Transportation and Growth Management Program supports community efforts to expand transportation choices. By linking land use and transportation planning TGM works in partnership with local governments to create vibrant, livable places in which people can walk, bike, take transit, or drive where they want to go; and

WHEREAS, The Donald Planning Commission and City Council jointly held a workshop to review possible amendments to the Donald Development Ordinance and establish goals and priorities on December 14, 2017; and

WHEREAS, The Donald Planning Commission and City Council jointly held workshops on May 15, 17 and 22, 2018 to review recommended Draft Code Amendments. Draft Code Amendments were posted to the City of Donald website for public review and with an online feedback form for comment; and

WHEREAS, staff prepared and submitted a staff report to the Donald Planning Commission on June 8, 2018 and a staff report to the Donald City Council on July 17, 2018

and on August 14, 2018 which is incorporated herein by this reference; and

WHEREAS, on June 21, 2018 the Donald Planning Commission conducted a duly noticed public hearing regarding Planning File Legislative Amendment LA-2018-01, an application by the City of Donald regarding amendments to the Donald Development Ordinance as described herein. At the hearing the public was given full opportunity to be present and heard on the matter. The Donald City Planning Commission considered the information provided by City staff and the public. After deliberation, the Donald Planning Commission voted to recommend approval of the Draft Code Amendments, as amended by the Planning Commission, with a vote of 7-0; and

WHEREAS, on July 17, 2018 and on August 14, 2018 the Donald City Council conducted a duly noticed public hearing regarding Planning File Legislative Amendment LA-2018-01, an application by the City of Donald regarding amendments to the Donald Development Ordinance as described herein. At the hearing, the public was given a full opportunity to be present and heard on the matter. The Donald City Council considered the information provided by City staff, the public, and the Planning Commission's June 21, 2018's recommendation to approve the Draft Code Amendments; and

WHEREAS, following a second reading of Ordinance No 172-2018 on September 11, 2018

NOW THEREFORE, THE CITY OF DONALD ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Donald does hereby adopt the staff reports to the City Council dated July 9, 2018 and August 7, 2018.

Section 2. The City Council of the City of Donald does hereby adopt those certain findings of fact, conclusions, and supporting documentation as amended and included as Exhibit A attached hereto and by this reference made a part hereof.

Section 3. The City Council of the City of Donald does hereby amend the Donald Development Ordinance to include the amendments as shown in Exhibit A.

Section 4. The first reading of this Ordinance was conducted on August 14, 2018. The second reading of this Ordinance was conducted on September 11, 2018 and was passed and adopted by the City Council on September 11, 2018 as follows:

 5 AYES
 0 NAYS
 0 ABSTENTIONS

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Section 5. This Ordinance shall be effective on the thirtieth day after the date of enactment below, as per City Charter Chapter VIII, Section 36.

SIGNED and **DATED** this 11th day of September, 2018



Rick Olmsted, Mayor

ATTEST



Heidi Bell, City Manager

PASSED by the City Council: September 11, 2018

SIGNED by the Mayor: September 11, 2018

EFFECTIVE: October 11, 2018

**CITY OF DONALD
CITY COUNCIL STAFF REPORT**

Text Amendments to the Donald Development Code
Legislative Amendment-2018-01 (File No. LA-18-01)

Hearing Date: July 17, 2018

| | |
|------------------|---|
| PROPOSAL: | Recommend the City Council amend the Donald Development Ordinance |
| CRITERIA: | Consistency with the Donald Comprehensive Plan, Donald Development Ordinance and Statewide Planning Goals |
| EXHIBITS: | Exhibit A: Revisions to the Donald Development Ordinance (DDO) |

I. BACKGROUND

In 2017, the City of Donald initiated a Code Update Project with funding from the Transportation Growth Management (TGM) Program to evaluate and revise the Donald Development Ordinance, last updated in 2016, in a manner that supports TGM Program objectives, while addressing Donald’s stated need for Planned Development, mixed-use zoning and downtown design standards. The project was conducted in two phases. The first phase was an evaluation of the Development Ordinance and pertinent City of Donald Comprehensive Plan policies. The second phase involved preparation of recommended Development Ordinance amendments based on the Action Plan developed in the first phase.

The recommended code amendments are based on work that has been completed over the last 18 months, including a code evaluation, stakeholder interviews, Planning Commission/City Council work sessions, and preparation of a Final Action Plan. The draft code amendments are intended to achieve the following objectives:

1. Improve walkability in the downtown core.
2. Create a new mixed-use zone for downtown Donald.
3. Provide a process and requirements for planned unit developments, particularly to support the UGB expansion.
4. Provide building design standards for new downtown commercial development and new residential development.
5. Implement minor amendments per the “code clean-up” list in the Final Action Plan.
6. Implement minor amendments recommended by the Public Works department.

Legislative Amendment 2018-01 includes the adoption of draft code amendments to the Donald Development Ordinance related to the TGM Code Update Project. The revisions are attached in an underline and ~~striketrough~~ format for review purposes (see Exhibit A).

II. AUTHORITY & PROCEDURE

Donald Development Code Section 3.101.04 states that a Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process. The following actions are processed under a Type IV procedure:

- A. Text Amendments to the Comprehensive Plan
- B. Text Amendments to the Development Code

- C. Enactment of new Comprehensive Plan or Development Code text
- D. Comprehensive Plan Map Amendments (involving more than five adjacent land ownerships, or, non-adjacent properties)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties)

Development Code Amendment

Amendments to the text of the Donald Development Ordinance must be consistent and not conflict with the goals and policies of the Donald Comprehensive Plan as acknowledged by DLCDD for conformance with the Oregon Statewide Planning Goals.

III. CRITERIA & PROPOSED FINDINGS

The City must make findings concluding the proposed amendments are consistent with Donald Development Ordinance and Comprehensive Plan and Statewide Planning Goals, as summarized below.

A. Statewide Planning Goals and Donald Comprehensive Plan Policies

Goal 1, Citizen Involvement: The Donald Planning Commission and Donald City Council held an Open House on the subject at the City's Annual Santa Sing-a-Long event on Friday, December 8 at 6pm at the Donald Fire Hall and interacted with the public to get feedback and answer questions. Next the Mayor, Councilors and Commissioners met on Thursday, December 14 at 6:30pm to set priorities for the project and review the possible changes. Then the Planning Commission and City Council held a series of workshops to address amendments to the DDO through files #LA-20108-01 and file #LA-2018-02 on May 15, 2018, May 17, 2018 (both from 6pm to 8pm) and on May 22, 2018 from 6:15pm to 8:30pm. All of these meetings were noticed and open to the public.

Notice of the proposed legislative amendment (File No. LA-2018-01) followed DDO section 3.204 including the notice of the public hearings before the Planning Commission and City Council was published in the Woodburn Independent on June 6, 2018, which was 15 days prior to the first public hearing. Notice was provided to the Oregon Department of Land Conservation and Development (DLCDD) initially on May 25, 2018, which was 27 days prior to the first public hearing, and 53 days prior to the final public hearing.

In Oregon Measure 56 notices are required to be mailed to property owners whose property values could potentially be impacted by a change to a local zoning designation or development code regulation (ORS 227.186). While no property was proposed to be re-zoned at this time, staff prepared and mailed Measure 56 notices to 268 addresses in Donald, Oregon, which was every non-public zoned property in the city limits (after duplicates were eliminated). The mailing was a combined notice for files LA-2018-01 and LA-2018-02. They were mailed on June 14th which was one week (7 days) prior to the first public hearing.

A public hearing before the Donald Planning Commission was held on June 21, 2018 at 6:45pm. The City received written and oral public testimony (and comments) from interested parties at and prior to the meeting. This testimony is recorded and on-file with the City and will be included to the Councilors for review. A public hearing before the Donald City Council is scheduled for July 17, 2018 at 6:45pm. This is consistent with the established procedures for legislative amendments to the Donald Development Ordinance and staff finds that Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged DDO for processing legislative amendments to the Donald Development Ordinance. Goal 2 supports clear and thorough local procedures. Goal 2 is met.

Goal 3, Agricultural Lands and Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal does not impact Goal 5 resources.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not impact Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not impact Goal 7 resources.

Goal 8, Recreation: The proposed DDO amendments include an open space requirement for all new planned unit developments that will increase the amount of open space in Donald available to the public for recreational uses. Goal 8 is met.

Goal 9, Economic Development: The draft code amendments implement a new Downtown Mixed-Use zone and establish design standards for new downtown commercial development. The proposed amendments are intended to allow an appropriate mix of uses for the downtown main street area, promote pedestrian friendly development and encourage efficient use of downtown commercial land. These amendments implement Donald Comprehensive Plan policies that were adopted in 2015 related to commercial and industrial development. The amendments are intended to support economic development of downtown Donald and capture the economic energy that will be created through the UGB expansion and anticipated population growth in Donald. The proposed code amendments are not found to deter employment or business opportunities but rather to promote greater and more appropriate economic use of the downtown main street area. Staff finds Goal 9 is met.

Goal 10, Housing: The proposed code amendments amend the R-7 and RM zones to establish minimum and maximum densities that will be applied in the 2018 UGB expansion area, as applicable. These amendments will help ensure that housing targets (number and type of units) identified through the UGB expansion process can be achieved. The proposed amendments also add single-family attached dwellings as a permitted use in the RM zone. The proposed amendments include clear and objective design standards for new detached and attached residential development. The design standards are intended to promote walkable neighborhoods, provide quality housing stock, and minimize monotony in housing design. Standards regulating accessory dwelling units (ADUs) are also revised to implement recent legislation (Senate Bill 1051) encourage more ADU development. New provisions for planned unit developments (PUDs) are added to the DDO to support the UGB expansion effort and provide a path for increased residential densities and a greater variety of housing types. Together, these amendments will implement the Donald Comprehensive Plan goals for Residential Development to encourage development of an adequate quantity, quality and variety of housing facilities. These amendments also implement Urban Growth policies in the Comprehensive Plan that call for increased residential densities to accommodate projected housing needs. The proposed code amendments comply with Goal 10.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposed code amendments address permitted uses and requirements on commercial, industrial and residential lands within the existing and recently expanded urban growth boundary, and have therefore already been determined to be serviceable. Staff finds the proposal does not address Goal 11 issues.

Goal 12, Transportation: The amendments are consistent with the Donald Comprehensive Plan Transportation Goal 12 to develop and maintain an efficient and reliable transportation system that encourages proper land development. Proposed amendments include a new Downtown Mixed-Use zone, planned unit development provisions, bicycle parking standards, and pedestrian connectivity requirements for new development. These amendments are intended to promote more efficient use of land and increase multi-modal transportation options. In addition, the bicycle parking and pedestrian connectivity standards provide consistency with elements of the Oregon Transportation Planning Rule. Staff finds that Goal 12 is met.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. Rezoning or an increase of additional urbanized land is not proposed. The proposal does not impact Goal 14 issues.

The proposed amendments to the Donald Development Ordinance are consistent with the intent of Statewide Goals 1, 2, and 8-12. The remaining Goals are found to be non-applicable as the proposed code amendments do not affect issues addressed by those goals.

B. DDO 3.112.03 Criteria for Approval

Amendments to the Comprehensive Plan or Development Ordinance text shall be approved if the evidence can substantiate the following:

A. *Impact of the proposed amendment on land use and development patterns within the city, as measured by:*

1. *Traffic generation and circulation patterns;*
2. *Demand for public facilities and services;*
3. *Level of park and recreation facilities;*
4. *Economic activities;*
5. *Protection and use of natural resources;*
6. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

FINDINGS: The proposed code amendments will establish a new Downtown Mixed-Use zone, planned unit development provisions, residential design standards, pedestrian connectivity and bicycle parking requirements, and miscellaneous code clean-up items. Traffic generation and circulation is not anticipated to be substantially impacted by the proposed amendments, except that they will result in more bicycle and pedestrian amenities (bicycle parking and pedestrian walkways). The demand for public facilities and services is not anticipated to be substantially impacted by the proposed amendments as the amendments will occur on lands already within the urban growth boundary. The level of parks and recreation facilities may be increased due to the open space requirement in the proposed PUD provisions. The proposed Downtown Mixed-Use zone is intended to support and enhance the Donald main street area as an economically vibrant shopping district. Protection of natural resources is not anticipated to be impacted by the proposed amendments. Existing special purpose plans or programs are not anticipated to be impacted by the proposed amendments. Staff finds this criterion is met.

