

**City of Yamhill**  
A small taste of Oregon

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# Planning Commission Meeting Packet

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July 20, 2026  
6:30 p.m.

## STAFF MEMORANDUM

**TO:** Yamhill Planning Commission

**FROM:** Walt Wendolowski, Contract City Planner

**SUBJECT:** Temporary Structures

**DATE:** July 13, 2026

### I. BACKGROUND

During their May 2026 meeting the Planning Commission discussed potential changes to the Development Code regarding downtown design and the temporary storage of structures. The Mayor supported additional review of the matters by the Commission. This memorandum provides discussion points for the Commission to consider regarding temporary structures.

### II. DISCUSSION

Title 10, Chapter 10.84 establishes the requirements for temporary structures (see Attachment “A”). There are three parts: an introduction (10.84.010), use of mobile dwellings as temporary structures (10.84.020), and using a recreational vehicle as a temporary residence (10.84.030). This memo focuses on the latter two sections.

A. Section 10.84.020 – Use of Mobile, Manufactured, or Prefabricated Dwelling Units as Temporary Structures.

This Section allows the placement of one of the above noted types of housing on an individual lot as a temporary dwelling. The home must comply with the following:

- Contain a water closet and lavatory.
- Connect to city services.
- Comply with setback requirements.
- Prohibits accessory buildings.
- The dwelling cannot be more than 5 years of age.
- Placement requires a permit with a six-month limit. Provisions allow for unlimited six-month renewals.

These standards do not require the installation of a driveway, provisions for off-street parking, landscaping, drainage improvements, or similar improvements required for a new dwelling on single-family lot.

It is important to note, there is a significant cost to locate a temporary dwelling, connect to city services, then remove the dwelling from the property. This gives little incentive for an owner to follow through with the six-month limit and instead

continually request an unlimited number of six-month renewals. For enforcement, the City faces the financial burden of removing the dwelling (along with associated legal expenses) and will only be compensated through a property lien.

Temporary dwellings have their place under specific circumstances. Though unusual for an urban area, most counties allow the placement of a temporary dwelling for a medical hardship. Establishment, and continued use, of such a dwelling require documentation from a physician. The type of dwelling allowed varies by jurisdiction, but all require removal of the dwelling at the end of the hardship. Again, this is an unusual option for cities as most parcels are too small to accommodate even a single-wide mobile home.

One other item to consider. Recent changes to the Development Code allow accessory dwelling units in all residential zones. In addition to a separate dwelling unit on the property, regulations allow conversion of a portion of the existing home to create a separate, secondary dwelling unit. This may be a more suitable option to a hardship dwelling as it allows for future residential use.

B. 10.84.030. Use of a Recreational Vehicle as Guest Quarters or Temporary Residence.

There are two situations involving the use of a recreational vehicle (RV) for temporary housing: first as guest quarters, the second as a residence during construction.

1. Guest Quarters. The requirements are straight forward: a 30-day time limit and requiring guests to use the bathroom facilities in the primary dwelling. After 30-days, the owner must obtain a City Council permit for an additional 30-day period.

The regulations do not prohibit the use of cooking facilities within the RV. Depending on the location of the RV on the property, this may present a potential fire hazard to adjacent properties. However, it would be difficult to actively enforce this limitation.

The larger issue is the requirement for a permit after the initial 30-day period passes. With this situation, the owner would only seek a permit as part of an enforcement action, in other words, the RV could be in place for far more than 30 days before a permit is issued. In addition, the permit is subject to Council approval, which takes additional time and opens the question of whether this process is subject to a public hearing.

2. Temporary Residence. An RV may be a temporary residence during the construction of a residence. Use of the RV is limited to the property owner and must be located on the same lot as the residence under construction. Further, the unit must connect to City services and comply with setbacks.

The Building Official must ensure construction maintains satisfactory progress and the Planning Official may impose additional restrictions.

It appears under subsection “(C)” the permit processes requires monthly renewal with a new application and fee for each month. Further, this subsection references Chapter 10.128 for fees, although fees are subject to Council resolution. Chapter 10.128, however, includes all and use review processes available to the City, including a staff level administrative review.

### III. SUMMARY

Staff recommends the Planning Commission consider the following changes to this Section:

1. Eliminate provisions in Section 10.84.020. With unlimited time extensions, this effectively allows a temporary residence to become a permanent residence without meeting all required residential development obligations.
2. At a minimum, require a permit prior to placement of the temporary RV as guest quarters. This can be issued at the staff level and need not be a formal Type I land use application. Further, potentially allow only one additional 30-day permit, also issued at the staff level.
3. Require a Type I land use review to place a temporary RV during construction. An application would include a layout showing location of the RV and city facility connections as well as evidence of an approved building permit. Staff could grant a six-month approval and require a new application after six months. This will allow staff to coordinate with the Building Official to ensure the applicant is making progress.

Attachment “B” incorporates the above noted . Staff will proceed based on the Commission’s discussion and prepare amendments to Title 10 and schedule a public hearing.

## **ATTACHMENT A TEMPORARY STRUCTURES**

### **§ 10.84.010. Purpose.**

The purpose of Chapter 10.84 is to provide requirements for temporary structures.

### **§ 10.84.020. Use of Mobile, Manufactured or Prefabricated Dwelling Units as Temporary Structures.**

A mobile, manufactured, or prefabricated dwelling unit in the City of Yamhill placed on an individual lot and used as a temporary dwelling shall comply with the following provisions:

- (A) The unit shall have a water closet and lavatory.
- (B) The unit shall be connected to City water and sewer.
- (C) The unit shall be placed to comply with any yard requirements of the zoning district in which it is located.
- (D) No accessory structures shall be allowed.
- (E) No unit shall be established on any lot in the City of Yamhill unless the same shall have been manufactured not more than five years prior to the date sought for installation.
- (F) Other conditions as required by the Planning Official.
- (G) The fee for a Unit Placement Permit shall be as set forth in Chapter 10.128. A Unit Placement Permit shall be issued for a period of six months maximum. A new application, fee, permit and approval shall be required each succeeding six-month period. A Unit Placement Permit may be revoked in accordance with the provisions of Chapter 10.128. The permit authorizes the City to perform the work set forth in the permit and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 15 days of the issuance of the permit. The City shall have the right to foreclose against any lien made by it in accordance with the provisions of State law.

### **10.84.030. Use of a Recreational Vehicle as Guest Quarters or Temporary Residence.**

A recreational vehicle in the City of Yamhill placed on an individual lot and used as a temporary residence shall comply with the following provisions:

- (A) Usage of a recreational vehicle will be permitted as guest quarters not in the main building, provided such quarters are, and remain dependent upon the main building for bathroom facilities, and the guest facilities are not used for residential purposes. There shall be a time limit of 30 days for such usage after which an RV Permit must be obtained for each succeeding 30-day period, with notification to the City Council before issuance of a second permit. (See Chapter 10.72 regarding location.)
- (B) Usage of a recreational vehicle will be permitted as a temporary residence on an individual lot during construction of a home with the following conditions:
  - (1) The recreational vehicle shall only be occupied by the owner of the lot on which the recreational vehicle is located.
  - (2) The recreational vehicle shall be placed upon the lot on which a building permit for a housing unit has been obtained.

- (3) Satisfactory progress in the opinion of the Building Official must be made toward the completion of the housing unit.
  - (4) The recreational vehicle shall be connected to City water and sewer service.
  - (5) The recreational vehicle shall be placed to comply with any yard requirements of the zoning district in which it is located.
  - (6) Other conditions as required by the Planning Official.
- (C) The fee for an RV Permit shall be as set forth in Chapter 10.128. An RV Permit shall be issued for a period of one month maximum. A new application, fee, permit and approval shall be required each succeeding one-month period. An RV Permit may be revoked in accordance with the provisions of Chapter 10.128. The permit authorizes the City to perform the work set forth in the permit and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 15 days of the issuance of the permit. The City shall have the right to foreclose against any lien made by it in accordance with the provisions of State law.

**ATTACHMENT B**  
**TEMPORARY STRUCTURES – PROPOSED**  
**DRAFT**

**§ 10.84.010. Purpose.**

The purpose of Chapter 10.84 is to provide requirements for temporary structures.

**§ 10.84.020. Use of Mobile, Manufactured or Prefabricated Dwelling Units as Temporary Structures.**

The use of a mobile home, manufactured home, or prefabricated dwelling unit as a temporary dwelling in the City of Yamhill shall be prohibited.

**10.84.030. Use of a Recreational Vehicle as Guest Quarters or Temporary Residence.**

- (A) Guest Facilities. Use of a recreational vehicle shall be permitted as temporary guest quarters on the same lot as an existing residence and subject to the following:
- (1) Such quarters remain dependent upon the residence for bathroom facilities.
  - (2) There shall be a time limit of 30 days and require a Temporary RV Permit issued by the City before locating the RV.
  - (3) No more than two permits shall be issued for the same property during a calendar year.
- (B) Temporary Residence During Construction. Use of a recreational vehicle as a temporary residence on an individual lot during construction of a home shall be permitted subject to approval of a Type I review. Such use shall be subject to the following requirements:
- (1) The recreational vehicle shall only be occupied by the owner of the lot on which the recreational vehicle is located.
  - (2) The recreational vehicle shall be placed upon the lot on which a building permit for a housing unit has been obtained.
  - (3) Satisfactory progress in the opinion of the Building Official must be made toward the completion of the housing unit.
  - (4) The recreational vehicle shall be connected to City water and sewer service.
  - (5) The recreational vehicle shall be placed to comply with any yard requirements of the zoning district in which it is located.

## STAFF MEMORANDUM

**TO:** Yamhill Planning Commission

**FROM:** Walt Wendolowski, Contract City Planner

**SUBJECT:** Downtown Design

**DATE:** July 13, 2026

### I. BACKGROUND

During their May 2026 meeting the Planning Commission discussed potential changes to the Development Code regarding downtown design. The Mayor and Council supported additional review of the matters by the Commission.

This memorandum does not include proposed Code language. Instead, it provides discussion points, and suggestions, for the Commission to consider. Based on the Commission's comments, staff will return at a future meeting with proposed language for the Commission to consider.

### II. INTRODUCTION

Downtown design requirements run the gamut from simple to complex. The Commission is likely familiar with Carlton. For the record, their regulations run for over 20 pages, maintains strict design guidelines for several subdistricts in the City, establishing regulations governing colors, roofs, façade finishes, window treatment, signage, sidewalks, and the like.

To introduce some of the issues for the Commission's consideration, this memorandum includes a matrix that summarizes general design requirements for several communities. The matrix focuses on other smaller agricultural-related communities in the Willamette Valley (at the request of the Commission, Carlton was not included). Please note that the matrix is not highly detailed but generalizes some key aspects of each City's downtown design criteria. There are too many nuances to integrate the information in the matrix. For example, benches may be allowed by some, but one community (Amity) requires the benches to conform to specific design themes. Again, the focus is on general requirements and not specific details.

## DOWNTOWN DESIGN MATRIX

(Key Follows)

|                                        | AMITY | AUMSVILLE | DAYTON | DONALD  | HARRISBURG   | LAFAYETTE |
|----------------------------------------|-------|-----------|--------|---------|--------------|-----------|
| Architectural Guidelines <b>(1)</b>    | Y     | N         | Y      | Y       | Y            | Y         |
| Entrance/Orientation To Street         | Y     | Y         | Y      | Y       | Y            | Y         |
| Building Materials <b>(2)</b>          | A,B   | A,B       | A,B    | A,B     | A            | A,B       |
| Windows and/or Treatment <b>(3)</b>    | Y     | Y         | Y      | Y       | Y            | Y         |
| Awning: Walkway or Entrance <b>(4)</b> | Y     | N         | Y      | Y       | Y            | Y         |
| Color <b>(5)</b>                       | A,B   | B         | A,C    | N       | D            | C         |
| Screened Equipment                     | Y     | Y         | Y      | Y       | Y            | Y         |
| Public Space <b>(6)</b>                | N     | N         | N      | Y       | N            | N         |
| Requires Off-street Parking            | N     | Y         | N      | N       | N            | Y         |
| Drive-through/in                       | N     | Y         | N      | Y (CUP) | N (Historic) | Y (CUP)   |
| Review Process <b>(7)</b>              | A,PC  | A,PC      | A,PC   | A,PC    | A,PC         | A,PC      |

### KEY:

Y - Yes, N – No, CUP – Conditional Use Permit

- (1) This includes specific themes (e.g., early 20<sup>th</sup> century) or specific design requirements such as articulation or architectural separation of floors. Many of the requirements extend to roof design, as well.
- (2) A – Generally limited to brick, stone, wood, or similar.  
B – Specifically prohibits finishes such as T-111, corrugated metal.
- (3) Includes % of wall, or specific design requirements.
- (4) Required at building entrance, or along entire building frontage protecting sidewalk.
- (5) A -Generally earth tones, subdued colors.  
B – Use of primary colors prohibited with possible exception for trim  
C - Maintains a specific color chart(s).  
D – Compatible with area color patterns.
- (6) Dedication of public space to provide amenities such as benches or artwork.
- (7) A – Administrative  
PC - Planning Commission  
A, PC – Depends on the specific development

## Matrix Summary:

1. Architectural Guidelines – With the exception of Aumsville, there was some level of design consistency required. Amity went as far as to develop an early 20<sup>th</sup> century theme based on the existing structures and the Town Center Plan adopted in 1999.
2. Entrance/Orientation to Street – Universally, building entrances are to the street while buildings on corner lots are allowed a corner entrance.
3. Building Materials – Brick, stone, and wood are the universally preferred material. Except for Harrisburg, the communities prohibit certain exterior finishes such as T-111 siding or corrugated metal.
4. Windows and/or Treatment – Windows are an important design feature and are required along the street frontages, usually a certain percentage of the façade. In some cases, regulations require certain designs such as recessed windows, use of wood or masonry trim, and sills.
5. Awning: Walkway or Entrance – Entrances were interesting. A covering (awning) was usually required but options included recessed entryways to provide required pedestrian coverage. Donald required awnings along 60% of the building façade facing a street.
6. Color – Color preferences leaned toward earth tones, or muted colors. Dayton and Lafayette have color charts while Harrisburg requires the colors to be compatible with existing buildings. Bright or primary colors are often limited to trim or prohibited.
7. Screened Equipment – Mechanical equipment must be screened from view, whether located on a roof or ground. All the regulations were consistent with this standard.
8. Public Space – Only Donald required a dedicated public space (2% of the property) to be developed with benches, public art, or similar.
9. Requires Off-street Parking – Only Aumsville and Lafayette required off-street parking. It is optional in other communities but must comply with off-street standards.
10. Drive-ins/drive throughs – Again, except for Aumsville and Lafayette, these were prohibited.
11. Review Process – In cases where the codes are clear and objective, design issues can be addressed administratively, often by site design reviews. The Commission hears cases where a developer wants to modify the design requirements.