B. *A demonstrated need exists for the product of the proposed amendment.*

FINDINGS: Need for the proposed amendments has been demonstrated in the following ways:

- The City adopted Comprehensive Plan policies in 2015 that specifically call for a “pedestrian-oriented central shopping area” and development of design standards for downtown commercial development. The proposed amendments provide both those elements through implementation of the Downtown Mixed-Use zone.
- The 2015 Comprehensive Plan also calls for methods to increase residential density in the R-7 and RM zones to help accommodate projected housing needs. The proposed amendments provide this through the minimum density standards for the R-7 and RM zones in the 2018 UGB expansion area.
- The 2018 UGB expansion process identified a need for more housing in Donald as well as a greater variety of housing types. The proposed amendments provide this through the addition of single-family attached dwellings as a permitted use in the RM zone, the PUD provisions, the updates to the ADU standards, and the new residential design standards.

Based on the above, staff finds this criterion is met.

C. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*

FINDINGS: The proposed amendment complies with all applicable goals and policies of the state-acknowledged Donald Comprehensive Plan. Notice of the proposed amendment was provided to DLCDD. An analysis of how the proposed amendments are consistent with the Donald Comprehensive Plan is addressed in Section III.A of this report.

D. *The amendment is appropriate as measured by at least one of the following criteria:*

1. *It corrects identified error(s) in the provisions of the plan.*
2. *It represents a logical implementation of the plan.*
3. *It is mandated by changes in federal, state, or local law.*
4. *It is otherwise deemed by the council to be desirable, appropriate, and proper.*

FINDINGS: The proposed amendments are appropriate because they clean up identified errors and inconsistencies in the DDO and they implement policies that were adopted into the Comprehensive Plan in 2015. They also provide consistency with state law (Transportation Planning Rule).

IV. ACTION

The City Council may take one of the following actions:

- A. Motion to adopt the findings outlined in the staff report and approve Development Code Amendment, LA 2018-01.
- B. Motion to adopt the findings outlined in the staff report and approve Development Code Amendment, LA 2018-01, as modified to reflect the changes made by the City Council.
- C. Motion to continue the public hearing to a date and time certain and state the additional information that is needed to allow for a future decision.
- D. Motion to deny the proposed Development Code Amendment, LA 2018-01.

Recommended Amendment

Underline format = new language Strikethrough format = deleted language

Section 1.200 DEFINITIONS

1.200.02 Definitions

Accessory Dwelling: An interior, attached, or detached residential structure that is used in connection with, or is accessory to, a single-family dwelling.

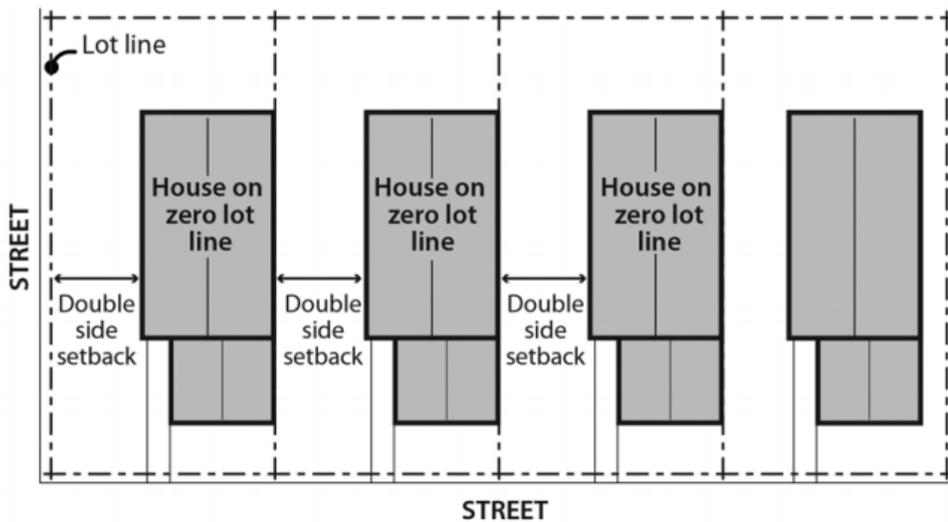
Cottage Cluster: A group of small, detached homes clustered around a central outdoor common space. Typically, some of the homes face the common space, while others front the street. Cottages are typically smaller than 1,000 square feet. A variety of rental and ownership options are possible within a cottage cluster development.

~~Lot Line, Zero: A lot line shared by a common wall or two attached dwellings, or a condition whereby a residence is located adjacent to a side lot line without a setback.~~

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare. These may include, but are not limited to, water, gas, sanitary sewer, storm sewer, streets, parks, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

Zero Lot Line Development: A development in which single-family detached homes on a common street frontage are shifted to one side of their lot to provide for greater usable yard space on each lot. Typically, one side setback on each lot will be zero and the other will be at least double the side setback of the underlying zone. These developments require that planning for all the house locations be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site development standards is possible while assuring that the single-dwelling character is maintained. See Figure 1.200.A for illustration.

Figure 1.200.A: Zero Lot Line Development Example



2.103 SINGLE FAMILY RESIDENTIAL - 7,000 SQUARE FOOT (R-7)

Recommended Amendment

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2.103.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Ordinance and special development requirements, are permitted in the R-7 zone:

- A. ~~Partitions, subject to the provisions in Section 2.307.~~
- B. ~~Subdivision, subject to the provisions in Section 2.307.~~

2.103.05 Dimensional Standards

- A. Minimum Lot Dimension and Height Requirements

| DIMENSION | Residential Uses | Non-Residential Uses |
|----------------|---|--|
| Lot Size | 7,000 sq. ft. - Single Family 7,000 sq. ft. – Duplex <u>6,500 sq. ft. – Single Family in the Donald South Expansion Area per Map 2.103.A.</u> | Adequate to comply with all applicable development standards |
| Maximum Height | 35 feet | 45 feet |

2.103.06 Development Standards

All development in the R-7 Zone shall comply with the applicable provisions of this Ordinance. The following references additional development requirements:

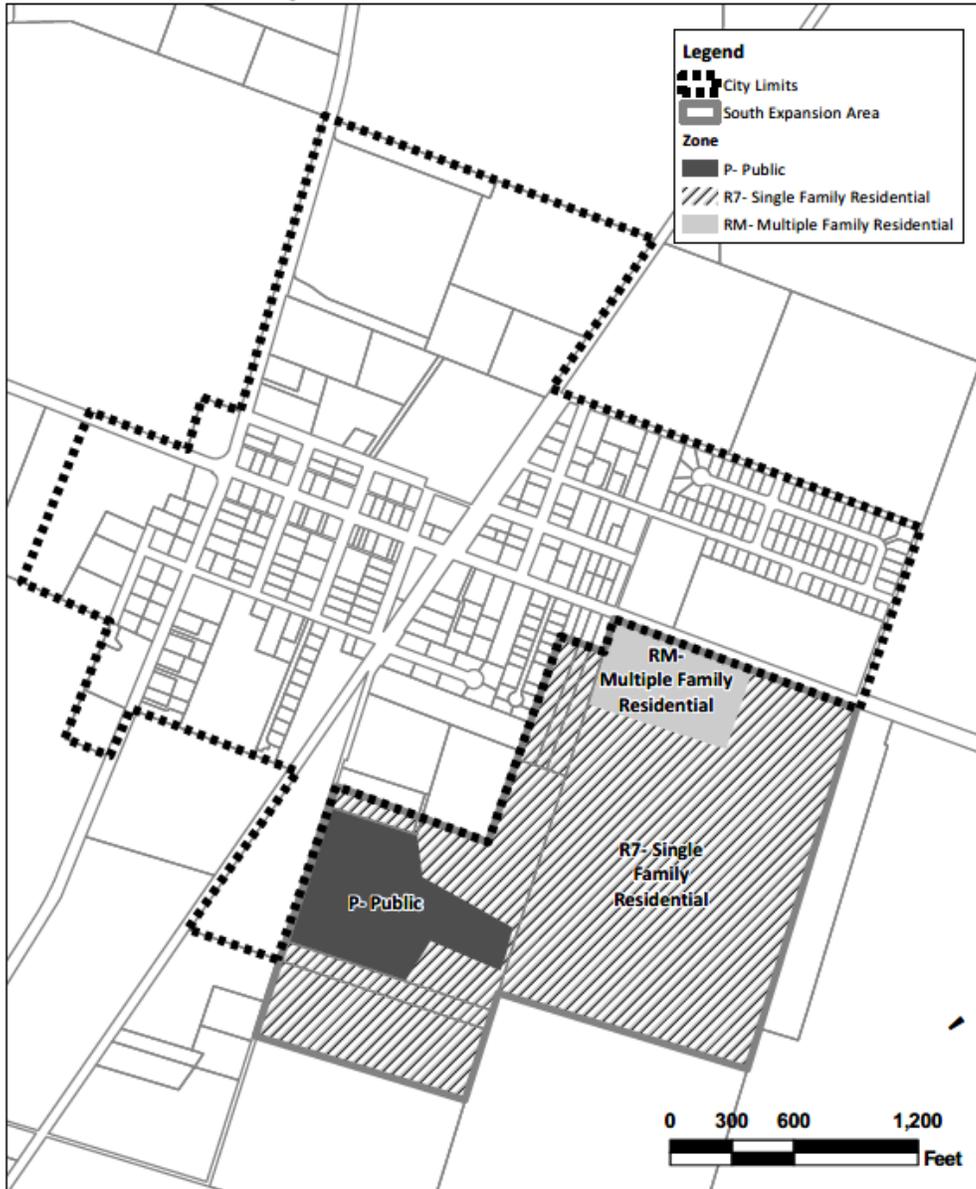
- A. Off-street Parking: Parking shall be as specified in Section 2.303.
- B. Yards and Lots: Yards and lots shall conform to the standards of Section 2.308.
- C. Site Development Review: Manufactured home parks and non-residential uses shall require a Site Development Review, pursuant to Section 3.1.
- D. Landscaping: A minimum of 35% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section ~~2.306~~ 2.309.
- E. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be 65%
- F. Density:
 - 1. ~~When R-7 zoned property is subdivided subject to Sections 3.105 or 3.109, the minimum density shall be 4 units per gross acre; the maximum density shall be 6 units per gross acre.~~
 - 2. New R-7 land divisions subject to Sections 3.105 or 3.109 within the Donald South Expansion Area, as depicted on Map 2.103.A, shall achieve a minimum overall

Recommended Amendment

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density of 5 units per gross acre. The maximum density shall be 6 units per gross acre.

Map 2.103.A Donald South Expansion Area



2.104 MULTIPLE FAMILY RESIDENTIAL (RM)

2.104.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance, are permitted in the RM zone:

- A. Residential buildings containing two or more dwelling units.