### III. ISSUES

The following is a list of issues the Planning Commission may wish to consider as part of their discussion in framing new Code language.

1. Location of district – Current Code establishes design standards for commercial property on Maple Street. Maintain the area, expand, or contract?
2. Off-street Parking – Currently required, should this continue? Parking uses space that can be otherwise used for commercial purposes.
3. Standards – Should the design standards be clear and objective or provide mechanisms for flexibility? As noted, some communities have a process to permit modification through commission reviews.
4. Design Approach – There are two ways to approach design: specify exactly what you want or exclude what you absolutely don't want. This would cover items such as exterior facades, building placement and setbacks, entrance requirements, color schemes, or even design themes. Both options allow for modification through a variance – or similar – process and can greatly benefit by using illustrations.
5. Uses – Are there uses that you wish to prohibit within areas that include design standards?
6. Current Regulations – What do you like or dislike about the current regulations that is driving this request? Is a complete overhaul necessary or just some tweaks to current code language?
7. Future – By establishing such standards, there is always the damage of missing opportunities that the City may find attractive and beneficial.

### IV. SUMMARY

As stated, the intent of this memorandum is to provide discussion points, and suggestions, for the Commission to consider. Based on the Commission's comments, staff will return at a future meeting with proposed language for the Commission to consider.

Attachments: Deign regulations for Amity, Aumsville, Dayton, Donald, Harrisburg, Lafayette, and Yamhill

2.104.07 Architectural Design Standards. The purpose of this section is to provide aesthetic architectural design standards to develop a design theme for the Central Business District of the City. The design requirements shall apply to all new, altered or expanded commercial structures in the Central Business District. Acceptable architectural styles shall be compatible with or similar to other structures in the Central Business District. They shall reflect the period of construction of the dominant number of structures in the district and be consistent with the Amity Town Center Plan of December 1999. The design review shall include:

A. Architectural Details: Attention to exterior detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of materials and color must be considered for compatibility with early 20th century era construction.

B. Awning, Canopies, and Porches: Awning, porches, canopies or other additions to a structure shall be compatible with early 20th century era construction. Such additions on corner buildings shall be continuous around the corner.

C. Benches: Benches should be provided in both public and private pedestrian areas and walkways. Benches in public areas on private property, adjacent to public right-of-way, shall comply with an early 20th century theme.

D. Building Entrances: Entrances to the building shall be recessed from the sidewalk to provide for any entryway not in conflict with the pedestrian circulation on the sidewalk.

E. Colors: Primary exterior shades shall be whites, neutrals, earth tones, grays and subdued greens and blues. No bright blues, bright greens, or high intensity reds, yellows, or oranges.

F. Doors: Doors shall be appropriate for the structure and are subject to design review. Any changes in door styles are subject to design review.

G. Exterior Finishes: Typical materials would be primarily brick or stone masonry. Other acceptable materials include patterned shingles, horizontal wood or shingle siding, brick, and tiles. Any T-111 siding, rough sawn unfinished plywood, aluminum, or metal siding is prohibited. Amity Development Code Revised April, 2025 22

H. Lighting: Lighting shall be low intensity, shaded, subject to review and shall be compatible with an early 20th century theme. No external fluorescent or neon lighting may be allowed.

I. Public Art: All sculpture and visual art displayed for the public and located on the exterior of a building or on grounds outside of a building shall be subject to design and site plan approval.

J. Roofs: Roofing materials which can not be seen from ground level, will be the standard. Sawn cedar shingles, slate, architectural grade shingles are permitted. Also any man-made or manufactured products, made to look like the standard.

K. Roof, Mechanical Equipment and Satellite Dishes: Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure, subject to Planning Commission review.

L. Trash Enclosures: Trash enclosures shall be located and treated to integrate with the appearance of the site/building design.

M. Windows: Wood or vinyl are the standard.

- (I) Retail or wholesale or research and development laboratory facility which meets the following additional requirements:
    - 1. Total square footage of all areas for such use not to exceed 2,000.
    - 2. Is not industrial use in nature.
  - (J) Other similar developments that the City may find to be similar to those listed, as permitted in this zone, and which are not inconsistent with its purpose.
- 7.04 Minimum Lot Area  
None.
- 7.05 Minimum Lot Width  
20 feet.
- 7.06 Maximum Lot Coverage  
None.
- 7.07 Minimum Setback Requirements  
(A) Front: 3 feet or facing any street (See Section 22);  
(B) Where the commercial zone abuts a residential zone, interior yards shall be provided equal to the minimum of the abutting residential yard(s).
- 7.08 Maximum Height of Structure  
6 stories or 70 feet.
- 7.09 Parking and Loading  
See Section 18.00, Parking and Loading.
- 7.10 Business District  
(A) The Business District is defined as all commercial zoned properties contained within the following boundaries:
  - 1. West of the railroad tracks, east of 5th Street, south of Church Street, and north of the Mill Race.
  - 2. West of 5th Street, East of 11th Street, South of Church Street, and north of Washington Street.  
(B) Business District Design Standards. Buildings in the Business District must adhere to the following additional requirements:
  - 1. Orientation. Primary structures shall be oriented toward, and provide a public entrance onto, the adjacent street.
  - 2. Landscaping/pedestrian amenities. If a building is set back from an adjacent street, at least 50% of the setback area shall be improved with pedestrian and landscaping amenities. Permitted landscaping and pedestrian amenities include plants, planters, shrubbery, benches, tables, etc.
  - 3. Siding materials. At least 20% of the ground floor façade facing the streets shall be of a masonry construction, with the remaining solid finish in wood or masonry, or such other material indistinguishable in appearance from wood or masonry. Such wood type siding as horizontal lap, shingle, and board and batten are acceptable. Acceptable wood substitutes such as vinyl, aluminum, and pressed wood product shall only be permitted as a horizontal lap siding; vertical aluminum siding shall be prohibited. Such

masonry type siding as brick and stone are acceptable; stucco material or concrete blocks are prohibited. Acceptable masonry substitutes include masonry veneer and split concrete or other similar material formed to simulate rock or brick.

4. Windows. At least 20% of the ground floor façade facing the streets shall contain window coverage.
5. Unpainted or un-textured concrete or masonry, metal buildings, and unpainted metal are prohibited.
6. The use of roof or façade offsets or breaks is encouraged. Roof planes should be varied. Façade lines should be broken at least every 40 feet on all building sides.
7. All mechanical equipment to be screened from view in a manner consistent with the design of the structure and site.
8. The color palette should be simple and consistent within projects. Colors should be compatible with neighboring development. Bright or primary colors shall be limited to accent elements.
9. Fencing shall be either black chain link, wrought iron, or similar. Non-conforming residential properties may replace existing wood fences with wood provided they meet all other residential standards and standard fence limitations.
10. All storage of materials and merchandise shall be located within a building; Outside storage shall be prohibited unless otherwise permitted through a site development review subject to the following additional review criteria:
  - a) The applicant can demonstrate that the material to be stored outside cannot feasibly be stored within a building, such as vehicles or merchandise for sale.
  - b) All exterior lighting shall be designed as a full cutoff fixture. All exterior light fixtures shall be directed downwards such that light or glare is not reflected onto abutting lots. Where necessary, screening from light fixtures can be provided in the form of walls, fences, or evergreen plantings.

[Section 7 amended by Ordinance No. 730, passed January 12, 2026.]

## **SECTION 8.00**

### **I – Industrial**

Purpose: It is the intent of the I – Industrial zone, commensurate with the availability of water and sewer facilities, to help attract industrial and commercial users that are diversified, non-polluting, and of the greatest opportunities for residents of the city for employment while strengthening the City's tax base.

- 8.01 Uses Permitted Outright, but not Limited to
- 8.02 Conditional Uses
- 8.03 Industrial Performance Standards
- 8.04 Minimum Lot Area
- 8.05 Minimum Lot Width
- 8.06 Maximum Lot Coverage
- 8.07 Minimum Setback Requirements
- 8.08 Maximum Height of Structure
- 8.09 Landscaping Requirements
- 8.10 Parking and Loading

## SECTION 8.00

### **I – Industrial**

#### 8.01 Uses Permitted Outright

Including, but not Limited to:

(A) Agriculture and Forestry:

1. Agriculture production crops;
2. Forest nurseries and tree seed gathering and extracting.

(B) Construction:

1. Construction including building construction general contractors.

(C) Manufacturing:

1. Grain mill products;
2. Food preparation and kindred products;
3. Textile mill products;
4. Cabinet or carpentry shop;
5. Paperboard containers and boxes;
6. Printing, publishing, and allied industries;
7. Glass, pottery, and related products;
8. Cut stone and stone products;
9. Cutlery, hand tools, and general hardware;
10. Heating equipment and plumbing fixtures;
11. Manufactured housing;
12. Miscellaneous fabricated metal products;
13. Metalworking machinery and equipment;
14. Office, computing and accounting machines;
15. Refrigeration and service industry machinery;
16. Measuring, analyzing, and controlling instrument, photographic, medical and optical goods, watches and clocks.

(D) Transportation and Electric Services:

1. Railroad transportation;
2. Local and suburban transit and interurban highway passenger transportation;
3. Motor freight transportation and warehousing;
4. Transportation services;
5. Electric services.

(E) Retail and Wholesale Trade:

1. Agriculture equipment sales and service, wholesale or retail;
2. Automobile, motorcycle, boat, trailer or truck rental, sales and service;
3. Lumber or building supplies equipment storage or sales, retail;
4. Storage or sales of frozen or refrigerated food;
5. Warehouse or wholesale distribution and sales factory;
6. Eating and drinking places;
7. Mobile Food Services. See also Section 27.
8. Mini-storage warehouses available to the public, including indoor or outdoor recreational vehicle storage.

(F) Services:

1. Veterinary services;
2. Mailing, reproduction, commercial art and photography, and stenographic processing services;
3. Cleaning and maintenance services to dwellings and other buildings, not elsewhere specified;
4. Welding repair;
5. Industrial machinery service;
- (G) Public Administration:
  1. Public and semi-public uses and structures.
- (H) Other Uses:
  1. Utilities - truck and equipment storage and parking and material storage yard;
  2. Accessory buildings, structures, and uses normal and incidental to the uses permitted in this district;
  3. Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded;
  4. Public right-of-way;
  5. Other similar developments which the City may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.

## 8.02 Conditional Uses

- (A) Agriculture:
  1. Soil preparation services;
  2. Crop services;
- (B) Manufacturing:
  1. Dairy products;
  2. Canned and preserved fruits and vegetables;
  3. Leather and leather products;
  4. Transportation equipment;
  5. Millwork, veneer, plywood, and structural wood members;
  6. Rubber, concrete, gypsum, and plastic products;
  7. Rolling, drawing, and extruding of nonferrous metals;
  8. Metal forgings and stampings;
  9. Engines and turbines;
  10. Farm and garden machinery and equipment;
  11. Energy plant.
- (C) Services:
  1. Laundry, cleaning, and garment services;
  2. Research and development laboratories;
  3. Vocational schools.
  4. Automotive repair, services, and garages;
  5. Child day care home and center;
  6. Tire retreading and vulcanizing shop;
- (D) Other Uses:
  1. Recycling depots;
  2. Planned industrial unit development;

### **7.2.111.01 Purpose**

The purpose of the Central Business Area Overlay Zone is to establish development requirements which are specifically designed to address the unique challenges the City's downtown.

### **7.2.111.02 Central Business Area Defined**

For the purposes of this Section, the Central Business Area Overlay Zone shall be defined as follows: C and CR zoned land located south of Church Street, east of Fifth Street, north of Alder Street, and west of Second Street. *(Amended ORD 610 effective 4/2/12)*

#### **HISTORY**

*Amended by Ord. [657](#) on 2/5/2024*

### **7.2.111.03 Development Requirements**

1. General Requirements: Notwithstanding provisions contained elsewhere in this Code, the following regulations shall apply to the development of new buildings and modifications to existing buildings requiring Site Development Review within the Central Business Area Overlay Zone.
2. Change of use or development within the Central Business Area Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where a development standard in this section conflicts with a development standard applicable in the underlying zone, the development standard in this section shall be the applicable development standard. None of the provisions of this Chapter shall relieve an applicant from meeting the requirements that apply to Designated Landmarks in the Historical Property Overlay Zone.  
Permitted Uses. Unless specifically modified by this Section, regulations in this Section do not prohibit or restrict, nor alter the development requirements of, permitted, specially permitted or conditionally permitted uses within the underlying zone.
3. Use Restrictions. In addition to the use limitations in Section 7.2.106.06.B., facilities with drive-through and drive-in windows, and wireless communication facilities shall be prohibited. An exception for a drive-through window may be granted by the City Manager if the property or business owner provides a written request for an exception containing written, historical evidence or photographic documentation (which documentation includes a date) that the drive-through window or a drive-in existed and was used as part of a permitted or conditional use prior to October 6, 2011 and evidence that the owner meets the requirements of Section 7.2.414. If the City Manager determines at the time the exception is requested that additional interpretation is needed, the Manager may require that the Planning Commission make a determination regarding the exception under a Type II process. *(Amended ORD 610 effective 4/2/12)*

## HISTORY

*Amended by Ord. [657](#) on 2/5/2024*

### **7.2.111.04 Dimensional Standards**

|       |            |         |          |      |         |      |             |           |
|-------|------------|---------|----------|------|---------|------|-------------|-----------|
| Table | 7.2.111.04 | Central | Business | Area | Overlay | Zone | Dimensional | Standards |
|-------|------------|---------|----------|------|---------|------|-------------|-----------|



## HISTORY

*Adopted by Ord. [657](#) on 2/5/2024*

### **7.2.111.05 Building Orientation**

New buildings shall comply with the following standards:

1. The building shall comply with the dimensional standards in subsection 7.2.111.04.
2. Provide at least one primary building entrance facing an abutting street that shall open onto a sidewalk, pedestrian plaza or courtyard, and a walkway shall connect the primary entrance to the plaza and sidewalk.
3. Building entrances shall be recessed or otherwise covered by a pedestrian shelter.
4. Off-street parking and loading areas shall not be required within the Central Business Area. Off-street parking, loading areas, trash pick-up, and above ground utilities, including but not limited to utility vaults and propane tanks, shall not be placed between building entrances and the street(s) to which they are oriented, but shall be oriented internally to the block, screened, and accessed by alleys to the extent practicable.
5. Where off-street parking is provided, it shall conform to the dimensional standards and landscape standards of Section 7.2.303.
6. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to plaza, courtyard, or similar space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a landscaped and lighted walkway with an approved surface not less than five (5) feet wide.
7. Buildings on corner lots shall have a corner entrance not more than 20 feet from the corner of the building and contain architectural features that emphasize the corner (e.g., chamfered/rounded edge, windows, molding, art).
8. Primary building entrances shall be at least fifty percent (50%) transparent so that two-way views, in and out of a building, are possible. This standard can be met by a door with a window, a transom window above the door, or sidelights beside the door.

## HISTORY

*Amended by Ord. [657](#) on 2/5/2024*

### **7.2.111.06 Building Height Bonus**

The following standards are intended to support the urban design objectives for downtown and facilitate mixed-use development through increased building height, while protecting the historic integrity of downtown buildings. All the standards in this section must be met for approval of a building height bonus:

1. The maximum allowable height may be increased from 45 feet to 55 feet when the standards under this section are met.
2. The portion of the building exceeding 45 feet shall cover not more than 50 percent of the building floor plate, as defined by the building foundation perimeter. Except the portion of the building subject to the height bonus may exceed 50 percent of the

building floor plate for a mixed-use building that includes multifamily dwelling units or overnight accommodations above the ground floor.

3. The portion of the building exceeding 45 feet shall step-back from (recess behind) the building plane of the ground floor by one foot for each foot of building height above 45 feet.
4. Special Design Requirements. Due to the unique location of the properties at the corner of Ferry Street (OR 155) and Third Street (OR 221), the following height standards shall apply to the properties fronting the north side of Ferry Street, between Second and Third Streets:
  1. Building Height. 55 feet maximum building height. The maximum building height may be increased to 65 feet when the standards in subsection 2 and 3 are met.
  2. The portion of the building exceeding 55 feet shall cover not more than 50 percent of the building floor plate, as defined by the building foundation perimeter. Except the portion of the building subject to the height bonus may exceed 50 percent of the building floor plate for a mixed-use building that includes multifamily dwelling units or overnight accommodations above the ground floor.
  3. The portion of the building exceeding 55 feet shall step-back from (recess behind) the building plane of the ground floor by one foot for each foot of building height above 55 feet.

#### HISTORY

*Adopted by Ord. [657](#) on 2/5/2024*

#### **7.2.111.07 Building Design**

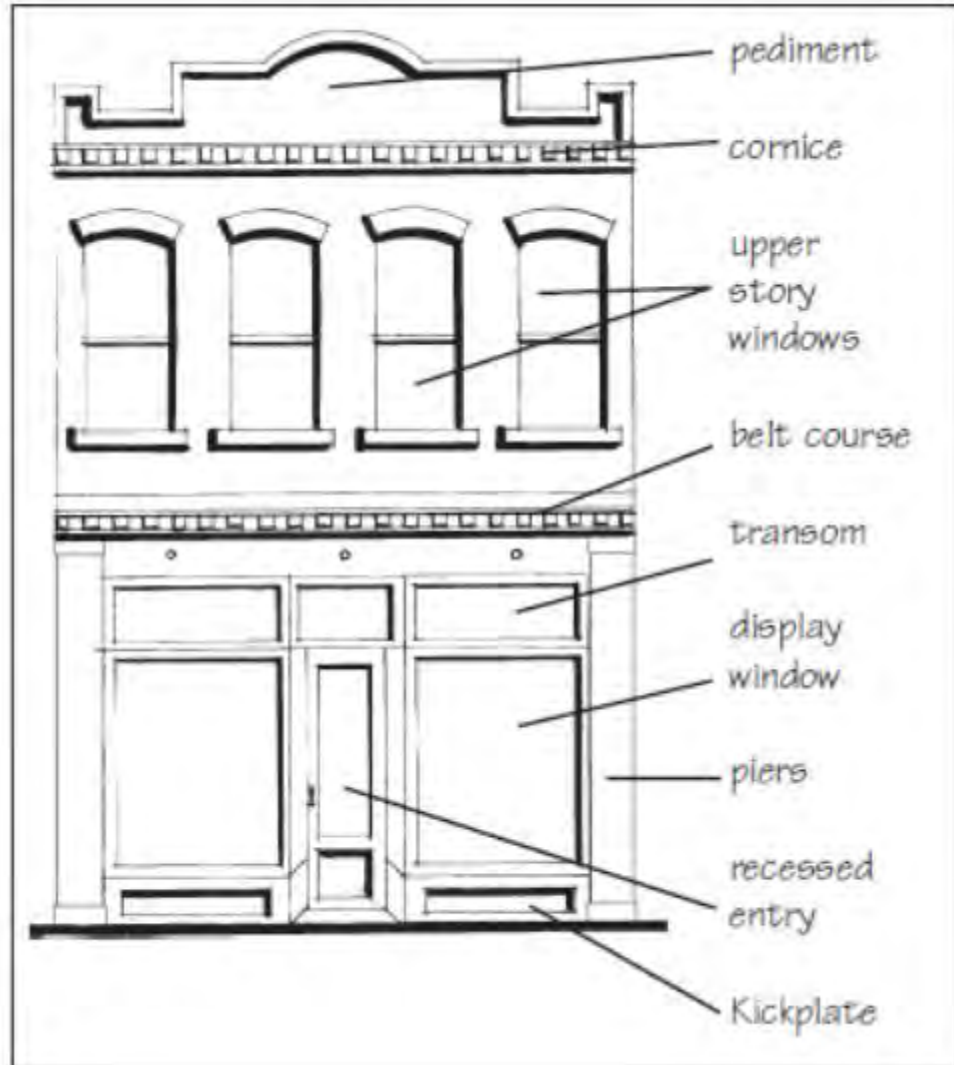
1. Horizontal Articulation. Buildings more than 60 feet wide facing a street or plaza shall be visually divided into proportional bays similar in scale to historic building patterns and the historic lot widths of the Dayton Town Plat. Front elevations should be articulated (e.g., offset, recess, projection, or similar "break" in the wall plane) not less than once every 30 feet. Acceptable methods to satisfy the standard include offsets in a building elevation, roofline and/or the placement of windows, pilasters, awnings/canopies, trim, art/medallions, or other detailing and ornamentation. Changes in paint color do not satisfy this standard.
2. Horizontal Rhythm. The main façade of the building shall be visually compatible with adjoining buildings. The standard may be met through either similar height and width, or with design elements that provide visual continuity with the height and width of adjoining buildings. Examples of such design elements include but are not limited to the base below a series of storefront windows; an existing awning or canopy line; a belt course between building stories; an existing cornice or parapet line. Where adjacent buildings do not provide a historically appropriate reference, the development may establish new horizontal lines consistent with historical

precedent. This standard shall not be interpreted to prohibit building up to the allowed height limit.

3. Storefronts (that portion of the building that faces a public street) shall include the following basic features of a historic storefront:
  1. A belt course separating the upper stories from the first floor;
  2. A bulkhead or kickplate at the street level;
  3. A recessed entry and transom with transparent door; and
  4. Decorative cornice or cap at the roofline.
4. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk or civic space (e.g., plaza).
  1. Pedestrian shelters used to meet the above standard shall extend at least 5 feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the building's architectural details.
  2. Pedestrian shelters shall align with one another to the extent practicable.
  3. Shelters shall not conflict with mezzanine or transom windows.
  4. Colored canvas (not plastic) awnings and metal or plexi-glass canopies, when consistent with historical styles, are allowed.
  5. Color of the pedestrian shelter shall be compatible with the main building.
  6. Where signs are proposed as part of pedestrian shelters, they shall be required to meet the provisions of Chapter 7.4.1 Sign Regulations

Exceptions: Pedestrian shelters are not required where historical precedent dictates otherwise. In addition, the Planning Commission may reduce the minimum shelter depth upon finding that existing right-of-way, easements, or building code requirements preclude a standard shelter.

Figure 7.2.111.07. Typical Storefront Components



## 5. Windows

1. Windows shall be recessed and not flush or project from the surface of the outer wall. In addition, upper floor window orientation primarily shall be vertical.
2. A minimum of 60 percent of the ground floor building elevations facing a street shall be comprised of transparent windows.
3. All side and non-ground floor building elevations not otherwise subject to the provisions of Subsection 2, above, shall be comprised of not less than 30 percent transparent windows; except zero-lot line/common wall elevations are not required to provide windows.
6. The predominate roof form of buildings on Ferry Street shall be a flat roof with appropriately scaled cornice or stepped parapet top.

7. Rooftop mechanical equipment as described in Section 7.2.202.01.B shall be setback and screened so as to not be visible to a person standing within an adjacent, at-grade public right of way, park, or open space.

#### HISTORY

*Adopted by Ord. [657](#) on 2/5/2024*

### **7.2.111.08 Building Materials And Colors**

1. Building Materials.
  1. Exterior building materials shall consist of materials found on historic buildings in the downtown area including decorative block, brick, painted wood, smooth stucco, or natural stone. The use of high intensity colors such as, neon, metallic or florescent colors for the façade of the building are prohibited.
  2. The following materials are prohibited for use on visible surfaces on non-residential structures:
    1. Vinyl and aluminum;
    2. Asphalt or fiberglass shingles;
    3. Structural ribbed metal panels;
    4. Corrugated metal panels;
    5. Plywood sheathing, to include wood paneling such as T-111;
    6. Plastic sheathing; and
    7. Reflective or moderate to high grade tinted glass.
2. **Colors.** Exterior building colors shall be compatible with those traditionally seen in the Commercial Business Area Overlay District.
  1. Primary building colors shall be of low reflective, subtle, earth tones or other natural color shades. Permitted colors include shades brick red, brick cream, tan, brown, and dark to light shades of gray (including shades of blue-gray and green-gray) that conform to the Dayton Central Business Area Overlay District color palette in Figure 7.2.111.08.B.
  2. The use of high intensity colors that are reflective, sparkling, or florescent for the façade of the building are prohibited. Metals shall be matte finish, earth-tone, or burnished/non-reflective colors.
  3. Painting brick on a non-residential building listed as Designated Landmark subject to the Historical Property Overlay Zone in Chapter 7.2.112 is prohibited.

Figure 7.2.111.08.B. Dayton Central Business Area Overlay District color palette.