Recommended Amendment

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- B. Residential homes and facilities.
- C. Child day care service, including family day care provider, for 12 or fewer children.
- D. Single-family attached dwellings

2.104.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Ordinance and special development requirements, are permitted in the RM zone:

- A. ~~Partitions, subject to the provisions in Section 2.307.~~
- B. ~~Subdivision, subject to the provisions in Section 2.307.~~

2.104.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

| DIMENSION | Multi-Family | <u>Single-Family Attached</u> | Non-Residential |
|----------------|----------------------------|-------------------------------|--|
| Lot Size | 3,000 square feet per unit | <u>3,000 square feet</u> | Adequate to comply with all applicable development standards |
| Maximum Height | 45 feet | <u>35 feet</u> | 45 feet |

B. Minimum Yard Setback Requirements

| SETBACKS | Multi-Family | <u>Single-Family Attached</u> | Non-Residential |
|-------------|--------------|--|-----------------|
| Front | 20 feet | <u>10 feet</u> | 20 feet |
| Side | (1) | <u>Interior side: 0 feet Exterior side: 5 feet</u> | 10 feet |
| Rear | (1) | <u>15 feet</u> | 20 feet |
| Street-side | 10 feet | <u>10 feet</u> | 20 feet |
| Garage (2) | 20 feet | <u>15 feet</u> | 20 feet |

2.104.06 Development Standards

- F. Density: Subdivisions and multi-family development within the RM zone shall comply

| Recommended Amendment | |
|--|--|
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| | with the following density requirements: <ol style="list-style-type: none">Sub Land divisions <u>subject to Sections 3.105 or 3.109</u>, Multiple Family Dwellings and Manufactured Home Parks: The minimum density shall be 8 units per <u>gross</u> acre; the maximum density shall be 14 units per <u>gross</u> acre.<u>New land divisions subject to Sections 3.105 or 3.109 and multi-family development within the Donald South Expansion Area, as depicted on Map 2.103.A, shall achieve a minimum overall density of 10 units per gross acre. The maximum density shall be 14 units per gross acre.</u> |
| Section 2.105 | COMMERCIAL (C) |
| 2.105.03 | Special Permitted Uses |
| | The following uses, when developed under the applicable standards in the Ordinance and special development requirements, are permitted in the C zone: <ol style="list-style-type: none">A. Partitions, subject to the provisions in Section 2.307.B. Subdivision, subject to the provisions in Section 2.307. |
| 2.106 | INDUSTRIAL (I) |
| 2.106.02 | Permitted Uses |
| | The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the I zone: <ol style="list-style-type: none">A. Dwelling for a caretaker or watchman.B. Commercial activities:<ol style="list-style-type: none"><u>Retail sales and personal services, not associated with an industrial use. Examples include a small café, coffee shop or convenience market intended to primarily serve employees. The following limitations apply:</u><ol style="list-style-type: none"><u>The size of the retail sales and service use shall not exceed 50 square feet of gross floor area per person (based on maximum occupancy per the fire code), or 1,000 square feet, whichever is less.</u><u>The retail sales and service use shall be interior to the industrial building and may not be a stand-alone building.</u><u>No more than one such retail sales and service use is permitted per legal lot or parcel.</u><u>No external signage for the retail sales and service use is allowed.</u> |

| Recommended Amendment | |
|---|---|
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| <p>9.</p> <p>a.</p> <p>b.</p> <p>c.</p> <p>d.</p> <p>2.106.03</p> <p>Special Permitted Uses</p> <p>The following uses, when developed under the applicable standards in the Ordinance and special development requirements, are permitted in the I zone:</p> <p>A.</p> <p>B.</p> | <p><u>Retail sales or office use, directly related and accessory to an industrial use, with the following limitations:</u></p> <p><u>The retail sales and office uses combined shall not occupy more than 40 percent of the gross floor area occupied by the associated industrial use.</u></p> <p><u>The retail sales or office use shall be located on the same lot as the associated industrial use.</u></p> <p><u>Development requirements in Section 2.3 and Section 2.4 shall apply to the retail sales or office use.</u></p> <p><u>For purposes of this section, retail sales shall mean sales of goods, materials, and services to daily general public customers. Retail sales does not include “wholesale sales” businesses which sell and distribute merchandise to retailers, industrial, commercial and professional business users, but not the general public.</u></p> <p>Partitions, subject to the provisions in Section 2.307.</p> <p>Subdivision, subject to the provisions in Section 2.307.</p> |
| <p>Section 2.107 PUBLIC (P)</p> | |
| <p>2.107.03</p> <p>Special Permitted Uses</p> <p>The following uses, when developed under the applicable standards in the Ordinance and special development requirements, are permitted in the <u>IP</u> zone:</p> <p>A.</p> <p><u>BA.</u></p> <p>2.107.06</p> <p>Development Standards</p> <p>All development in the P Zone shall comply with the applicable provisions of this Ordinance. The following references additional development requirements:</p> <p>C.</p> | <p>Partitions, subject to the provisions in Section 2.307.</p> <p>Accessory structures and uses prescribed in Section 2.203 and subject to the provisions in Section 2.309.</p> <p>Landscaping. A minimum of 20% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.306 2.309.</p> |
| <p>2.108 <u>DOWNTOWN MIXED USE (DMU)</u></p> | |
| <p>2.108.01 <u>Purpose</u></p> | |

Recommended Amendment

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The purpose of the Downtown Mixed Use zone is to allow a mix of complementary uses in the downtown/Main Street area, promote pedestrian-friendly development, encourage efficient use of land, and preserve the small town character of Donald.

2.108.02 Allowed Uses

Table 2.108.A below lists uses that are allowed in the DMU zone. Allowed uses include those permitted outright, permitted subject to special standards, or permitted through conditional use approval. Where Table 2.108.A does not list a specific use, the City may find that use is allowed, or is not allowed, following the provisions of Sections 1.102.04 and 2.101.01. Uses not listed in Table 2.108.A, and not found to be similar to an allowed use, are prohibited.

| Table 2.108.A: Allowed Uses in the DMU Zone | | |
|---|----------------|------------------------------|
| P = Permitted outright S = Special Permitted Use CU = Conditional Use Permit | | |
| <u>Use</u> | <u>Allowed</u> | <u>Special Use Standards</u> |
| <u>Residential on second or upper story</u> | P | |
| <u>Residential on ground floor</u> | S | <u>Section 2.410</u> |
| <u>Home occupation</u> | S | <u>Section 2.404</u> |
| <u>Child daycare center</u> | CU | |
| <u>Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.</u> | CU | |
| <u>Public and commercial off-street parking</u> | CU | |
| <u>Community service, including governmental offices</u> | P | |
| <u>Emergency services (police, fire, ambulance)</u> | CU | |
| <u>Parks and open space</u> | CU | |
| <u>Religious institutions, places of worship</u> | CU | |
| <u>Schools (pre-school, kindergarten, college, vocational)</u> | CU | |
| <u>Utility structures and facilities:</u> | | |
| - <u>Identified in an adopted City master plan</u> | P | |
| - <u>Not identified in an adopted master plan</u> | CU | |
| <u>Amusement, entertainment, commercial recreation:</u> | | |
| - <u>Fully enclosed in a building</u> | P | |
| - <u>Not fully enclosed in a building</u> | CU | |
| <u>Commercial retail sales and services</u> | P | |
| <u>Eating and drinking establishments (without drive-through facilities)</u> | P | |
| <u>Office uses, including banks</u> | P | |
| <u>Medical clinics (outpatient)</u> | P | |
| <u>Hotels and motels</u> | CU | |
| <u>Marijuana dispensary or retail</u> | S | <u>Section 2.407</u> |
| <u>Food carts</u> | S | <u>Section 2.409</u> |

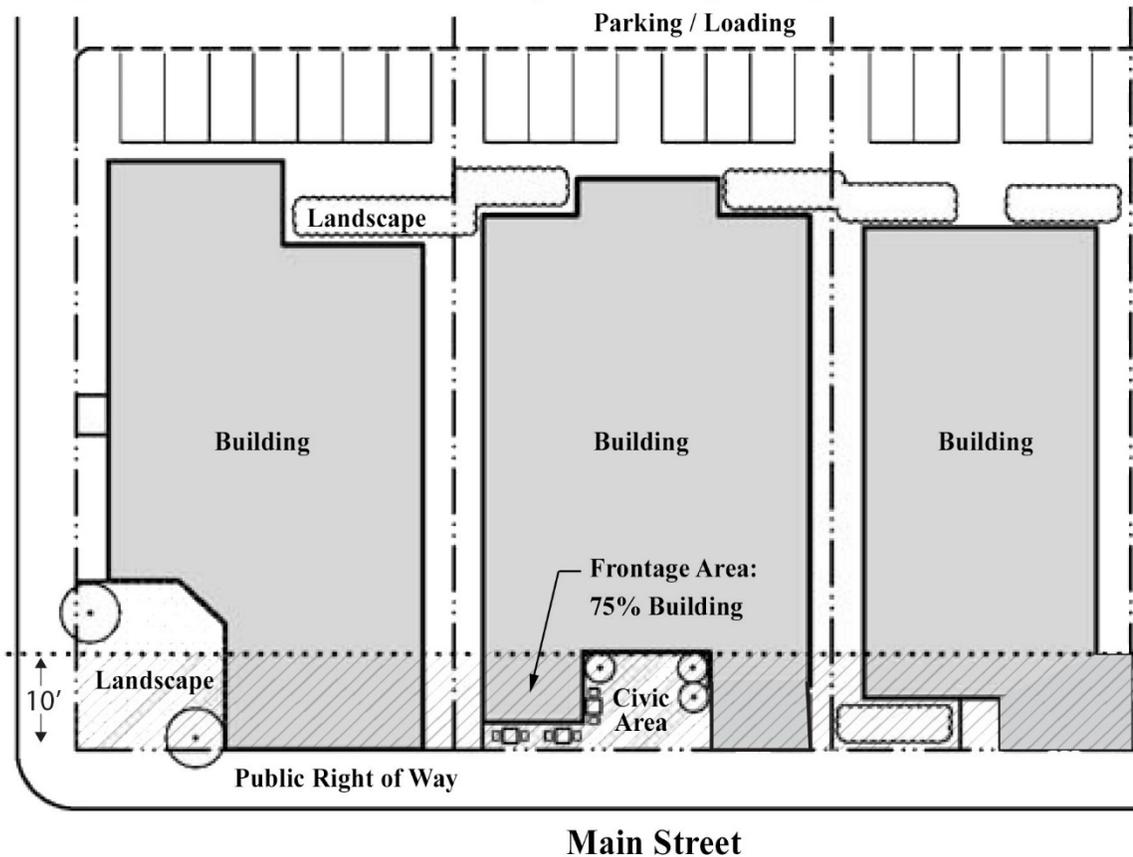
2.108.03 Development Standards

| Recommended Amendment | |
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| A. | <u>Applicability. The standards in this section apply to all new development and major building expansions in the DMU zone. For the purpose of this section, major building expansion means a building expansion of more than 50 percent of the square footage of the existing building.</u> |
| B. | <u>Minimum lot area: None</u> |
| C. | <u>Minimum lot width and depth: None</u> |
| D. | <u>Residential density requirements: None</u> |
| E. | <u>Maximum building height: 45 feet, 60 feet with height bonus</u> |
| | <u>1. Height bonus for residential use on upper story: 15 feet</u> <u>To be eligible for the height bonus, at least 75 percent of the gross floor area of the upper story must be used for residential dwellings.</u> |
| F. | <u>Minimum setback requirements:</u> |
| | <u>1. Front setback: 0 feet</u> |
| | <u>2. Rear and side setbacks: 0 feet, unless adjacent to residential</u> |
| | <u>a. Rear and side setback adjacent to residentially-zoned property or residential alley: 10 feet</u> |
| G. | <u>Maximum lot coverage: None</u> |
| H. | <u>Minimum landscaping: None</u> |
| I. | <u>Frontage occupancy requirement: 75 percent</u> |
| | <u>1. This standard is met when a building or buildings occupy at least 75 percent of the site's frontage area along a public street. For this standard, frontage is considered the area between 0 to 10 feet from the front property line, extending the entire width of the frontage. Portions of the building not used to meet this standard may setback more than 10 feet from the front property line.</u> |
| | <u>2. For corner lots, this standard must be met on Main Street or Oak Street, as applicable.</u> |
| | <u>3. The portion of the site's frontage area not occupied by building(s) shall be landscaped or developed as civic space in accordance with Subsection J below.</u> |
| | <u>4. See Figure 2.108.A for visual illustration of the frontage occupancy requirement.</u> |

Recommended Amendment

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Figure 2.108.A Frontage Occupancy



J. Civic space requirements. At least 3 percent of the gross area of the subject lot shall be designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the public, pursuant to the following:

1. Civic spaces shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian accessway.
2. Where public access to a civic space is not practical due to existing development patterns, physical site constraints, or other hardship presented by the applicant, the City may allow a private area, such as an outdoor eating area attached to a restaurant, in finding the project complies with the standard.
3. All civic spaces shall have dimensions that allow for reasonable pedestrian access. For example, by extending the width of an existing sidewalk by 4 feet, a developer might provide space for an outdoor eating area; whereas a larger development at a street corner could meet the standard by creating a plaza adjacent to a building entrance.
4. All civic spaces will be improved with at least one pedestrian amenity from the following list:

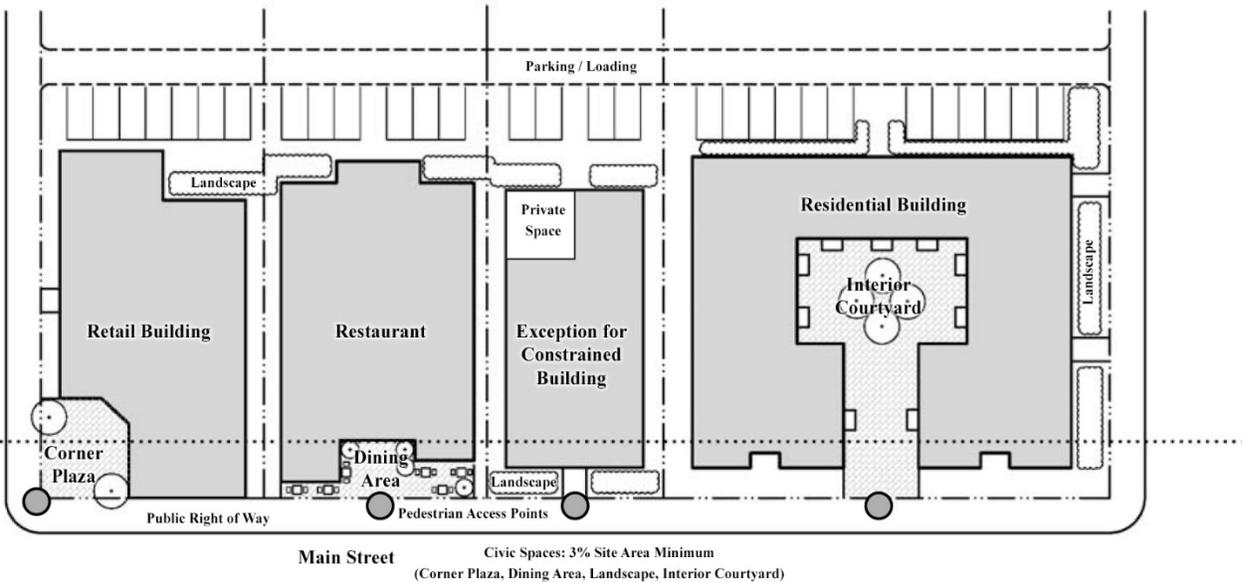
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- a. Plaza surfaces (e.g., pavers, landscaping)
 - b. Sidewalk extensions
 - c. Street furnishings (e.g., benches, public art, planter with seat wall, informational kiosk, sheltered seating area)
 - d. Way-finding signage
 - e. Similar amenity as approved by the City
5. See Figure 2.108.B for visual illustration of the civic space requirement.

Figure 2.108.B Civic Spaces



- K. Primary building entrances. All buildings shall have at least one primary entrance facing the street (i.e., within 45 degrees of the street property line); or if the building entrance must be turned more than 45 degrees from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk in conformance with Section 2.311.
- L. Off-street parking applicability. The off-street parking requirements of Section 2.303 apply in the DMU zone as follows:
 - 1. Non-residential uses in the DMU zone are not subject to the off-street parking requirements of Section 2.303.
 - 2. Residential uses in the DMU must comply with the off-street parking requirements of Section 2.303.

Recommended Amendment

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2.108.04 Building Design Standards

- A. Purpose
Building design standards regulate the exterior design of buildings to create a pedestrian-friendly environment; provide natural surveillance of public spaces; and maintain and enhance the rural, small-town character of downtown Donald.

- B. Applicability
The standards in Section 2.108.04 apply to all new development and substantial redevelopment of an existing building. For this section, a substantial redevelopment is any expansion or addition that impacts more than 50 percent of the street-facing façade of an existing building.

- C. Transparency - windows and entrances
 - 1. Ground floor entrances oriented to the street shall be at least partially transparent. This standard may be met by providing a door with window(s), a transom window above the door, or sidelights beside the door. Windows used to meet this standard may count toward the storefront window percentage in Subsection 2 below. Transom windows above a door shall not be covered by an awning, canopy, or similar cover.

 - 2. Transparent windows shall cover at least 60 percent of the ground-floor, street-facing elevation of all buildings. For this standard, the ground-floor elevation is the area between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane six feet above the sidewalk grade.

 - 3. Upper floor, street-facing elevations may have less window coverage than ground-floor elevations. Orientation of upper floor windows shall be primarily vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.

 - 4. Side and rear ground-floor building elevations shall provide a minimum of 30 percent window transparency.

 - 5. All windows shall have trim, reveals, recesses or similar detailing of not less than four inches in width or depth, as applicable.

 - 6. Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed.

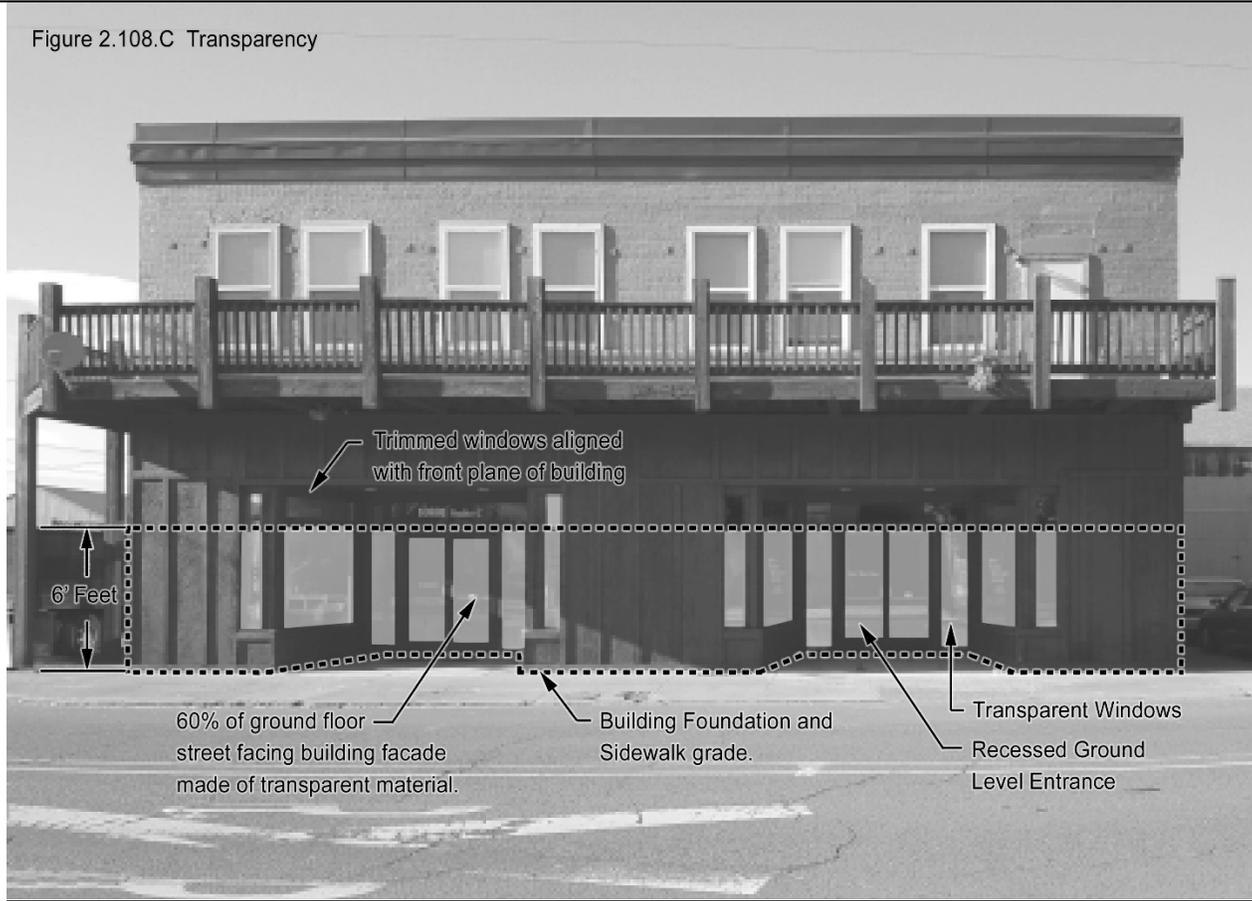
 - 7. See Figure 2.108.C for illustration of the transparency requirements.

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Figure 2.108.C Transparency



D. Defined upper story

Building elevations shall contain detailing that visually defines street-level storefronts from upper stories. This standard may be met through any of the following elements:

1. Awnings or canopies
2. Belt course (molding or projecting bricks or stones running horizontally along the face of a building to emphasize the junction between two floors)
3. Similar detailing, materials or fenestration

E. Building articulation

All building elevations that orient to a public street or civic space must have at least one break in the wall plane every 25 feet of building length or width, as follows:

1. A “break” for the purposes of this subsection is a change in wall plane of not less than 24 inches in depth. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.

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2. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not count toward meeting this break-in-wall-plane standard.
3. See Figure 2.108.D for visual illustration of building articulation standards.

F. Pedestrian shelters

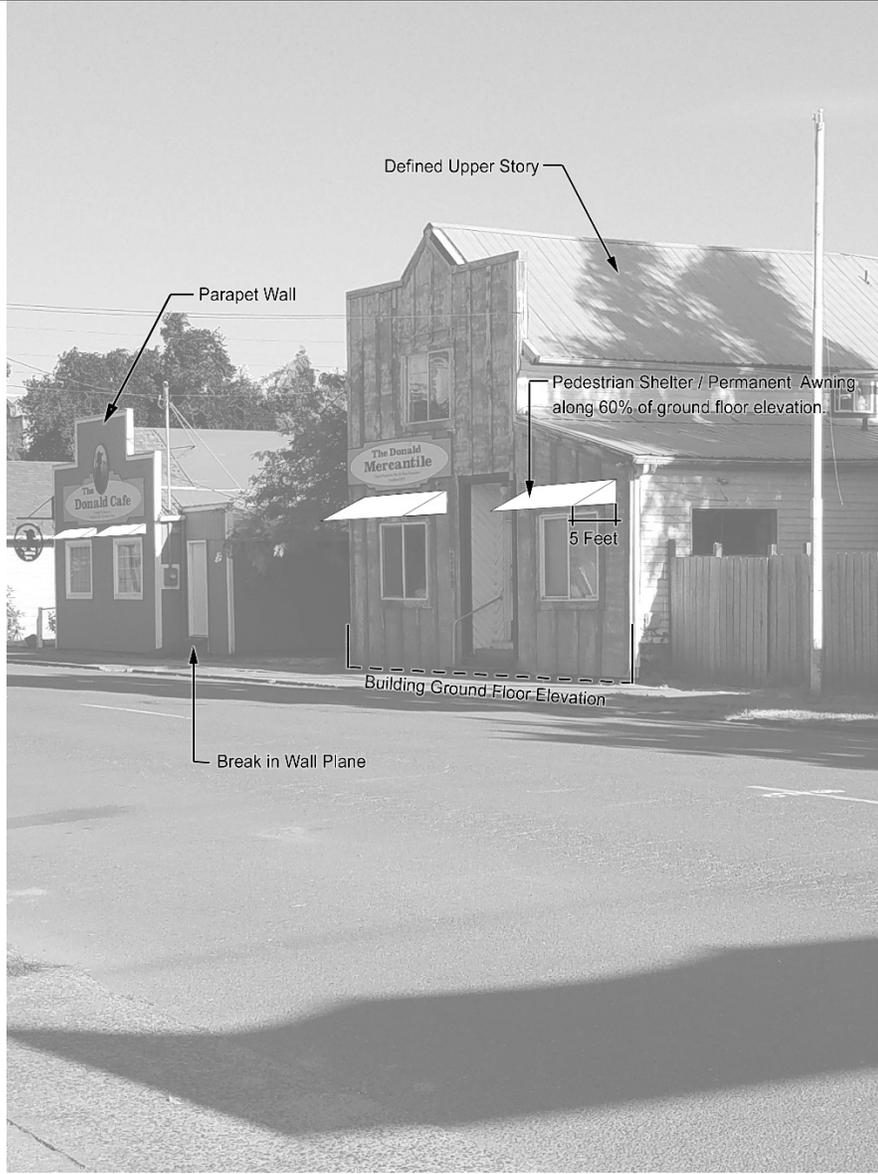
1. Permanent awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of ground-floor elevation(s) that abut a public sidewalk or civic space. Pedestrian shelters used to meet this standard shall extend at least five feet over the pedestrian area; except that the City, through Site Development Review, may reduce this standard where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters.
2. Pedestrian shelters shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Where applicable, pedestrian shelters shall be designed to accommodate pedestrian signage (e.g., blade signs), while maintaining required vertical clearance.

Figure 2.108.D Building Articulation

Recommended Amendment

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G. Mechanical equipment

Rooftop mechanical equipment shall be setback or screened behind a parapet wall so it is not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any.

H. Exterior building materials

This standard applies to the exterior wall(s) of buildings that face a public street or civic space. Table 2.108.A lists building materials that are primary (P), secondary (S), accent (A), and not allowed (N).