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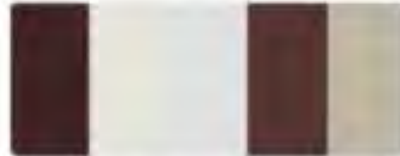
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#### HISTORY

*Adopted by Ord. [657](#) on 2/5/2024*

#### **7.2.111.09 Landscaping**

All new development within the Central Business Area fronting a public or private street shall provide street trees and landscaping in accordance with the following:

1. **Type of Trees.** Street trees shall be limited to an approved City of Dayton list. The list of acceptable tree species and planting methods shall be established by the Department of Public Works.
2. **Minimum Size to be Installed.** Street trees shall have a minimum caliper of 2 inches when measured 4 feet in height at the time of installation.
3. **Spacing.** The spacing of street trees by tree size shall be as follows:
  1. Small sized trees (under 25' tall and less than 16' wide) shall be spaced no greater than 20 feet apart.
  2. Medium sized trees (25' - 40' tall and more than 16' wide) shall be spaced no greater than 30 feet apart.
  3. Large trees (over 40' tall and more than 35' wide) shall be spaced no greater than 40 feet apart.
4. **Placement.** The placement of trees is subject to the site design review process. Tree placement shall not interfere with utility poles, light standards, power lines, utility services, visual clearance areas or sidewalk access.
5. **Exemption to Street Tree Requirements.** Exemptions to these requirements are subject to the site design review process and may be granted if:
  1. The location of the proposed tree would cause potential problems with existing utility lines; or,
  2. The tree would cause visual clearance problems; or,
  3. There is not adequate space in which to plant the trees; or,
  4. Street trees are already in place on the site.
6. **Landscaping, General.** Those areas not constructed upon or devoted to parking and access shall be landscaped in accordance with provisions in Section 7.2.306.

#### HISTORY

*Adopted by Ord. [657](#) on 2/5/2024*

#### **7.2.111.10 Modification Of Site Design Standards**

The Planning Commission, as part of the site design review process, may allow modification to the site design requirements in the Central Business Area Overlay when both of the following criteria are satisfied:

1. The modification is necessary to provide design flexibility where:
  1. Conditions unique to the site require such modification; or,
  2. Parcel shape or configuration precludes compliance with provisions; or,
  3. A modification is necessary to preserve trees, other natural features or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area.

2. Modification of the standards in this Section shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Central Business Area Overlay design provisions.

HISTORY

*Amended by Ord. [657](#) on 2/5/2024*

§ 2.108 DOWNTOWN MIXED USE (DMU).

2.108.1        *Purpose.* 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.

2.108.2        *Allowed uses.*

(1) *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 §§ 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.

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

### 2.108.3 *Development standards.*

A. *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% of the square footage of the existing building.

B. Minimum lot area: None.

C. Minimum lot width and depth: None.

D. Residential density requirements: None.

E. Maximum building height: 45 feet, 60 feet with height bonus.

1. Height bonus for residential use on upper story: 15 feet. To be eligible for the height bonus, at least 75% of the gross floor area of the upper story must be used for residential dwellings.

F. Minimum setback requirements:

1. Front setback: zero feet.
2. Rear and side setbacks: zero feet, unless adjacent to residential.
  - a. Rear and side setback adjacent to residentially-zoned property or residential alley: 10 feet

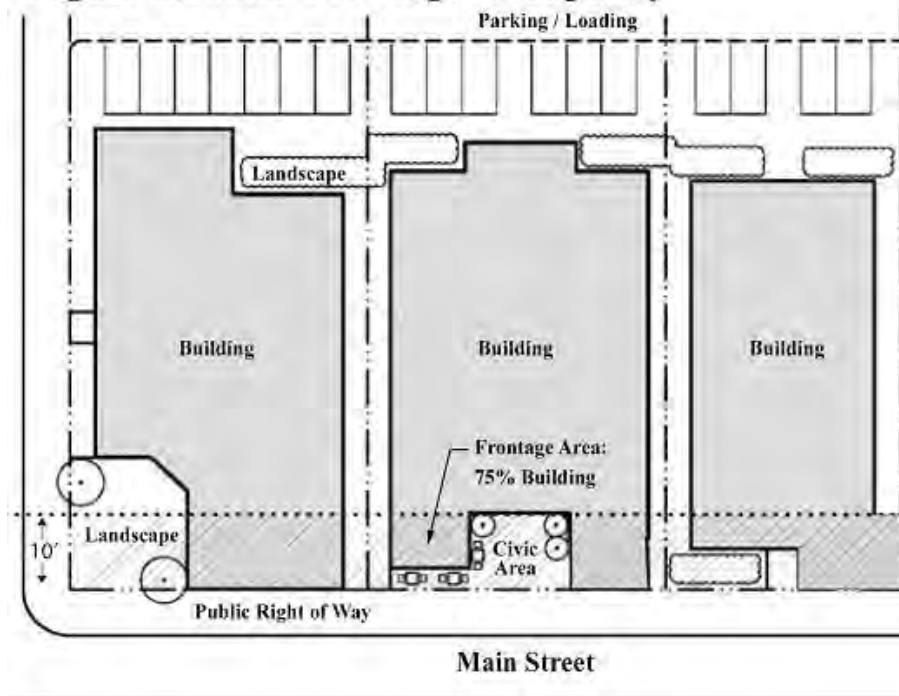
G. Maximum lot coverage: None.

H. Minimum landscaping: None.

I. Frontage occupancy requirement: 75%.

1. This standard is met when a building or buildings occupy at least 75% of the site's frontage area along a public street. For this standard, frontage is considered the area between zero to ten 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 ten feet from the front property line.
2. For corner lots, this standard must be met on Main Street or Oak Street, as applicable.
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 division J. below.
4. See Figure 2.108.A for visual illustration of the frontage occupancy requirement.

**Figure 2.108.A Frontage Occupancy**

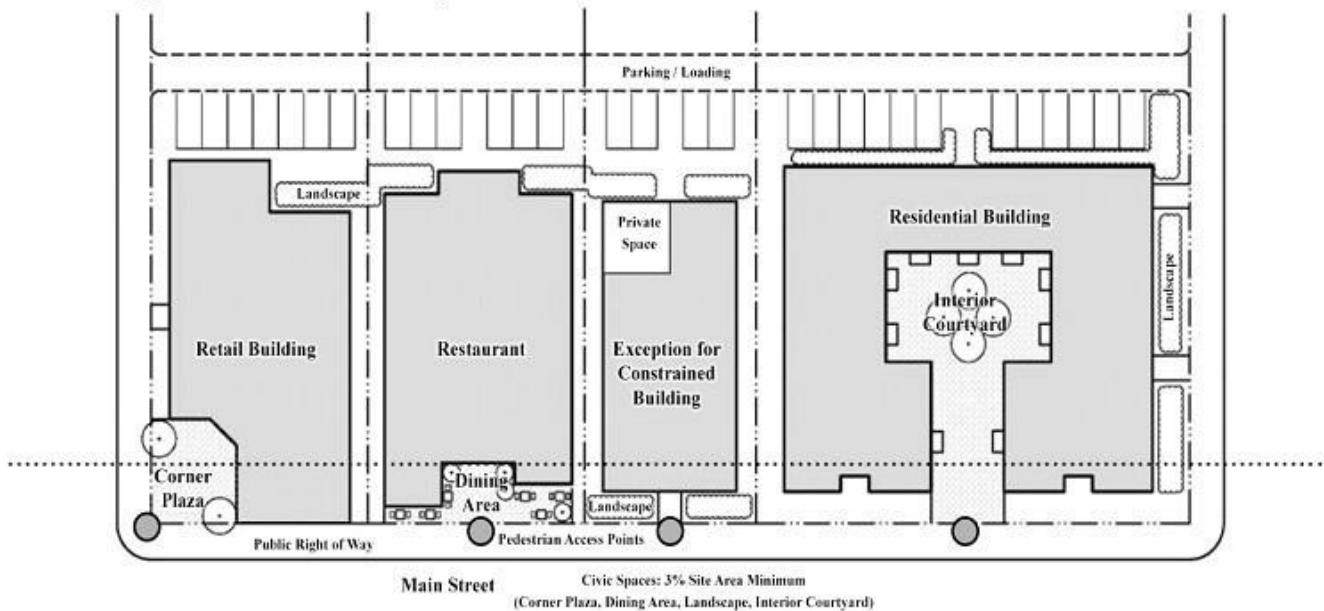


- J. *Civic space requirements.* At least 2% of the gross area of the subject lot shall be designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the public, pursuant to the following:
1. Civic spaces shall abut a public right-of-way or otherwise 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 four 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:
    - 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 § 2.311.

L. *Off-street parking applicability.* The off-street parking requirements of § 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 § 2.303.
2. Residential uses in the DMU must comply with the off-street parking requirements of § 2.303.

#### 2.108.4 *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 this section 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% 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 division 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% 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% 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.

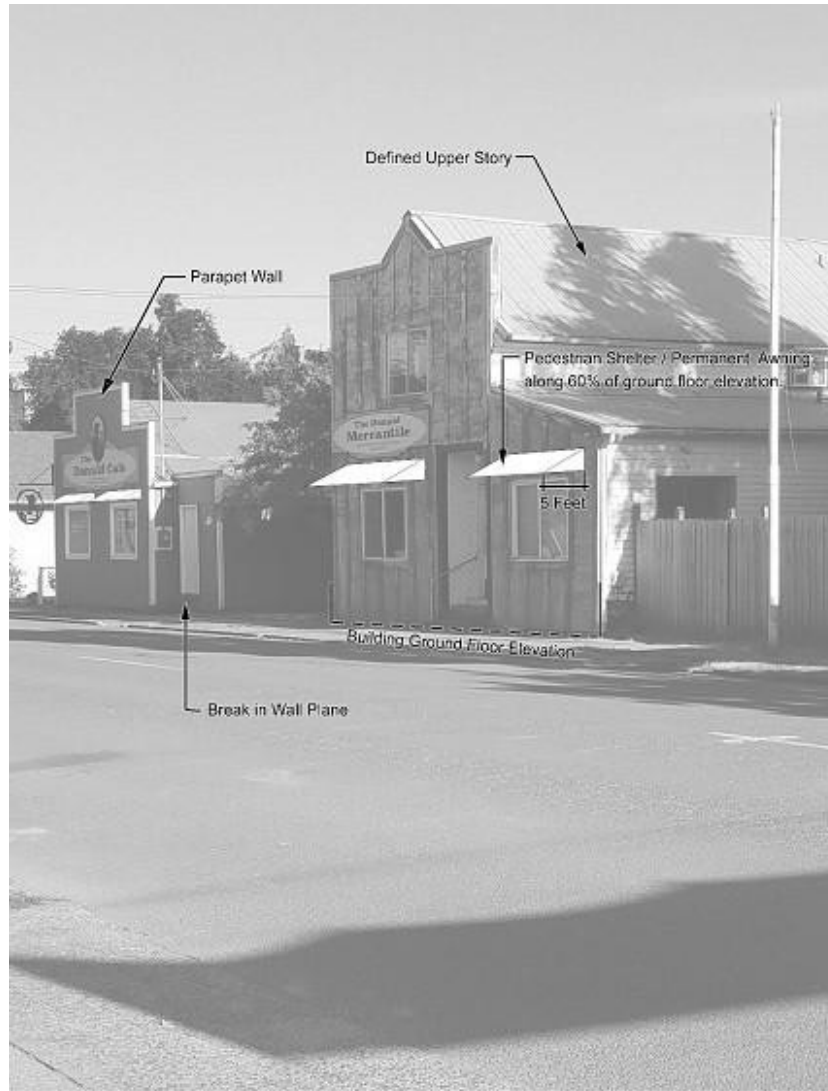
Figure 2.108.C Transparency



- 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.
  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.



**Figure 2.108.D Building Articulation**

**F. Pedestrian shelters.**

1. Permanent awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60% 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.

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

| <b>Table 2.108.B</b>                                                     |                    |
|--------------------------------------------------------------------------|--------------------|
| <b>Building Material</b>                                                 | <b>Designation</b> |
| Brick                                                                    | P                  |
| Stucco                                                                   | P                  |
| Stone/masonry                                                            | P                  |
| Glass                                                                    | P                  |
| Finished wood, wood veneers, wood siding                                 | P                  |
| Concrete (poured in place or precast)                                    | S                  |
| Concrete blocks with integral color (ground, polished, or glazed finish) | S                  |

|                                                                                                                           |   |
|---------------------------------------------------------------------------------------------------------------------------|---|
| Finished metal panels-such as anodized aluminum, stainless steel, or copper-featuring polished, brushed, or patina finish | S |
| Fiber-reinforced cement siding and panels                                                                                 | S |
| Ceramic tile                                                                                                              | S |
| Concrete blocks with integral color (split-face finish)                                                                   | A |
| Standing seam and corrugated metal                                                                                        | A |
| Glass block                                                                                                               | A |
| Vegetated wall panel or trellis                                                                                           | A |
| Vinyl siding                                                                                                              | N |
| Plywood paneling                                                                                                          | N |

(Ord. 172-2018, passed 9-11-2018)

**§ 18.65.040. Nonresidential buildings.**

1. Purpose and Applicability. The following requirements apply to nonresidential development in the C-1 or PUZ zone, including individual buildings and developments with multiple buildings such as shopping centers, office complexes, mixed-use developments, and institutional campuses. The standards are intended to create and maintain a built environment that is conducive to pedestrian accessibility, reducing dependency on the automobile for short trips, while providing civic space for employees and customers, supporting natural surveillance of public spaces, and creating human-scale design. The standards encourage buildings placed close to streets, with storefront windows (where applicable), with large building walls divided into smaller planes, and with architectural detailing. The standards are also intended to promote compatibility with the historic development pattern/architectural character of the community.
  - a. The standards are intended to enhance/support the continued development of the City, reinforcing it as an attractive place to work, shop, and conduct business.
  - b. The standards respond to and reconcile the historical context of the City with more contemporary building practices. The standards draw on the architectural vocabulary of the City's historic districts, while allowing a contemporary interpretation of older building forms and styles scaled to fit the community. It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and exterior alterations fit within the context of their surroundings and contribute toward the development of compact, walkable commercial and mixed-use districts.
  - c. Specifically, the standards draw upon the local vocabulary of building styles and elements, including compatibility with locally significant historic structures where applicable:
    - (1) Create a sense of street enclosure with appropriate building heights and detailing;
    - (2) Address differences in building scale between different zoning districts;
    - (3) Encourage a diversity of building facades and rooflines that fall into a consistent rhythm;
    - (4) Improve the streetscape with adequate civic space, street furnishings and public art;
    - (5) Focus parking behind or adjacent to structures in order to create a sense of community and promote pedestrian access.
2. Building Orientation. The following standards apply to new buildings and building additions that are subject to site design review. The City Planning Commission may approve adjustments to the standards as part of a site design review approval, pursuant to Chapters 19.15 and 19.40 HMC.

- a. Except as provided in subsections (3)(e) and (f) of this subsection, all buildings shall have at least one primary entrance (i.e., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) facing an abutting street (i.e., within 45 degrees of parallel to 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 paved pedestrian walkway must connect the primary entrance to the sidewalk in conformance with HMC § 18.70.030.
  - b. Off-street parking, trash storage facilities, and ground-level utilities (e.g., utility vaults), and similar obstructions shall not be placed between building entrances and the street(s) to which they are oriented. To the extent practicable, such facilities shall be oriented internally to the block and accessed by alleys or driveways or screened from view by any abutting street, sidewalk, or fencing.
  - c. Off-street parking shall be oriented internally to the site to the extent practicable and shall meet the access and circulation requirements of Chapter 18.70 HMC, the landscape and screening requirements of Chapter 18.75 HMC, and the parking and loading requirements of Chapter 18.80 HMC.
  - d. Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities and meeting the requirements under Chapter 18.65 HMC, subject to site design review application and approval. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a paved or hardscape pedestrian walkway conforming to HMC § 18.70.030.
3. Primary Entrances and Windows. The following standards apply to new buildings and building additions that are subject to site design review. The Planning Commission may approve adjustments to the standards as part of a site design review approval, pursuant to Chapters 19.15 and 19.40 HMC.
    - a. Pedestrian Entrances. Ground-level entrances oriented to a street shall be at least partly transparent for natural surveillance and to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.
    - b. Corner Entrances. Buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building plan shall provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.
    - c. Street Level Entrances. All primary building entrances shall open to the

sidewalk and shall conform to Americans with Disabilities Act (ADA) requirements, as applicable. Primary entrances above or below grade may be allowed where ADA accessibility is provided.

- d. Windows – General. Except as approved for parking structures or accessory structures, the front/street-facing elevations of buildings shall provide display windows, windowed doors, and, where applicable, transom windows to express a storefront character.
  - e. Side and Rear Elevation Windows. All side and rear elevations, except for zero-lot line or common wall elevations, where windows are not required, shall provide not less than 30 percent transparency.
  - f. Window Exceptions. The City Planning Commission may approve an exception to the above standards where existing topography or building function makes compliance impractical. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale).
4. Mechanical Equipment.
- a. Building Walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennas, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant to HMC § 18.75.030. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.
  - b. Rooftops. Except as provided below, rooftop mechanical units shall be set back or screened behind a parapet wall or other screening so that they are not visible from any public right-of-way or civic space. Where such placement and screening are not practicable, the City Administrator or the Planning Commission 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.
  - c. Ground-Mounted Mechanical Equipment. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings.
5. Drive-Up and Drive-Through Facilities. Drive-up and drive-through facilities shall comply with the requirements of Chapter 18.70 HMC.
6. Historic District and Historic Buildings. Refer to HMC § 18.65.050.
7. Mixed-Use Building Height Bonus. Height bonuses for mixed-use buildings approved or approved with conditions under Table 18.45.040.5 must meet all of the

following criteria:

- a. The proposed height increase is for the sole purpose of allowing a residential use above a permitted commercial, civic, or institutional use; or is required to accommodate structured parking.
- b. The proposed increase in height is compatible with adjacent uses and structures or can be made compatible through reasonable conditions of approval. For the purposes of this subsection, a finding of compatibility means that the proposed height increase does not create a fire hazard; does not conflict with a locally or Federally designated historic landmark or district, or with a building or district the City recognizes as being eligible for the National Register of Historic Places; and does not create excessive glare, shade, noise, or privacy concerns for existing adjacent residential uses.
- c. The proposed increase in height does not exceed 15 feet, per Table 18.45.040.5.

(Ord. 987 § 1 (Exh. A), 2022)

**§ 18.65.050. Downtown historic district design standards.**

1. Purpose. The purpose of the historic overlay is to honor and protect the heritage of the community and preserve the historic integrity of the downtown area. The historic overlay will encourage the preservation of existing historical buildings and the construction of compatible structures.
2. Permitted Uses and Conditional Uses. In the historic overlay zone (HOZ), permitted and conditional uses are the same as the underlying zoning district for the property.
3. Signs. All signage shall comply with the applicable provisions in Chapter 18.90 HMC.
4. Setback and Facade Requirements.
  - a. Setbacks. Setback requirements in the HOZ are the same as the underlying zoning district for the property.
  - b. Facades. To the greatest extent practicable, building facades in the HOZ shall be aligned with the existing structures on the street, maintaining the traditional pattern established by historic buildings.
5. Height of Buildings. The building height requirements shall be the same as the underlying zone for the property.
6. Lot Coverage. The lot coverage requirements shall be the same as the underlying zone for the property.
7. Historic Overlay Area. The HOZ is defined as the area between Monroe and Macy Streets, and between 1st Street and the Union Pacific Railroad tracks. The buildings in the local inventory of historic properties are listed as follows:

- a. I.O.O.F. Hall, 190 Smith Street;
  - b. May and Senders Store, three-bay arcaded facade/rectangular (original portion), 125 Smith Street;
  - c. E.F. Wyatt House, 353 Smith Street;
  - d. Hardware Store, 180 Smith Street;
  - e. Hubbell Building, 286 Smith Street, 294 Smith Street and 146 South 3rd Street;
  - f. Farmers and Merchants Bank, 203 Smith Street;
  - g. Moody Building, 206 South 3rd Street;
  - h. Samuel May Barn, behind 480 Smith Street (demolished on June 2, 2000);
  - i. Abner Waters/J.P. Schooling House, 206 South 4th Street and outbuilding;
  - j. Thomas Sommerville House, 196 South 4th Street.
8. Building Scale and Mass. The architectural design, height, width and depth of the buildings shall be compatible with the historic buildings identified in subsection (7) of this section, especially those most adjacent. The vertical lines of columns and piers and the horizontal definition of cornices and other primary structural elements of historic buildings shall be recognized. Historically, the modulation of building facades was determined by lot parceling. Generally, buildings were built at 25-, 50-, and 100-foot widths. Within those general building widths, the building can be divided into a smaller bay storefront system by use of vertical elements.
9. Building Shape. The ratio of height to width of the different elevations of the building shall be compatible with the historic buildings identified in subsection (7) of this section, especially those most adjacent.
10. Building Orientation. The location of the building entrance and the orientation of the primary facade of the building shall be in the same direction as that of nearby buildings in the HOZ.
11. Facade Components. Repetition of historic facade components creates patterns and alignments that visually link buildings within a block or area, while allowing individual identity of each building. Historic facade components help to establish a sense of scale and context. The application of historic facade components is encouraged to the greatest extent practicable, and a project shall include at least two of the following historic facade components:
  - a. Cornice or parapet;
  - b. Awning or canopy;
  - c. Transom;

- d. First-floor display window;
  - e. Center entry, perhaps recessed.
12. Scale of Openings. The ratio of open surfaces (windows, doors) to enclosed surfaces (walls) of the building exterior shall be similar to that of nearby buildings. The height, width, and shape of door and window openings shall be compatible with buildings identified in subsection (7) of this section, especially those most adjacent.
13. Roof Form. Historically, downtown commercial buildings were constructed with flat roofs and a parapet or cornice on the facade facing a street. Residential buildings were constructed with pitched roofs at varying angles. New commercial and residential roofs shall be compatible with the roofs of buildings identified in subsection (7) of this section, especially those most adjacent.
14. Design Standards for New Construction. New commercial and residential construction, facade renovation, or building rehabilitation shall reflect the City's historic, aesthetic, and cultural heritage. The scale and form, style, material and texture, color, and signage shall follow the design guidelines for the historic downtown beginning on pages 6 through 21 of the Harrisburg Design and Community Action Plan, dated June 27, 1991.
- a. Preliminary plans will be submitted to the City Administrator or designee for review.
  - b. Upon review, the City Planner shall:
    - (1) Determine whether the plan meets design guidelines and approve the application as presented; or
    - (2) Determine that the application requires site plan review.
  - c. The applicant shall be notified of the review decision within 30 days after the submittal of plans for review.
15. Design Guidelines for Commercial Construction. New commercial construction and exterior improvements and rehabilitation shall comply with subsections (3) through (14) of this section, with the following emphasis:
- a. The historic downtown commercial buildings shall be maintained and developed to represent a historic riverfront community of the late 1880s to early 1900s. The following buildings currently listed on the local inventory of historic properties best represent buildings from this era:
    - (1) I.O.O.F. Hall, 190 Smith Street;
    - (2) Rampy Building, 195 Smith Street;
    - (3) Hubbell Building, 286 Smith Street; and
    - (4) May and Senders Store (original three-bay arcaded facade), 125 Smith

## Street.

16. **Building Materials for Commercial Construction.** The type of materials used shall be selected from those materials exhibited on the buildings (or similar) representing the targeted era listed in subsection (15)(a) of this section. These include wood, brick, cast iron, and wrought iron.
17. **New Residential Construction – Design Guidelines.** New residential construction and exterior improvements and rehabilitation shall comply with subsections (3) through (14) of this section, with the following emphasis:
  - a. The historic downtown residential buildings shall be maintained and developed to represent a historic riverfront community of the late 1880s to early 1900s. The following buildings currently listed on the local inventory of historic properties best represent buildings from this era:
    - (1) E.F. Wyatt House, 353 Smith Street;
    - (2) Abner Waters/J.P. Schooling House, 206 South 4th Street and outbuilding;
    - (3) Thomas Sommerville House, 196 South 4th Street.
18. **New Residential Construction – Building Materials.** The type of materials for new residential construction and exterior remodeling shall be selected from those historic materials already present in the area. These include wood, brick, concrete, stucco, and cast iron. Wood is also an acceptable material to use for details and ornament.
19. **Parking Standards for Historic Overlay.** Parking standards generally applicable within the City of Harrisburg may not be appropriate for the historic district. The intent of the historic district is to have an appearance reminiscent of a time before there were automobiles and parking lots. Parking standards within the historic district shall therefore be as follows:
  - a. Parking shall be accessed from a public alley unless the City Planner determines this cannot reasonably be accomplished.
  - b. Parking, if provided off-street, shall not front onto a public street other than an alley except for public parking lots or when it is determined to be necessary by the City Planner.
  - c. There is no minimum number of automobile parking spaces for uses in the Downtown Historic District Zone.

(Ord. 987 § 1 (Exh. A), 2022)

## 2.101 COMMERCIAL-CORE DISTRICT (C-1)

### **2.101.01 Purpose**

To provide for commercial operations and services required to meet the economic needs of the City of Lafayette, while retaining the historic integrity of the core area. The district is an attractive, walkable, mixed-use environment for residents and visitors alike. The Commercial District is consistent with the Commercial Comprehensive Plan designation.

### **2.101.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-1 District, subject to the provisions in Section 3.105, Site Development Review:

- A. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- B. Professional offices and clinics including, but not limited to, medical, dental, veterinarian clinics, engineering and legal services.
- C. Banks and other financial institutions without a drive-through window.
- D. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types of retail activities.
- E. Restaurants, bakeries, taverns, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.
- F. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- G. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying,

equipment rental, video rental, or other activities where the primary activity is the providing of a service to retail customers.