1. Buildings shall utilize primary materials (P) for at least 60 percent of the applicable

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~~building facades.~~

2. Secondary materials (S) are permitted on no greater than 40 percent of applicable building facades.
3. Accent materials (A) are permitted on no greater than 10 percent of applicable building facades as trim or accents only.
4. Materials listed as N in Table 2.108.A are prohibited on applicable building facades.

| Building Material | Designation |
|--|--------------------|
| <u>Brick</u> | <u>P</u> |
| <u>Stucco</u> | <u>P</u> |
| <u>Stone/masonry</u> | <u>P</u> |
| <u>Glass</u> | <u>P</u> |
| <u>Finished wood, wood veneers, wood siding</u> | <u>P</u> |
| <u>Concrete (poured in place or precast)</u> | <u>S</u> |
| <u>Concrete blocks with integral color (ground, polished, or glazed finish)</u> | <u>S</u> |
| <u>Finished metal panels—such as anodized aluminum, stainless steel, or copper—featuring polished, brushed, or patina finish</u> | <u>S</u> |
| <u>Fiber-reinforced cement siding and panels</u> | <u>S</u> |
| <u>Ceramic tile</u> | <u>S</u> |
| <u>Concrete blocks with integral color (split-face finish)</u> | <u>A</u> |
| <u>Standing seam and corrugated metal</u> | <u>A</u> |
| <u>Glass block</u> | <u>A</u> |
| <u>Vegetated wall panel or trellis</u> | <u>A</u> |
| <u>Vinyl siding</u> | <u>N</u> |
| <u>Plywood paneling</u> | <u>N</u> |

2.116 EMPLOYMENT INDUSTRIAL (EI)

2.116.02 Permitted Uses

C. Retail sales and personal services, **not** associated with an industrial use. Examples include a small café, coffee shop or convenience market intended to primarily serve employees. The following limitations apply:

1. The size of the retail sales and service use shall not exceed 50 square feet of gross floor area per person (based on maximum occupancy per the fire code), or 1,000 square feet, whichever is less.
2. The retail sales and service use shall be interior to the industrial building and may not be a stand-alone building.
3. No more than one such retail sales and service use is permitted per legal lot or parcel.
4. No external signage for the retail sales and service use is allowed.

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D. Retail sales or office use, directly related and accessory to an industrial use, with the following limitations:

1. Retail sales and office uses combined shall not occupy more than 40 percent of the gross floor area occupied by the associated industrial use, unless a conditional use permit is approved per Section 2.116.04.E.
3. The retail sales or office use shall be located on the same lot as the associated industrial use.
4. Development requirements in Section 2.3 and Section 2.4 shall apply to the retail sales or office use.
5. For purposes of this section, retail sales shall mean sales of goods, materials, and services to daily general public customers. Retail sales does not include “wholesale sales” businesses which sell and distribute merchandise to retailers, industrial, commercial and professional business users, but not the general public.

2.116.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Ordinance and special development requirements, are permitted in the EI zone:

~~A.~~ ~~Partitions, subject to the provisions in Section 2.307.~~

~~B.~~ ~~Subdivision, subject to the provisions in Section 2.307.~~

CA. Accessory structures and uses prescribed in Section 2.203 subject to the provisions in Section 2.309, ~~and provided:~~

- ~~1.~~ ~~Accessory structures and uses shall be both accessory to and in conjunction with the operation of a permitted use. For accessory retail sales, the retail sales use must be secondary, directly related, and limited to products manufactured, repaired, or assembled on the site, or by the operator of the site.~~
- ~~2.~~ ~~The provisions in Section 2.203 and 2.309 that are applicable to accessory retail sales uses and structures do not apply to area used for wholesale sales. For purposes of this section, retail sales shall mean sales of goods, materials, and services to daily general public customers. Retail sales does not include “wholesale sales” businesses which sell and distribute merchandise to retailers, industrial, commercial and professional business users, but not the general public.~~

2.116.04 Conditional Uses

The following uses shall require a conditional use permit:

D. Other industrial type of activities not specifically, or generally, identified in Section 2.116.02 or 2.116.03 and subject to Section 1.102.04.

E. Office uses in a building accessory to and in conjunction with a permitted industrial use where the office area occupies more than 25 percent of the area of the industrial use. The

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| | <p>maximum office area allowed in the EI zone under a conditional use permit shall not exceed 40 percent of the area of the industrial use.</p> |
| 2.203 | PERMITTED USES GENERALLY |
| 2.203.03 | Permitted Non-residential Accessory Structures and Uses |
| | <p>A. <u>A.</u> Retail Space. Retail sales or offices in a building in conjunction with a use in any industrial zone provided:</p> <ol style="list-style-type: none"> 1. <u>1.</u> In the I zone, the sales of office area shall not occupy more than 40 percent of the area in the industrial use. In the EI zone, the retail sales shall not occupy more than 30 percent of the area of the industrial use. In the EI zone, the office may occupy up to 25 percent of the area of the industrial use as an allowed accessory use, and may occupy up to 40 percent of the area of the industrial use if approved as a conditional use (Section 3.107). The sales or office area shall not occupy more than 40 percent of the area of the industrial use. 2. <u>2.</u> Development requirements in Section 2.3 and Section 2.4 shall apply to the sales or office area. 3. <u>3.</u> The accessory use shall be located on the same lot as the primary use. <p>B. <u>A.</u> Mobile Classrooms. Mobile classrooms are a permitted accessory use in conjunction with elementary and secondary schools.</p> <p>C. <u>B.</u> Accessory buildings in conjunction with any commercial or industrial business and (in compliance with setback and size limitations).</p> <p>D. <u>C.</u> Fences are a permitted use in all zones subject to the requirements in Section 2.308.</p> |
| 2.302 | STREET STANDARDS |
| 2.301.03 | Application of Public Facility Standards |
| | <p>Standards for the provision and utilization of public facilities or services available within the City of Donald shall apply to all land developments in accordance with the following table of reference. No development permit, including building permit, shall be approved or issued unless the following improvements are provided prior <u>to recording the final plat. Alternatively, a building permit may be issued without public facilities in the following cases:</u></p> <ol style="list-style-type: none"> <u>A.</u> <u>Construction of public improvements is guaranteed through a performance bond or other instrument acceptable to the City Attorney, or</u> <u>B.</u> occupancy or operation, <u>†</u> The improvement is specifically waived by the Public Works Department due to existing improvements or circumstances within the area, or <u>C.</u> unless <u>‡</u> Future provision is assured in accordance with Subsection 3.202.01. <p>C-2. Street Improvements for Single Family Dwellings: New single family dwellings which</p> |

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require a street extension must provide street improvements complying with the Donald Public Works Design and Construction Standards to ~~City street standards~~; otherwise, street improvements are not required.

2.302.03 General Provisions

All public street and utility improvements shall comply with the Donald Public Works Design and Construction Standards. The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Donald:

2.302.04 General Right-of-Way and Improvement Widths

Street widths and design shall be as designated in the Public Works Design and Construction Standards ~~The following standards are general criteria for public streets in the City of Donald.~~ These standards shall be the minimum requirements for all streets, except where modifications are permitted under Subsection 2.3202.05.

STREET STANDARDS

| SERVICE AREA (a),(b),(c),(d) | IMPROVEMENT WIDTH CURB/CURB | FULL HEIGHT CURB (f),(g) | SIDEWALK (e) | TOTAL RIGHT- OF-WAY WIDTH |
|---|---|---|--|--|
| PRIVATE STREET (serving no more than 4 d/u) | 20 feet | No curbs | No sidewalks | 25 feet |
| LOCAL STREET I Up to 19 d/u or serving 190 ADT or 79,999 sq. ft. | Parking two sides: 30 feet | 6" each side (1 foot total) | 5 foot curbline Two sides | 60 feet |
| LOCAL STREET II 20 to 79 d/u or 200 to 790 ADT or 79,999 to 319,999 sq. ft. | Parking two sides: 32 feet | 6" each side (1 foot total) | 5 foot curbline Two sides | 60 feet |
| LOCAL STREET III 80 or more d/u or 800 or more ADT -or more than 320,000 sq. ft. | Parking two sides: 34 feet | 6" each side (1 foot total) | 5 foot curbline Two sides | 60 feet |
| CUL-DE-SAC Max. length = 800 feet or less than 450 ADT or less than 183,999 sq. ft. | Width as above; Min. Curb Radius: 38 feet | 6" each side (1 foot total) | 5 foot curbline for entire cul-de-sac | Width as above; Min. ROW Radius: 45 feet |
| COLLECTOR | 36 feet | —(i) | (i) | 68 feet (i) |
| MINOR ARTERIAL | 46 feet | —(i) | (i) | 68 feet (i) |
| MAJOR ARTERIAL | 46 feet | —(i) | (i) | 68 feet (i) |

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| <p>(a) ADT = Average Daily Trips (ITE, Trip Generation Manual)</p> <p>(b) Trip Generation Rater for SFD = 10 ADT</p> <p>(c) Minimum Lot Size = 5,000 sq. ft.; Duplex = 7,000 sq. ft.</p> <p>(d) Calculated per street entrance; use largest number.</p> <p>(e) Required width around signs, mailboxes, utility poles, etc.</p> | <p>(f) Full curb height between driveways.</p> <p>(g) Max. 2 weep holes through curb face per lot.</p> <p>(h) Additional easements may be necessary.</p> <p>(i) Some collector and arterial streets will need to be evaluated on an individual basis, subject to city engineer and public works approval.</p> |
| 2.302.05 | <p>Modification of Right-of-Way and Improvement Width</p> <p>The City may allow modification to the public street standards <u>defined in the Public Works Design and Construction Standards of Subsection 2.302.04</u>, when the following criteria are satisfied:</p> <p>A. Modification Permitted. The modification is necessary to provide design flexibility where:</p> <ol style="list-style-type: none"> 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.302.04; or |
| 2.302.06 | <p>Construction Specifications</p> <p>Construction specifications for all public streets shall comply with the standards of the most recently adopted public works/street standards of the City of Donald <u>Public Works Design and Construction Standards</u>.</p> |
| 2.302.07 | <p>Private Streets</p> <p>Streets and other right-of-ways that are not dedicated for public use shall comply with the following:</p> <p>A. Width. Private streets shall have a minimum easement width of 25 feet and a minimum paved width of 20 feet.</p> <p>B. Construction Standards. All private streets serving more than two dwelling units shall be constructed in compliance with City private street standards Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City. Unless otherwise required by the City Engineer, the private street shall include easements for public and private utilities.</p> <p>Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.</p> <p>C. Turn-around. Private streets serving more than one ownership shall provide a turn around if in</p> |

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| | excess of 150 feet and having only one outlet. Turn arounds shall <u>comply with the Marion County Fire Code Applications Guide</u> and be either a circular turn around with a minimum paved radius of 35 feet, or a "tee" or "hammerhead" turn around with a minimum paved dimension across the "tee" of 70 feet and shall be subject to Fire District review and approval. |
| 2.302.08 | Private Access Easements |
| | A private access easement created as the result of an approved partitioning shall conform to the following. |
| | A. Width. Private access easements shall only be allowed where the applicable criteria of Section 2.302.04 are satisfied. The easement shall comply with the following standards: |
| | 1. Minimum width: 25 feet |
| | 2. Minimum paved width: 20 feet |
| | 3. Maximum length: 300 feet |
| | 4. No more than five (5) dwelling units shall have their sole access to the easement, <u>unless additional accessory dwelling units are approved per Section 2.309.02.C.5.</u> |
| | B. Maintenance. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat. |
| | C. Turn-around. A turn-around shall be required for any access easement which is the sole access and which is either in excess of 150 feet or which serves more than two dwellings. The turn-around shall <u>comply with the Marion County Fire Code Applications Guide</u> and be either a circular turn around with a minimum paved radius of 35 feet, or a "tee" or a "hammerhead" turn around with a minimum paved dimension across the "tee" of 70 feet and shall be subject to Fire District review and approval. |

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2.303 OFF STREET PARKING AND LOADING

2.303.11 Parking and Loading Area Development Requirements

~~D. Screening. Parking or loading area within or abutting a residential zone shall be screened from all residential properties with a fence or wall from (four) 4 feet to seven (7) feet in height.~~

E.D. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights of way.

F.E. Traffic Flow. Off street parking access shall be designed to allow flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic.

G.F. Entrance/Exits. Service drives and driveway exits shall have a minimum vision clearance area and separation of 15 feet from the intersection of the street and driveway.