- H. Entertainment facilities such as movie theaters, theaters, bowling alleys, amusement centers including those featuring video games.
- I. Public automobile parking.
- J. Churches.
- K. Public and semi-public utility facilities, distribution plants and service yards; excluding radio or television transmission towers; ambulance service.
- L. Second or upper story apartments.
- M. Accessory structures and uses customarily provided for retail activities.
- N. Residential care homes and facilities.
- O. Day care facilities.
- P. Partitioning, subject to the provisions in Section 3.106.
- Q. Subdivisions, subject to the provisions in Section 3.107.
- R. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- S. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.
- T. Small scale wineries, distilleries, or breweries subject to the provisions in Section 2.315.
- U. Hotels.
- V. Public parks and recreation and open space areas.
- W. Fitness Center.
- X. Trade and professional schools for office professions and personal services.
- Y. Medical and recreational marijuana retail sales subject to the following standards.

1. The owner or operator must possess a valid State of Oregon medical marijuana facility registration per ORS 475.300 through 475.346 and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;
2. A Marijuana Retailer must possess a valid State of Oregon license and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;
3. The Marijuana Facilities, activities, and operations under this section must be located within a fixed, permanent building within a C-1 District of the City;
4. The Marijuana Facilities under this section must comply with all applicable laws and regulations, including, but not limited to building and fire codes and the zoning and land development code ordinance;
5. On-site operations of the Marijuana Facilities under this section are prohibited from manufacturing or producing any extracts, oils, resins, or similar derivatives of Marijuana, and on-site operations must not use open flames or gases in the preparation of any products;
6. Marijuana and tobacco products must not be smoked, ingested or otherwise consumed on the Premises of the Marijuana Facility;
7. Operating hours for retail sales must be no earlier than 10:00 a.m. or later than 7:00 p.m. on the same day;
8. The Marijuana Facilities under this section must utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the Facility to the Premises. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor that is detected;
9. The Marijuana Facilities under this section must provide for secure disposal of Marijuana remnants or by-products, and such remnants or by-products shall not be placed within the Facility’s exterior refuse container;
10. The Marijuana Facilities under this section must not be co-located on the same tax lot or deeded property, or within the same building with

any Marijuana social club, smoking club, or grow site;

11. A Marijuana Facility under this section shall not be located within 1,000 feet from any public elementary or secondary school measured between the closest points of the respective lot lines.
- Z. Mixed use structures with ground floor commercial and upper floor residential, subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making the property affordable to moderate income households, as defined in ORS 456.270. Section 2.105.02, Z, does not apply to lands where the City determines one or more of the following exists:
  1. The proposed development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete, or
  2. The property contains a slope of 25 percent or greater, or.
  3. The property is within the Special Flood Hazard Area (100-year floodplain).
  4. The property is constrained by land use regulations based on the Statewide Planning Goals relating to:
    - a. Natural disasters and hazards, or
    - b. Natural resources, including air, water, land or natural areas, but not including open spaces.
  5. The property is vacant.
  6. The property was added to the urban growth boundary within the 15 year period prior to January 1, 2025.

### **2.101.03**      **Conditional Uses**

The following uses may be permitted in the RC District when authorized pursuant to, Section 3.103, Conditional Use Permits. These uses shall also be subject to Site Development Review in Section 3.105:

- A. Government or public facility structures
- B. Cabinet shops
- C. Except as provided in Section 2.307, any otherwise permitted commercial activity, involving the processing of materials which is essential to the

permitted use and which processing of materials is conducted wholly within an enclosed building.

- D. Drive-through windows for banks and pharmacies, subject to the provisions in Section 2.313.

#### **2.101.04**      **Dimensional Standards**

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, General Exceptions, shall be required for all development in the Commercial-Core District.

- |    |                                                |               |
|----|------------------------------------------------|---------------|
| A. | Minimum lot area:                              | No limitation |
| B. | Minimum yard setbacks:                         |               |
| 1. | Front Yard                                     | None          |
| 2. | Rear Yard                                      |               |
| a. | Abutting a non-residential district            | None          |
| b. | Abutting a residential district, excluding R-C | 10 feet       |
| 3. | Side Yard                                      |               |
| a. | Abutting a non-residential district            | None          |
| b. | Abutting a residential district, excluding R-C | 10 feet       |
| C. | Maximum Third Street Front Yard Setback:       | 10 feet       |
| D. | Maximum structure height:                      | 55 feet       |

#### **2.101.05**      **Development Standards**

All developments in the C-1 District shall comply with the applicable provisions of Section 2.400, General Provisions. In addition, the following standards shall apply:

- A. Off-Street Parking. Off-street parking shall comply with the following provisions:
1. Parking space, dimension and improvement requirements shall comply with Section 2.203. All parking spaces shall be located behind the primary building. For corner lots, this shall be identified as being opposite, and furthest from, the primary building access.

2. As an alternative to providing the on-site parking required in A, 1, above, the owner may contribute to a City Council adopted municipal parking fund, an amount equivalent to the parking spaces required by the proposed use.

B. Architectural Design Standards. The following standards are intended to support downtown development and revitalization consistent with Lafayette's vision for the future. The standards build on the historic integrity of downtown Lafayette while allowing contemporary interpretations of building forms and styles.

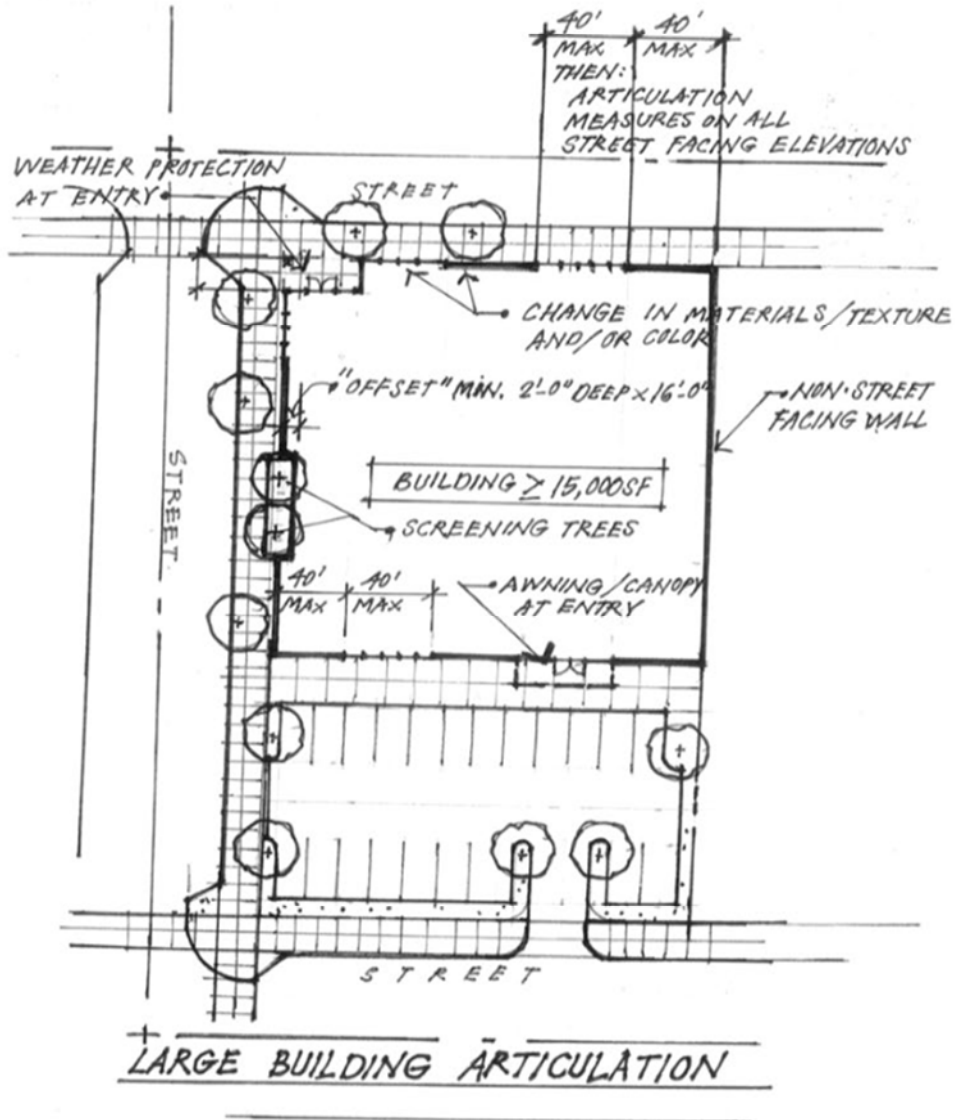
1. Orientation.

- a. Public entrances and primary structures shall be oriented to the street. All buildings shall have at least one entrance abutting a street within 45 degrees.
- b. Eighty percent of the abutting street frontage shall have a building placed no farther than 10 feet from the street property line.
- c. Trash storage and ground level utilities (e.g., utility vaults and similar obstructions) shall not be placed between buildings and the street.

2. Large Buildings. Where a building with more than 15,000 square feet of gross floor area is proposed, it shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features every 40 feet of building (horizontal length):

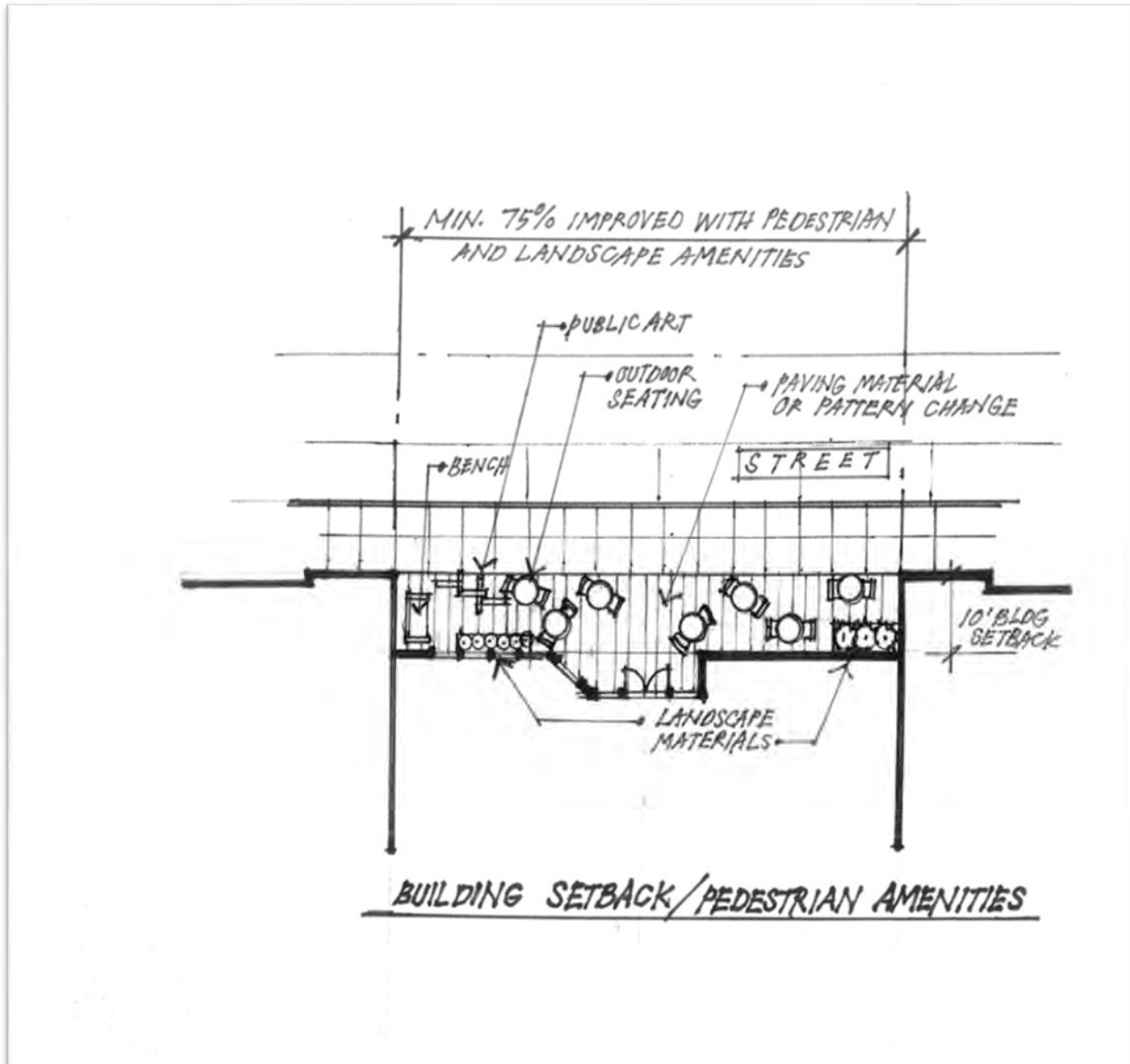
- a. Windows;
- b. Weather protection (awnings, canopies);
- c. Building offsets;
- d. Projections, changes in elevation of horizontal direction;
- e. Terraces;
- f. A distinct pattern of divisions in surface materials; or
- g. Screening trees.

The use of ornamentation, changes in cladding materials or color, lighting (wall-mounted), and/or similar features is encouraged but by itself is not sufficient to meet the articulation standard.