1. General. Parking facilities containing more than four spaces shall be accessed by a driveway and prohibited from backing movement or otherwise maneuvering within a street right of way, unless otherwise permitted in this ordinance.

2. Residential. No more than two parking spaces may back onto a public street other than an alley.

~~H. Registration. Storage and parking in driveways and loading areas shall be limited to currently licensed and insured vehicles that may operate on the public roads and streets of the State.~~

G. Parking Lot Landscaping – Commercial and Multifamily. The following standards shall be met for new and redeveloped parking lots in commercial and multifamily developments. Industrial and Employment Industrial developments are subject to Section 2.303.11.H instead of these standards.

If a portion of an existing parking lot is redeveloped, these standards apply to only the redeveloped portion and not the entire site. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

1. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped.

a. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required.

b. At a minimum, one tree per 12 parking spaces on average shall be planted throughout the parking area.

c. Required parking lot landscaping may count toward the overall site landscaping requirements for the underlying zone.

Recommended Amendment

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2. All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 8 contiguous parking spaces.
 - a. Landscape islands shall have areas of at least 48 square feet and no dimension of less than 6 feet, with a minimum soil depth of 18 inches, to ensure adequate soil, water, and space for healthy plant growth.
 - b. Landscape island dimensions shall be measured from the inside of curbs.
 - c. Landscape islands can be counted toward meeting the landscape percentage standard in Subsection G.1.
3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 75 percent of that area is covered with living plants.
4. Plant materials shall be healthy, disease-free, damage-free, and characteristic of the species. The use of hardy and drought-resistant tree and plant species native to the Pacific Northwest is encouraged.
5. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.
6. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.
7. The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk, walkway, or residential property line shall be screened using a low-growing hedge, low garden wall or fence to a height between 3 feet and 4 feet.
8. Vegetated stormwater facilities to capture parking lot runoff are encouraged and may be used to meet the landscape percentage and landscape island requirements.

H. Parking Lot Landscaping - Industrial. The following standards shall be met for new and redeveloped parking lots in the Industrial and Employment Industrial zones. If a portion of an existing parking lot is redeveloped, these standards apply to only the redeveloped portion and not the entire site. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

1. A minimum of five (5) percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped.
 - a. Such landscaping shall consist of canopy trees distributed throughout the landscaped area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required.

Recommended Amendment

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- b. At a minimum, one tree per 12 parking spaces on average shall be planted throughout the landscaped area.
 - c. Required parking lot landscaping may count toward the overall site landscaping requirements for the underlying zone.
2. The standards in Section 2.303.11.G(3-9) apply.

2.303.12 Bicycle Parking Requirements

- A. Applicability. Bicycle parking requirements apply to all new commercial, civic, industrial and multi-family development.
- B. Standards. Bicycle parking spaces shall be provided according to the minimum ratios in Table 2.303.A.

| Table 2.303.A | |
|--|---|
| Minimum Required Bicycle Parking Spaces | |
| Use | Minimum Number of Spaces |
| <u>Multifamily Residential (not required for parcels with fewer than 4 dwelling units)</u> | <u>2 bike spaces per 4 dwelling units</u> |
| <u>Commercial</u> | <u>2 bike spaces per primary use or 1 per 5 vehicle parking spaces, whichever is greater</u> |
| <u>Industrial</u> | <u>2 bike spaces per primary use or 1 per 20 vehicle parking spaces, whichever is greater</u> |
| <u>Community Service</u> | <u>2 bike spaces</u> |
| <u>Public Parks (active recreation areas only)</u> | <u>Park size less than 1 acre: 6 spaces Park size 1 to 5 acres: 12 spaces Park size over 5 acres: 20 spaces</u> |
| <u>Schools (all types)</u> | <u>2 bike spaces per classroom</u> |
| <u>Institutional Uses and Places of Worship</u> | <u>2 bike spaces per primary use or 1 per 10 vehicle parking spaces, whichever is greater</u> |
| <u>Other Uses</u> | <u>2 bike spaces per primary use or 1 per 10 vehicle parking spaces, whichever is greater</u> |

- C. Design. Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle.
- D. Required bicycle parking shall be located within 50 feet of the primary entrance of the building it is intended to serve, or in a shared bicycle parking facility as approved by the City.
- E. Exemptions. This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The City may exempt other uses upon finding that, due

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| | <p><u>to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.</u></p> <p>F. <u>Fee-in-lieu. Where the City determines that bicycle parking is not feasible or appropriate, the developer shall pay a fee-in-lieu of bicycle parking to be used by the City for city-wide bicycle improvements.</u></p> |
| 2.305 UTILITY LINES AND FACILITIES | |
| 2.305.02 | Standards |
| | G. <u>All public utility improvements shall comply with the Donald Public Works Design and Construction Standards.</u> |
| 2.306 SITE AND LANDSCAPING DESIGN | |
| 2.306.01 | Purpose |
| | <p>A. Landscaping Guidelines. To guide the planting and maintenance of landscaping materials.</p> <p>B. Appearance. To enhance the appearance of the City, provide areas for outdoor recreation and to:</p> <ol style="list-style-type: none"> 1. Provide shade and windbreaks where appropriate to conserve energy in building and site design; 2. Buffer and screen conflicting land uses; 3. Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface. 4. Promote public safety through appropriate design principles. <p>C. Erosion control. To prevent or reduce erosion potential on steep terrain by providing appropriate landscape materials.</p> <p><u>D. Water conservation. The City encourages xeriscape, or water conservation principles, in meeting the requirements of this section. Xeriscape principles include the use of mulches, native and adapted lower water-demand plants, limited turf areas, and efficient watering methods resulting in significantly lower water-use and decreased maintenance.</u></p> |
| 2.306.02 | Scope |
| | <p>All construction, expansion, or redevelopment of structures or parking lots for commercial, multi-family residential, or industrial uses shall be subject to the landscaping requirements of this Section. No building or occupancy permit shall be issued for new construction or for additions to existing buildings without compliance with this Section.</p> |
| 2.306.03 | General Provisions |

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- A. Landscaped Area. A "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements, provided a minimum of 30% of the landscaped area is in vegetative cover. The remaining 70% may be covered with unvegetated areas of bark chips, rock, stone, or water features.
- B. Location. Landscaped areas may include landscaping around buildings; in open spaces and outdoor recreation areas; in islands and perimeter planting areas in parking and loading areas; and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance.
- C. Setback Areas. All required yards adjacent to a street shall be landscaped, save that portion used for access and off-street parking.
- D. Planting Height. No sight-obscuring plantings exceeding thirty (30) inches in height shall be located within any required clear-vision area as established in Section 2.308.08 ~~defined in Section 1.2~~ of this Ordinance.
- E. Plant Materials. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths and seating areas shall be pruned to a minimum height of 8 feet and to a minimum height of 15 feet over streets and vehicular traffic areas.
- F. Utility Interference. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground.
- G. Re-planting. Trees or shrubbery which die-off within one year of planting shall be replaced with a new, similar plant.
- H. Maintenance. Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.
- I. Installation. All landscaping shall be installed prior to issuance of an occupancy permit, or shall require bonding of the landscaping.
- J. Efficient Irrigation. When irrigation is provided, automatic or drip irrigation systems designed to supply adequate water to each planted area shall be used. If an automatic system is used, all watering must be done between sundown and sunrise to minimize evaporation.

2.306.04 Xeriscape Requirements

All industrial and commercial development that is subject to the requirements of this Chapter must incorporate the following xeriscape methods in any landscape plan submitted for City review. For residential development, xeriscape methods are encouraged but not required.

- A. Limited Turf Areas. Within the required vegetated area per Section 2.306.03.A, the total amount of lawn (i.e., turf) may not exceed 25 percent of the total vegetated area. In addition, lawns should be separated from trees, flower beds and other groundcover that do not have similar water needs as lawn/turf. Lawns may not be planted in strips less than five (5) feet wide due to the difficulty in controlling irrigation over-spray and resulting water waste in

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such areas.

- B. Use of Drought Tolerant Plants. Only drought tolerant native and non-invasive exotic species may be used in xeriscape plantings. A list of plants recommended for their drought tolerance and fire resistance is available from the City. Other drought tolerant plants recommended by a licensed landscape architect may also be allowed.

- C. Alternative Groundcover. Whenever possible, mulched planting beds and native plant communities should be used to meet landscape requirements. Beds may be mulched with any suitable organic or inorganic groundcover, provided that no more than 25 percent of the total vegetated area (as required per Section 2.306.03.A) is mulched with inorganic material. Preservation and re-establishment of native plant communities as part of landscape designs is encouraged.

2.306.0405 Screening and Buffering

- A. Screening. Screening shall be used to eliminate or reduce the visual impacts of the following uses:
 - 1. Commercial and industrial uses when abutting residential uses.
 - 2. Industrial uses when abutting commercial uses.
 - 3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
 - 4. Outdoor storage areas.
 - 5. Parking areas for 20 or more vehicles for multi- family developments, or 30 or more vehicles for commercial or industrial uses.
 - 6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.

- B. Screening Methods. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.

- C. Buffering. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:
 - 1. Planting Area: Width not less than 15 feet, planted with either one row of trees staggered and spaced not more than fifteen 15 feet apart; or, at least one row of shrubs forming a continuous hedge at least 5 feet in height within one year of planting.
 - 2. Berm Plus Planting Area. Width not less than 10 feet, with the combined total

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| | height of the berm and hedge not less than 5 feet. |
| | 3. Wall Plus Planting Area. Width must not be less than 5 feet with a masonry wall or fence not less than 5 feet in height and lawn, shrubs or ground cover covering the remaining area. |
| | 4. Other approved methods which produce an adequate buffer considering the nature of the impacts to be mitigated. |
| 2.306.0506 | Site Plan Requirements |
| | Where required as part of a land use action, the submitted landscaping plan shall include the following: |
| | A. Existing natural and vegetative features of the property. |
| | B. The location of existing and proposed structures. |
| | C. The extent and location of all major landscaping features including, but not limited to, planters, planting strips, vegetative barriers, yard areas, pathways, benches, irrigation methods, and similar items. |
| 2.306.07 | Fee-in-Lieu |
| | <u>An applicant may request to use fee-in-lieu to off-set up to 50 percent of the required landscape area, pursuant to the following.</u> |
| | <u>A. Purpose. The City’s water supply is constrained and maintaining landscaping at multiple locations by individual property owners can lead to excessive water demand. Consolidating landscaping into larger, City-maintained areas can achieve the aesthetic and stormwater benefits of landscaping, while better controlling water use. Consolidating landscaping off-site also provides more land area for economic development on-site.</u> |
| | <u>B. Applicability. The fee-in-lieu option may be used in the Public (P), Employment Industrial (EI), Industrial (I) and Commercial (C) zones. Within these zones, the fee-in-lieu option may not be used in place of screening and buffering as required in Section 2.306.05. The fee-in-lieu option is not available in the R-7 and RM zones.</u> |
| | <u>C. Calculating fee for landscaping fund. The landscaping fund fee is based on the difference in square footage between the minimum required landscaping and the amount of landscaping approved through Site Development Review, multiplied by the landscaping fund fee indicated on the City’s fee schedule.</u> |
| | <u>D. Fund payment, use and administration. The landscaping fund fee shall be paid by the applicant prior to issuance of building permit and will be collected and administered by the City Manager. Funds collected will be used to install and maintain landscaping on public lands within the City.</u> |
| 2.307.05 | Improvement Requirements – Partitions |

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| <p>C. Public Facilities. Prior to recording the final partition plat, the developer shall submit engineering plans to the City for review. The plans shall address the improvements required by this Ordinance and any conditions of approval, and shall conform with <u>the Donald City Public Works Design and Construction Standards</u>. The plans shall be approved by the City prior to recording of the final partition plat.</p> <p>D. Completion Requirements. All required improvements shall be completed prior to <u>recording the final plat.</u> the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition.</p> | |
| 2.307.065 | <p>Improvement Requirements - Subdivisions</p> <p>The following improvements shall be required for all subdivisions:</p> <p>A. Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.302 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall including <u>e</u>: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public/private utilities <u>shall be extended along the entire frontage of the proposed development as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.</u></p> <p>J. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Street signs shall be installed prior to obtaining building permits.</p> <p>K. Public Works Requirements. Facility improvements shall conform to the requirements and specifications of the Donald Public Works <u>Design and Construction Standards</u> Department.</p> |
| 2.307.07 | <p>Improvement Procedures</p> <p>E. Final Engineering Plans. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As built conditions and information shall be reflected on one set of mylar base as built drawings. The as-built drawings <u>and electronic files</u> shall be submitted to the City Engineer by the Developer's engineer.</p> |
| Section 2.308 YARD AND LOT STANDARDS | |
| 2.308.08 | <p>Clear Vision Area</p> <p>A clear vision area shall be maintained where streets and private points of access intersect.</p> <p>...</p> <p>B. Corner Lots: Any corner lot shall have a minimum of 20 feet per leg, <u>as measured from the</u></p> |

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| | <p><u>property line.</u></p> <p>C. Street-Driveway. The clear vision area from a street-driveway intersection shall be 10 feet along the driveway and 30 feet along the street right of way at the point of intersection with the driveway.</p> |
| 2.308.09 | Fences, Walls and Hedges |
| A. | Residential, Public and Semi-Public Uses |
| 1. | Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. A fence, wall, or hedge may not exceed six (6) feet in height without approval of a variance. Fences and walls shall not exceed a height of four feet along, and within, 10 feet of any property line adjacent to the street and containing a street access. Fences and walls may be subject to a building permit application, in compliance with <u>Oregon State Building Code</u> Marion County standards. |
| B. | Commercial and Industrial Uses |
| 1. | Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. A fence, wall, or hedge may not exceed 12 feet in height without approval of a variance. Fences and walls may be subject to a building permit application, in compliance with <u>Oregon State Building Code</u> Marion County standards. |
| 2.309 | ACCESSORY STRUCTURES |
| 2.309.02 | Accessory Dwelling Unit in the R-7 zone subject to the following criteria: |
| A. | One Accessory Dwelling Unit (ADU) per legal building lot is allowed as a subordinate use in conjunction with any single family dwelling; is allowed per legal single-family detached dwelling. <u>The ADU may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or conversion of an existing floor).</u> |
| B. | Either the primary residence or the Accessory Dwelling Unit must be occupied by the owners of the property. In addition, the Accessory Dwelling Unit shall not be subdivided or otherwise segregated in ownership from the main building. The property owner(s) shall sign an affidavit affirming that the property owner(s) will occupy the main building or the Accessory Dwelling Unit as their principal residence for at least six months every year. The property owner(s) shall sign a covenant agreeing to the conditions of this section that shall be recorded with the Marion County Clerk's office. The form of the affidavit and covenant shall be specified by the Manager, or designee. |
| C. | The total number of occupants in both the primary residence and the Accessory Dwelling Unit combined may not exceed the maximum number established by the definition of "family" in this ordinance. |
| D. | The total number of occupants in both the primary residence and the Accessory Dwelling |

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~~Unit combined may not exceed the maximum number established by the definition of “family” in this ordinance.~~

- ~~E. The Accessory Dwelling Unit shall not contain less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided that if the accessory unit is completely located on a single floor, the Manager, or designee, may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;~~
- ~~F. The square footage of the Accessory Dwelling Unit, excluding any garage area, shall not exceed 40 percent of the total square footage of the primary residence and Accessory Dwelling Unit combined, excluding any garage area. This percentage shall apply to both attached and detached Accessory Dwelling Units. Where the Manager, or designee, allows increased size per subsection E, the square footage shall not exceed 50 percent of the total square footage of the primary residence and Accessory Dwelling Unit combined, excluding any garage area;~~
- ~~G. There shall be one (1) off street parking space in a carport, garage, or designated space provided for the Accessory Dwelling Unit in addition to that, which exists on the site for the primary dwelling;~~
- ~~H. Accessory Dwelling Units shall be located only in the same building as the principal residence, unless the lot is at least 8,500 square feet in area or unless the Accessory Dwelling Unit will replace a detached, preexisting structure of at least 400 square feet. Where lots contain at least 8,500 square feet or there is a detached, preexisting structure of at least 400 square feet, the accessory dwelling may be part of the principal structure or located in a detached structure;~~
- ~~I. Accessory Dwelling Units shall be designed and finished to maintain the appearance of the main building of the single family residence. If the accessory unit extends beyond the current footprint of the primary dwelling, such an addition shall be consistent with the existing roof pitch, siding, and windows. If an accessory unit is detached from the main building it must also be consistent with the existing roof pitch, siding, and windows. In addition, only one entrance to the main building will be permitted in the front of the principal residence. A separate entrance for the Accessory building shall be located off either the side or rear of the building;~~

B. Floor Area.

- 1. A detached ADU shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling’s floor area, whichever is smaller.
- 2. An attached or interior ADU shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling’s floor area, whichever is smaller. However, ADUs that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the ADU would be more than 800 square feet.

C. Other Development Standards. ADUs shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

- 1. Conversion of an existing legal non-conforming structure to an ADU is allowed, provided that the conversion does not increase the non-conformity.
- 2. No off-street parking is required for an ADU, unless required per Subsection 5 below.

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3. Detached, stand-alone ADUs shall contain at least two detailed design elements from the list in Section 2.312.03.D.
4. ADUs shall not count toward the minimum or maximum density standards for the underlying zone.
5. ADUs shall have access from a public street. Access from a private access easement may be allowed if off-street parking is provided for the ADU (one off-street parking space per ADU) and the fire marshal approves the private access.

JD. ~~The Accessory Dwelling Unit~~ ADU shall meet all technical code standards including building, electrical, fire, plumbing, and other applicable requirements.

Section 2.311 PEDESTRIAN AND BICYCLE CIRCULATION

2.311.01 On-Site Pedestrian Access and Circulation

- A. Applicability. The standards in this section apply to all new commercial, industrial, civic and multi-family development. Single-family and duplex developments are exempt from these standards.
- B. Continuous Walkway System. An on-site pedestrian walkway system shall extend throughout the development site and connect to adjacent public sidewalks, if any, consistent with the following:
 1. For commercial, civic and multifamily developments, on-site walkways shall provide safe, reasonably direct, and convenient connections between primary building entrances and all on-site parking areas, adjacent recreational areas and activity/commercial hubs, future phases of development if applicable, and public rights-of-way.
 2. For industrial developments, on-site walkways shall provide safe, reasonably direct, and convenient connections between primary building entrances and all on-site parking areas.
 3. Walkways shall follow a route that does not deviate unnecessarily from a straight line or does not involve a significant amount of out-of-direction travel.
 4. Walkways shall be reasonably free from hazards and provide a reasonably smooth and consistent surface. The City may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 5. The walkway network shall connect to all primary building entrances, consistent with Americans with Disabilities Act (ADA) requirements where required.
- C. Vehicle/Walkway Separation. Except as required for crosswalks, per subsection D, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from

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| | <p>all vehicle maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.</p> <p>D. Crossings. Where a walkway crosses an on-site parking area or driveway, it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. Painted or thermoplastic striping and similar types of non-permanent applications may be approved for crossings not exceeding 24 feet in length.</p> <p>E. Walkway Width and Surface. Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, meeting ADA requirements, as approved by the City Engineer. Walkways shall be not less than four feet in width, except that concrete walkways a minimum of six feet in width are required in commercial developments. The City may also require six foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than four feet.</p> |
| <u>2.312</u> | <u>RESIDENTIAL DESIGN STANDARDS</u> |
| <u>2.312.01</u> | <u>Purpose</u> |
| | <p>The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.</p> |
| <u>2.312.02</u> | <u>Applicability</u> |
| | <p>The standards in this section apply to all new single-family attached and detached dwelling units, unless otherwise indicated per the subsections below. Compliance with these standards will be assessed during the Building Permit process.</p> |
| <u>2.312.03</u> | <u>Standards for Single-Family Dwellings</u> |
| | <p>A. <u>Main Entrance. At least one main entrance must meet the following standards.</u></p> <p>1. <u>Be no further than 8 feet behind the longest street-facing wall of the primary building.</u></p> <p>2. <u>Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens onto a porch, the porch must meet the following additional standards.</u></p> <p>a. <u>Be at least 25 square feet in area with a minimum 4-foot depth.</u></p> <p>b. <u>Have at least one porch entry facing the street.</u></p> <p>c. <u>Have a roof that is no more than 12 feet above the floor of the porch.</u></p> <p>d. <u>Have a roof that covers at least 30 percent of the porch area.</u></p> |

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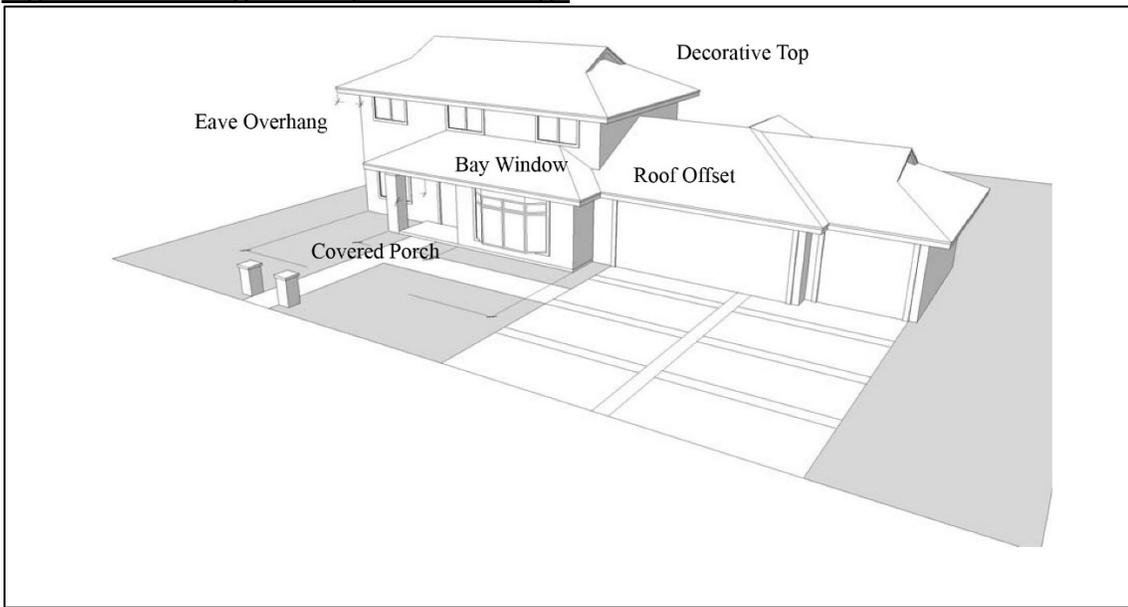
- B. Limitation on Parking. ~~Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway.~~
- C. Garages. ~~Where one or more garages face a street, the following standards apply:~~
1. The front elevation of the garage(s) may not extend more than five feet in front of the longest, street-facing, living-space wall of the primary dwelling.
 2. The width of all garages on the street-facing elevation shall not exceed 50 percent of the total width of that elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall. The following exception applies:
 - a. The width of garage(s) may be increased up to 60 percent if the garage(s) are recessed behind the longest, street-facing, living-space wall of the dwelling by at least five feet.
- D. Detailed design
- All dwellings shall incorporate at least five of the features listed below on the street-facing façade:
1. Covered porch at least 5 feet deep, as measured horizontally from the face of the main building façade to the edge of the porch, and at least 5 feet wide.
 2. Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 feet wide.
 3. Offset on the building face of at least 16 inches from one exterior wall surface to the other.
 4. Dormer that is at least 4 feet wide and integrated into the roof form.
 5. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
 6. Roof line offsets of at least 2 feet from the top surface of one roof to the top surface of the other.
 7. Tile shingle roofs.
 8. Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
 9. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.
 10. Gable roof, hip roof, or gambrel roof design.
 11. Window trim around all windows at least 3 inches wide and 5/8 inches deep.

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- 12. Window recesses, in all windows, of at least 3 inches as measured horizontally from the face of the building façade.
- 13. Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
- 14. Bay window at least 2 feet deep and 5 feet long.
- 15. Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation.
- 16. Permanent solar rooftop panels covering at least 60 percent of the roof area.
- 17. Workable shutters on ground floor windows.