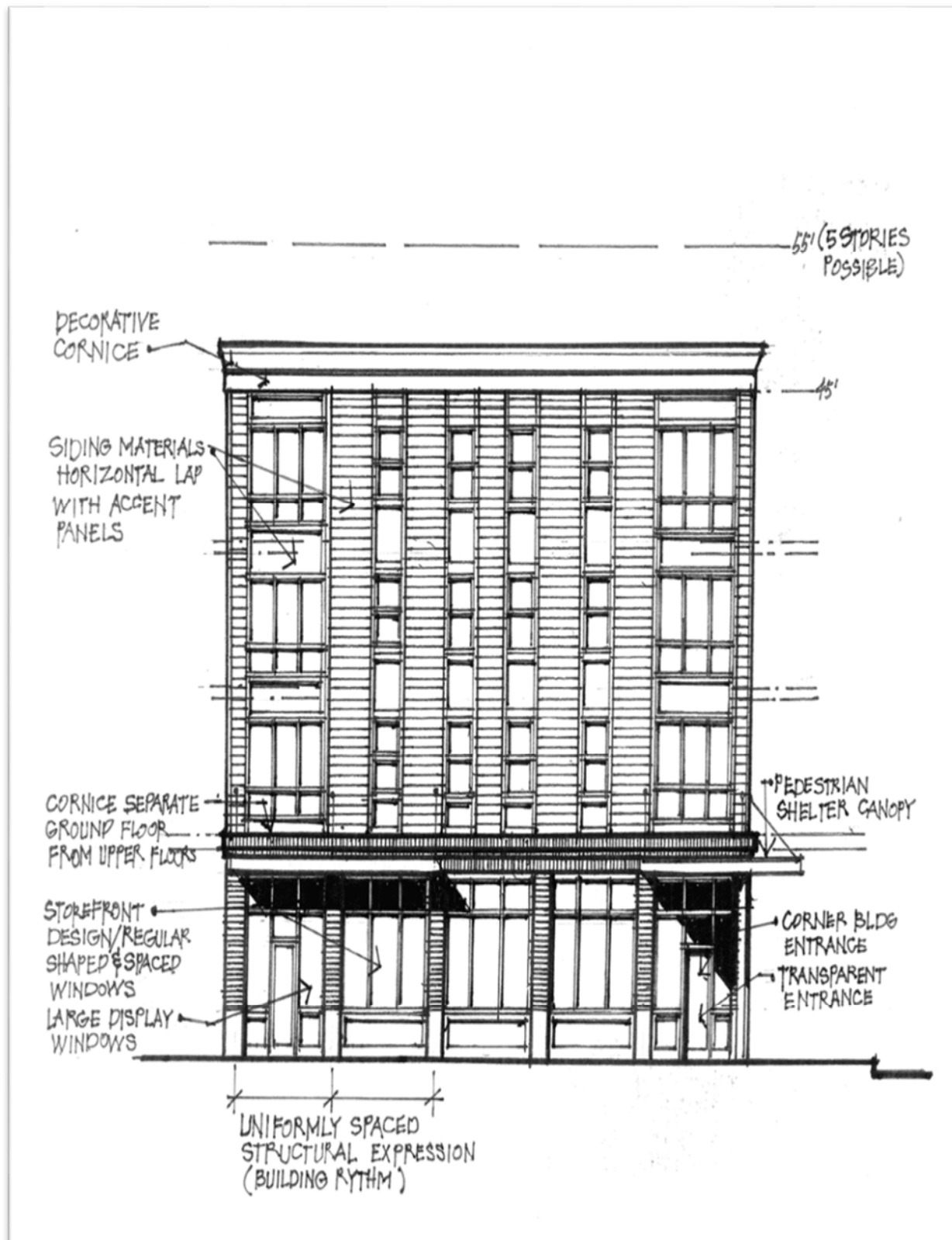
**Figure 1: Large Building Articulation**

3. Landscaping/pedestrian amenities. If a building is setback from Third Street, at least 75 percent of the setback area shall be improved with pedestrian and landscaping amenities. Permitted landscaping and pedestrian amenities include plazas or extensions of a sidewalk with plants, planters, shrubbery, benches, tables, public art, water fountains, or similar features.



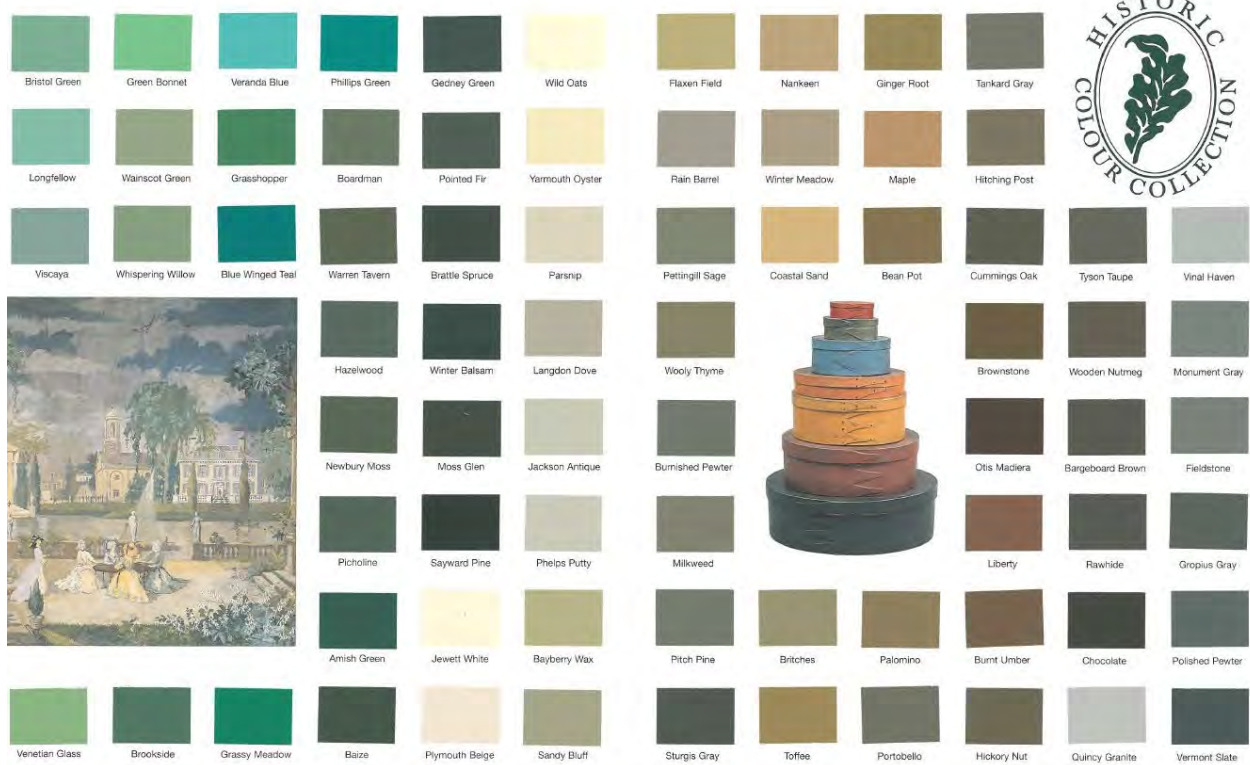
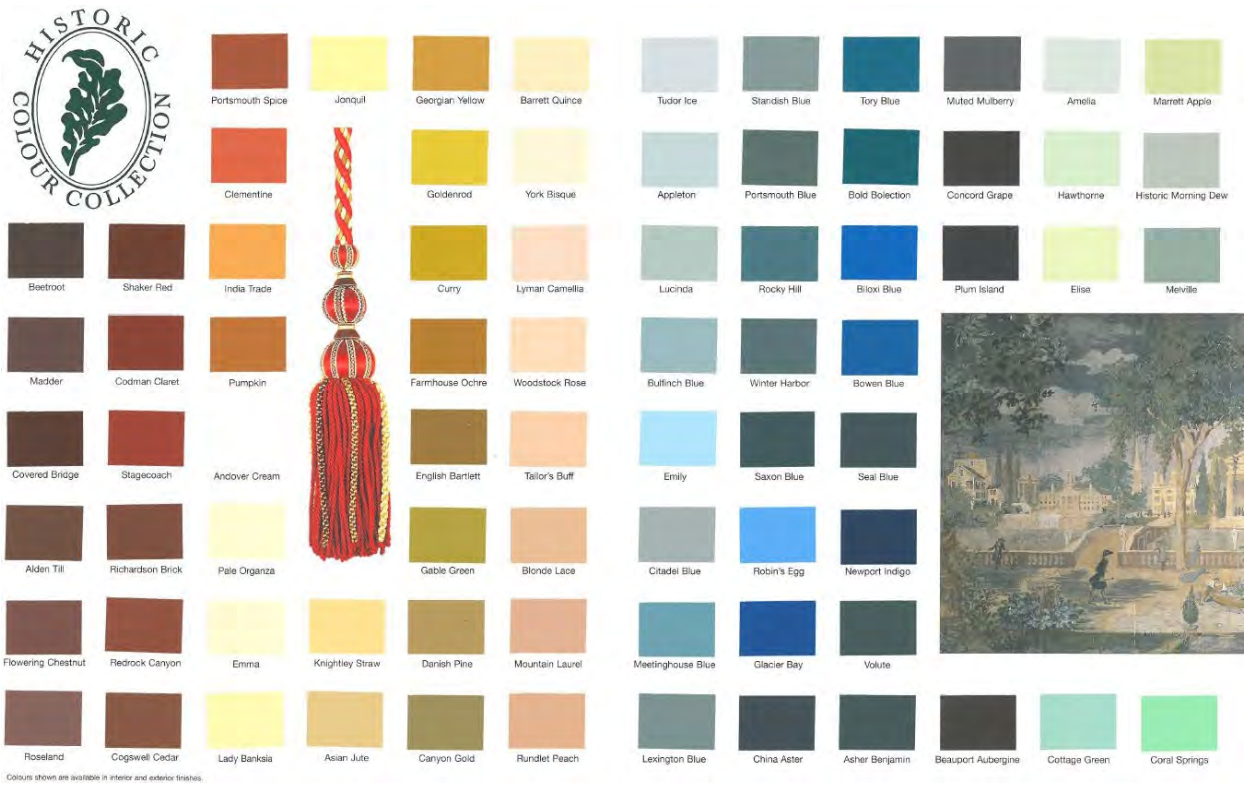
**Figure 3: Pedestrian Amenities**

4. Storefront Design. All elevations of a building shall contribute to the storefront character of Third Street buildings. This criterion is met by providing all of the architectural features listed in a-f, below, along the front building elevation (i.e., facing the street), as applicable:
- a. Corner building entrances on corner lots.
  - b. Regularly spaced and similarly-shaped windows with window hoods or trim on all upper building stories.
  - c. Large display windows on the ground-floor (non-residential uses only). Display windows shall be framed by bulkheads, piers, and a storefront cornice that separates the ground-floor from the second story.
  - d. Decorative cornice or parapet at the top of building (flat roof); or eaves provided with pitched roof.
  - e. Completely transparent ground level entrances oriented to a street for natural surveillance and to encourage an inviting business environment.
  - f. Pedestrian shelters that are visually compatible with the architecture of the building, including awnings, canopies, or recesses provided along at least 75 percent of the ground floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access ways.
  - g. Siding materials. Exterior siding materials visible from the street right-of-way shall be wood or masonry, or another material indistinguishable in appearance from wood or masonry. Such wood type siding as horizontal lap, shingle, and board and batten are acceptable. Acceptable wood substitutes such as pressed wood products shall only be permitted as a horizontal lap siding. Such masonry type siding as brick and stone are acceptable; stucco material is prohibited. Acceptable masonry substitutes include masonry veneer and concrete or other similar material formed to simulate rock or brick.
  - h. Color Palette. Building exterior paint colors shall conform to the Color Palette in Appendix A.