Figure 2.312.A Single-Family Detailed Design



- E. House plan variety. This standard applies to single-family detached dwellings. Single-family attached dwellings are exempt from this house plan variety standard. No two directly adjacent or opposite dwellings in a single-family detached development of more than four units may have the same front or street-facing elevation. This standard is met when front or street-facing elevations differ from one another by at least three of the elements listed in 1-6 below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard.
 - 1. Materials – The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another. Materials used on the front facade must turn the corner and extend at least two feet deep onto the

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| | <p><u>side elevations.</u></p> <p>2. <u>Articulation – The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of four feet and a projection or offset must be at least four feet in depth.</u></p> <p>3. <u>Variation in roof elevation – The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), or different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed).</u></p> <p>4. <u>Entry or Porch – The plans have different configuration or detailing of the front porch or covered entrance.</u></p> <p>5. <u>Fenestration – The plans have different placement, shape, or orientation of windows or different placement of doors.</u></p> <p>6. <u>Height – The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four feet from building to building, or from dwelling unit to dwelling unit (e.g., townhome units), as applicable. Changes in grade of eight feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.</u></p> <p>F. <u>Number of single-family attached dwellings. No more than four consecutive attached dwellings that share a common wall are allowed. A set of four attached dwellings is allowed to be adjacent to a separate set of four attached dwellings.</u></p> |
| <u>2.410 GROUND FLOOR RESIDENTIAL IN THE DMU ZONE</u> | |
| <p><u>In the DMU zone, residential uses on the ground floor are permitted only when consistent with the following standards:</u></p> <p>A. <u>Residential uses on the ground floor shall be located behind a street-facing commercial use. Residential entrances shall not face the street.</u></p> <p>B. <u>Residential uses on the ground floor shall not exceed 50 percent of the total ground floor gross square footage.</u></p> | |
| 3.105 PARTITIONS | |
| 3.105.06 | Process for Final Plat Approval |
| | <p>D. <u>Improvements/Bonding. Prior to issuance of an occupancy permit recording the final plat, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney.</u></p> |
| 3.105.07 | Expedited Land Division |

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| | <p>H. Decision Criteria. Criteria for approving the partition shall be as follows:</p> <p>3. Street Standards. The application must comply with the most recent City of Donald <u>Design and Construction Standards</u> Transportation Plan or provide evidence of meeting the City's minimum street connectivity standards contained within this Ordinance.</p> |
| 3.106 | SITE DEVELOPMENT REVIEW |
| 3.106.02 | Applicability of Provisions |
| | <p>A. Applicability. Site Development Review shall be applicable to all new developments and major remodeling, except:</p> <p>1. Single-family detached dwellings;</p> <p>2. A duplex; or</p> <p>3. Any commercial, industrial or public facility remodel that does not exceed 25% of the total square footage of the structure existing at the time of the adoption of this Ordinance, <u>unless Subsection C below applies.</u></p> <p>B. Underlying Zone. All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.</p> <p><u>C. In the I and EI zones, new retail and personal service uses not associated with an industrial use, as permitted under 2.106.02.B.8 and 2.116.02.C, shall require Site Development Review.</u></p> |
| 3.109 | SUBDIVISIONS |
| 3.109.07 | Expedited Land Division |
| | <p>H. Decision Criteria. Criteria for approving the subdivision shall be as follows:</p> <p>3. Street Standards. The application must comply with the most recent City of Donald Transportation Plan <u>Public Works Design and Construction Standards</u> or provide evidence of meeting the City's minimum street connectivity standards contained within this Ordinance.</p> |

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3.113 PLANNED UNIT DEVELOPMENTS

3.113.01 Purpose

The purposes of the Planned Unit Development (PUD) provisions are to:

- A. Implement the Comprehensive Plan by providing a means for planning larger development sites as an alternative to piecemeal subdivision development;
- B. Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices;
- C. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- D. Preserve existing landscape features and natural resources, and better integrate such features and resources into site design;
- E. Provide usable and suitably sited public and common facilities;
- F. Allow for increased residential densities and encourage greater variety of housing types; and
- G. Provide flexibility in development standards, consistent with the above purposes.

3.113.02 Applicability and Allowed Uses

- A. A PUD may be requested for any residentially-zoned property (R-7 or RM) that is at least two acres in size.
- B. PUD approval allows development of a site with a mixture of uses. The following uses are allowed with PUD approval:
 - 1. All uses allowed in the underlying zone
 - 2. Housing types not otherwise permitted in the underlying zone, including cottage clusters and zero lot line development.
 - 3. Neighborhood-scale commercial retail uses, consistent with the standards in Subsection 3.113.06.

3.113.03 Review and Approval Process

A PUD shall be reviewed through a two-step process, as follows:

- A. Preliminary plan. The preliminary plan is reviewed under a Type III procedure. The preliminary plan review examines the PUD plan with respect to items such as density, including the number, type, and location of dwelling units; parking; impacts on surrounding areas; adequacy of services; and conceptual plan for service improvements. Preliminary plan

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| | <p><u>approval will only be granted when there is a reasonable certainty that the PUD will fulfill all applicable requirements of the City Codes.</u></p> <p>1. <u>The Planning Commission may require a second hearing to review the preliminary plan if modifications are needed to satisfy applicable standards and criteria for approval.</u></p> <p>B. <u>Final plan. The final plan for the PUD is reviewed under Type I administrative procedures. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable City standards, requirements, and conditions have been met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.</u></p> <p>1. <u>If City staff finds that the final plan is not substantially in conformance with the preliminary plan, staff may require a second Planning Commission hearing to review the final plan prior to approval.</u></p> <p>C. <u>Concurrent land division. A PUD may be filed and processed concurrently with a partition or subdivision application. All submittal requirements and review standards of Sections 3.105 and 3.109 will apply to a concurrent PUD/land division request. The tentative plat will be combined with the preliminary PUD review and the final plat will be combined with the final PUD review.</u></p> <p>D. <u>Site development review. The PUD approval may remove the requirement for subsequent Site Development Review, if the PUD includes building elevations and sufficient information to demonstrate compliance with the applicable Site Development Review standards. The PUD decision shall expressly state whether individual buildings within the PUD (such as commercial or multifamily buildings) require additional Site Development Review approval.</u></p> <p>E. <u>Modifications to an approved PUD. Once a final PUD plan has been approved, the PUD may be modified as follows:</u></p> <p>1. <u>Minor modifications to an approved PUD will require a Type I administrative review.</u></p> <p>2. <u>Major modifications to an approved PUD will require a Type III quasi-judicial review by the Planning Commission.</u></p> <p>3. <u>Determination of the appropriate review type for a PUD modification will be made by City planning staff.</u></p> |
| 3.113.04 | <u>Modifications to Development Standards</u> |
| | <p><u>The development standards of the Donald Development Code may be modified through the PUD process without the need for variance if the City finds that the proposal, on balance, exceeds the City’s minimum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements. In evaluating community benefits, the City shall apply the approval criteria in Subsection 3.113.05. New homes within PUDs are subject to the residential design standards in Section 2.312 and will be reviewed for conformance during the Building Permit process.</u></p> |
| 3.113.05 | <u>Preliminary PUD Plan Submittal Requirements</u> |

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The following information shall be submitted as part of a complete application for preliminary (Type III) PUD review:

- A. A completed land use application form signed by the applicant or applicant’s representative and the property owner or owner’s representative.
- B. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal.
- C. An Existing Conditions plan containing, at a minimum, the following information:
 - 1. The applicant’s entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
 - 2. The location of existing structures;
 - 3. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - 4. Other site features, including pavement, large rock outcroppings, areas of significant vegetation, trees over 6-inch diameter at 4 feet above grade, areas having unique views, and drainage ways, canals, and ditches.
- D. Concept Plan sets including but not limited to the following:
 - 1. Pedestrian and vehicle site circulation;
 - 2. Development pattern, including approximate location, acreage, type and density of proposed development, housing types, unit densities, and generalized lot sizes at their proposed locations on the site;
 - 3. Conceptual residential design, including proposed housing types and illustrative examples;
 - 4. For any commercial development, provide conceptual architectural designs, including drawings, exterior elevations, and exterior building materials board or photos.
 - 5. Open space and natural resources, including percentage of site area and approximate locations of proposed parks, playgrounds or other outdoor play areas, common areas and usable open space; and natural, historic and cultural resource areas or features proposed for preservation.
- E. Preliminary partition or subdivision plat if land division is included in the development proposal.
- F. Preliminary phasing plan including infrastructure phasing, if project phasing is proposed.

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- G. Narrative statements including but not limited to the following:
1. Demonstration of compliance with partition, subdivision, and/or site development review approval criteria if applicable;
 2. Description, approximate location and timing of each proposed phase of development, if applicable;
 3. Demonstration of compliance with the development standards of the underlying zone and/or description of how standards have been adjusted consistent with the purpose of the PUD;
 4. Explanation of how the proposed PUD is consistent with the approval criteria in Subsection 3.113.05;
- H. Table showing applicable density calculations.

3.113.06 Preliminary PUD Plan Approval Criteria

In evaluating a preliminary PUD plan, the City shall apply the following criteria; the City may deny an application for PUD approval that does not meet all the following criteria:

- A. The proposal is consistent with the PUD purpose statements listed in Subsection 3.113.01.
- B. The proposal meets the submittal requirements of Subsection 3.113.04.
- C. Adequate public services exist or can be provided to serve the proposed PUD.
- D. Except as may be modified under this section, all the requirements for land divisions under Section 3.1 are met;
- E. Usable open space is provided consistent with Subsection 3.113.08.
- F. The proposal provides a public benefit by incorporating one or more of the following:
1. Greater variety of housing types or lot sizes than would be achieved under the base Development Code standards;
 2. Greater protection of natural features than would be required under the base Development Code standards;
 3. Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements.
 4. Sustainable building and site design elements, consistent with Section 3.113.09.
- G. If the proposal includes commercial development, the land area devoted to commercial development shall not exceed five percent of the total land area of the PUD site, or two

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acres, whichever is less.

1. Individual commercial buildings shall not exceed a gross floor area of 25,000 square feet to ensure neighborhood-scaled development.

H. The proposal is consistent with the density standards of the underlying zone, except where a density bonus is proposed per Subsection 3.113.07.

I. If phased development is proposed, the applicant shall provide a time schedule for developing the site in phases, but in no case, shall the time period for all phases combined be greater than seven (7) years, unless otherwise approved by the Planning Commission. For all phases, the applicant shall demonstrate that all necessary public facilities will be constructed as part of each phase.

3.113.07 Residential Density Bonus

A. For PUD proposals that are comprised of more than one residential zone, the overall minimum and maximum densities shall be calculated separately for each zone, then totaled. The total minimum and maximum densities shall apply to the PUD as a whole; residential zone boundaries may be blended within the PUD site.

B. Maximum allowed density for a PUD may be increased by up to 20%.

3.113.08 Usable Open Space

Residential PUDs shall comply with the following usable open space requirements:

A. PUDs shall contain a minimum of 15 percent usable open space, consistent with the following:

1. Required open space shall be calculated based on the total gross square footage of the PUD.

2. At least 75 percent of the required open space shall be open and available for public use.

3. Open space shall be integral to the PUD plan and connect to a majority of the proposed residential lots.

4. Plans shall provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, dog parks, community recreation centers, pathways/trails, natural areas, plazas, and play fields.

5. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; the open space shall be conveyed in accordance with one of the following methods:

a. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the Planning Commission with regard to the size, shape, location,

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| | <p>improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or</p> <p>b. <u>By leasing or conveying title (including beneficial ownership) to a corporation, homeowners’ association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the City. The City, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development and to meet public recreational needs pursuant to the Comprehensive Plan.</u></p> <p>c. <u>By some other written agreement between the applicant and the City.</u></p> |
| 3.113.09 | <u>Sustainable Site and Building Design Standards</u> |
| | <p><u>When an applicant proposes to provide sustainable building and site design per Section 113.06.F.4, the following requirements apply:</u></p> <p>A. <u>The PUD shall include at least one of the elements from the list below.</u></p> <ol style="list-style-type: none"> 1. <u>Use of pervious paving materials on at least 25 percent of the total paved area within the PUD.</u> 2. <u>Use of eco-roofs or rooftop gardens on at least 25 percent of the total roof area (dwellings and commercial buildings, if applicable) within the PUD.</u> 3. <u>Parking integrated within the building footprint (e.g., tuck-under parking) for at least 25 percent of the dwellings within the PUD.</u> 4. <u>Provision of rain gardens or bioretention areas to collect and treat at least 50 percent of stormwater runoff generated by the PUD.</u> 5. <u>Energy Star certified homes for at least 50 percent of the dwellings within the PUD.</u> 6. <u>Development of the PUD with LEED ND certification.</u> |
| 3.201 | GENERAL PROVISIONS |
| 3.201.05 | Performance Bonding |
| | <p>Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit <u>or recording a final plat</u>. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit <u>or recording a final plat</u>, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.</p> |