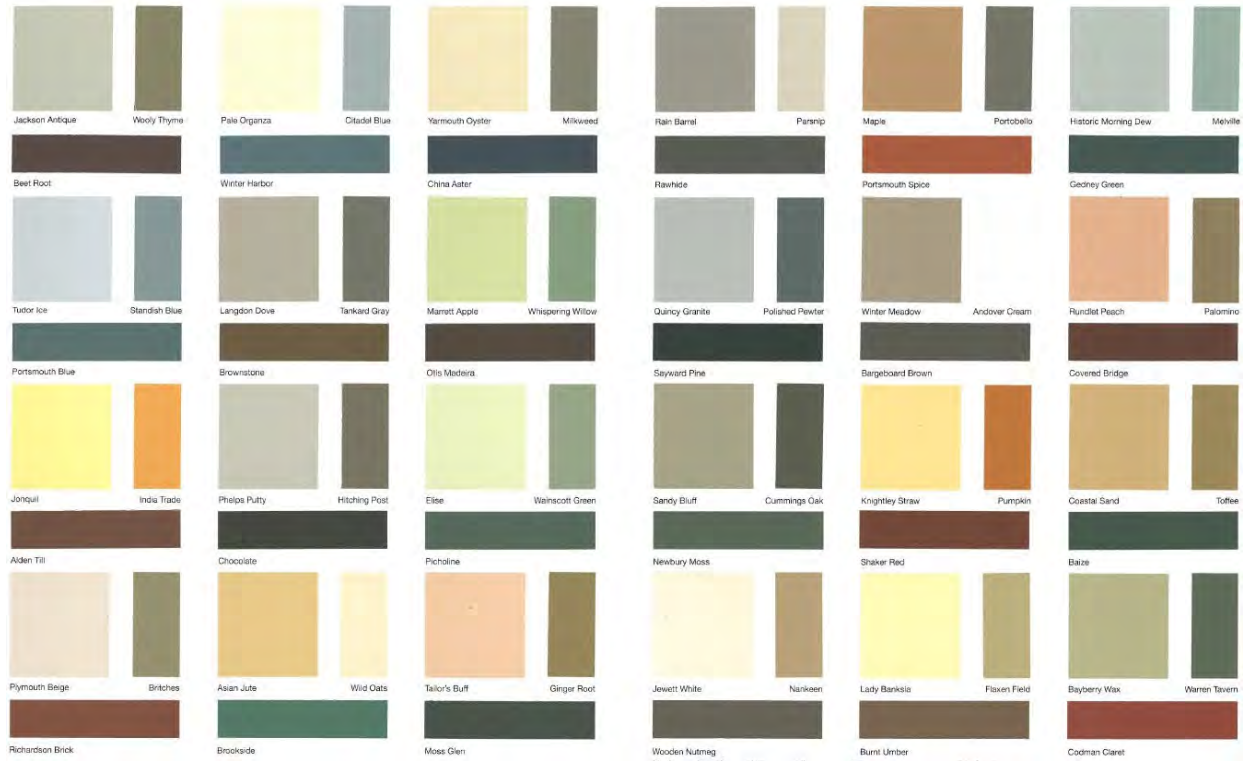


**Figure 2: Storefront Design**

5. Walkways. Walkways shall connect the street right-of-way to primary building entrances, and connect all primary building entrances to one another, including pedestrian crossings through interior parking areas.
  6. Mechanical Equipment. Mechanical, electrical, and communications equipment including, transformers, shall be screened from view from public rights-of-way and civic spaces.
  7. Trash and Recycling Enclosures. Trash collection and recycling storage areas must be located within a structure or otherwise screened from view in an enclosed facility. Such facilities must be screened from view from public rights-of-way and civic spaces behind a screening wall or fence, constructed to match the materials used on the primary building(s) on the subject site.
- C. Signs. Signs in the C-1 District shall be subject to the provisions of Section 2.206, Signs.
- D. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 2.208, Land Divisions.
- E. Site Development Review. Development within the C-1 district shall be subject to the provisions in Section 3.105, Site Development Review.
- F. Outdoor Display. There shall be no outdoor display or storage of materials or merchandise within a designated alleyway, roadway or sidewalk that would impede pedestrian or vehicular traffic except during community retail sales events. Safety precautions shall be observed at all times.
- G. Minimum Landscaped Area. In addition to the specific requirements in item "B." above, all areas not containing structures or parking shall be landscaped.



## APPENDIX A, C-1 DISTRICT



## APPENDIX A, C-1 DISTRICT

## Title 10. Zoning

### Chapter 10.28. C-3 GENERAL COMMERCIAL ZONE

#### § 10.28.010. Purpose.

The General Commercial Zone is intended to provide for the broad range of commercial operations and services required for the proper and convenient functioning of the commercial center serving the City and its immediate environs. Uses permitted are intended to include all retail and service operations that may be appropriately located within a shopping district, and that are normally required to sustain a community.

(Ord. 454 §2, 2000; Ord. 506 §1, 2015)

#### § 10.28.020. Use.

In a C-3 General Commercial Zone, the following uses and their accessory uses are permitted:

- (A) Any retail or service commercial use not involving the manufacturing, processing, or compounding of products other than what is clearly incidental to the business on the premises and which does not occupy more than 50% of the floor area of the building; such as, but not limited to:
- (1) Non-profit membership organizations;
  - (2) Parking lots when developed as prescribed in Chapter **10.52**;
  - (3) Office uses;
  - (4) Professional office or clinic;
  - (5) Veterinary clinic (excluding housing and holding of animals outside the structure);
  - (6) Banks;
  - (7) Hotel;
  - (8) Mortuary;
  - (9) Greenhouse;
  - (10) Restaurants, including drive-ins;
  - (11) Retail uses (storage and sales inside);
  - (12) Service uses (storage, sales and service inside);
  - (13) Amusement and recreation, including bowling alley and skating rink;
  - (14) Miscellaneous. The following businesses shall be permitted, provided that the lot is screened from any adjoining residential zone by a sight-obscuring fence, wall, or hedge at least six feet in height:

- (a) Automobile service station,
  - (b) Automobile, truck and trailer sales,
  - (c) Boat and marine accessories sales and service,
  - (d) Motorcycles sales and service,
  - (e) Retail tire shop, sales, service and repair,
  - (f) Towing service,
  - (g) Vehicle washing and polishing facilities.
- (B) Dwelling units shall be permitted subject to the following provisions:
- (1) Dwelling units not accessory and subordinate to a permitted commercial use may be established on the second or upper floors of a permitted commercial use.
  - (2) At least one off-street parking space shall be provided for each dwelling unit subject to the shared parking standards found in Section **10.52.140**.
- (C) Right-of-way (subject to provisions of Section **10.48.080**, Underground Utility Installation) for:
- (1) Electric service lines;
  - (2) Gas mains;
  - (3) Communications lines;
  - (4) Water lines;
  - (5) Sewer lines; and
  - (6) TV cable lines.
- (Ord. 454 §2, 2000; Ord. 475 §1, 2005; Ord. 506 §1, 2015; Ord. 515 §1, 2017; Ord. 545, 7/9/2025)

## § 10.28.030. Conditional Uses.

When authorized under the procedure provided for conditional uses in this Title, the following uses will be permitted in a C-3 zone:

- (A) Light industrial as listed as permitted in Chapter 32.020, and in accordance with Chapter **10.108**, Specific Conditional Uses, as appropriate.
  - (B) Medical marijuana dispensary developed in accordance with Chapter **8.40** Medical Marijuana Dispensaries.
  - (C) Formula business located within the Central Business District (Chapter **10.46**) and subject to provisions in Chapter **10.108**, Specific Conditional Uses.
  - (D) Other uses which can meet the provisions of Section **10.104.030**, Circumstances for Granting Conditional Uses.
- (Ord. 454 §2, 2000; Ord. 475 §1, 2005; Ord. 506 §1, 2015; Ord. 508 §2, 2015; Ord. 543, 5/8/2024)

## § 10.28.040. Uses Requiring Site Development Review.

When authorized under the procedure provided for Site Development Review in this Title, the following uses will be permitted in a C-3 zone:

- (A) Public Facilities Overlay Zone uses including municipal service facilities, and public service facilities, and public park and recreation areas.
- (B) Public utility structures when they comply with all yard and setback requirements.
- (C) Other structures/facilities which can meet the provisions of Section **10.112.030**, Circumstances for Granting Site Development Review.  
(Ord. 454 §2, 2000; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## § 10.28.050. Limitations on Use.

In a C-3 zone, the following conditions shall apply:

- (A) For expansion of existing buildings and for new construction, a Site Development Review application shall be submitted to the Planning Official for their approval. Such plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting signs, landscaping, and other such data as may have a bearing on the adjacent properties.

In approving a Site Development Review, the decision maker may impose conditions relating to:

- (1) Size and location of signs;
- (2) Size, type and location of outdoor lighting;
- (3) Landscaped area;
- (4) Screening;
- (5) Building setbacks;
- (6) Ingress, parking, vehicle storage, and egress for commercial uses;
- (7) Drainage and utility service.

Construction shall be in conformance to the plan approved by the Planning Official to assure compatibility with adjacent zones.

- (B) Compliance with requirements of Chapter **10.52** (Off-Street Parking and Loading).  
(Ord. 454 §2, 2000; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## § 10.28.060. Height of Building.

No building in the C-3 zone shall exceed 35 feet in height as measured using the Oregon Structural Specialty Code.

(Ord. 454 §2, 2000; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## § 10.28.070. Side and Rear Yards.

There shall be no required side or rear yards in a C-3 zone. If a side or rear yard is provided it shall be not less than three feet in depth, exclusive of any alley.

(Ord. 454 §2, 2000)

## § 10.28.080. Front Yard.

There shall be no front yard required in a C-3 zone.  
(Ord. 454 §2, 2000; Ord. 506 §1, 2015)

## § 10.28.090. Lot Area and Width.

There shall be no lot area or width requirements in a C-3 zone.  
(Ord. 454 §2, 2000; Ord. 506 §1, 2015)

## § 10.28.100. Parking Requirements.

All new development shall require off-street parking, which shall be provided in accordance with Chapter **10.52**, Off-Street Parking and Loading, including special provisions for development within the Central Business District Overlay Zone.

(Ord. 454 §2, 2000; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## § 10.28.110. Bicycle Requirements.

All new developments shall require bicycle parking, which shall be provided in accordance with Chapter **10.56**, Bicycle Parking.

(Ord. 454 §2, 2000; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## § 10.28.120. Fence Regulations.

All new developments shall adhere to the fence regulations, which shall be provided in accordance with Chapter **10.60**, Fence and Wall Regulations.

(Ord. 454 §2, 2000; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## § 10.28.130. Clear-Vision Area.

All new developments shall adhere to the clear-vision requirements, which shall be provided in accordance with Chapter **10.68**, Clear-Vision Area.

(Ord. 454 §2, 2000; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## § 10.28.140. Sign Regulations.

All signs shall be subject to the provisions of Chapter **10.64**, Sign Regulations.

(Ord. 454 §2, 2000; Ord. 506 §1, 2015)

## § 10.28.150. Conditions Imposed Where C-3 Zone Abuts Residential Zone.

In any C-3 zone where the property abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed C-3 zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the Planning Official relating to:

(A) Size and location of signs;

(B) Size, type and location of outdoor lighting;

(C) Landscaped areas;

(D) Screening;

(E) Building setbacks;

(F) Ingress, parking, vehicle storage, and egress for commercial uses;

(G) Drainage and utility service.

(Ord. 454 §2, 2000; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## Title 10. Zoning

### Chapter 10.46. CBD CENTRAL BUSINESS DISTRICT OVERLAY ZONE

#### § 10.46.010. Purpose.

The purpose of the CBD (Central Business District Overlay) Zone is to establish development requirements which are specifically designed to address the unique challenges of the City's downtown. (Ord. 475 §1, 2005; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

#### § 10.46.020. Central Business District Defined.

For the purposes of this chapter, the Central Business District shall be defined as follows: all General Commercial (C-3) zoned property south of Azalea Street. (Ord. 475 §1, 2005; Ord. 506 §1, 2015)

#### § 10.46.030. Development Requirements.

The following requirements shall apply to development within the CBD:

- (A) General Requirements. Notwithstanding provisions contained elsewhere in this code, the following regulations shall apply to the development of new buildings and redevelopment of existing buildings within the Central Business District.
- (B) Permitted Uses. Unless specifically modified by this chapter, regulations in this chapter do not prohibit or restrict, nor alter the development requirements of, permitted, or conditionally permitted uses within the C-3 General Commercial Zone.

(Ord. 475 §1, 2005; Ord. 501 §1, 2013; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

#### § 10.46.040. Uses.

In a CBD Central Business District Zone, the following uses are permitted in addition to uses in the C-3 Zone:

- (A) Retail small-scale wineries, breweries, or distilleries are allowed provided all of the following are met
  - (1) Retail sale of the product is offered on site
  - (2) The floor area devoted to retail sales, eating and drinking, and similar customer uses is at least 25% of the gross floor area with a minimum of 1,000 square feet.

- (3) The site must have a loading area for trucks. This could be a loading dock, an on-site paved loading area, or an adjacent alley.
- (4) The floor area devoted to production, storage, and related uses does not exceed 10,000 square feet.
- (5) Outdoor storage of materials on site is limited to a small (under 400 square feet) fenced and screened area.

(Ord. 545, 7/9/2025)

## § 10.46.050. Prohibited Uses.

(A) Light industrial uses as listed as permitted in Section **10.32.020**.

(B) Drive-up and drive-in windows.

(Ord. 545, 7/9/2025)

## § 10.46.060. Landscaping.

Those areas not containing building or parking improvements, including access driveways and loading areas, shall be landscaped.

(Ord. 475 §1, 2005; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## § 10.46.070. Building Standards.

New buildings, and the redevelopment of existing buildings that include exterior modifications, shall comply with the following standards:

- (A) Setbacks. The maximum building setback from a street-side property line shall be 20 feet. No parking is allowed between the building and the street. Other than areas used for driveways, the street-side setback area shall be landscaped. Otherwise, there shall be no minimum nor maximum building setbacks to rear and side yards.
- (B) Building Height. No building or structure shall exceed 45 feet in height as measured using the Oregon Structural Specialty Code.
- (C) Orientation. The main entrance to a building shall face a public street or perpendicular to a public street facing an internal parking lot with the main entrance door no more than 50 feet from the public sidewalk.
- (D) Building Façade. Building façades visible from a public street shall provide a brick, masonry or wood appearance and a minimum 30% of the ground floor between three feet to nine feet above finished grade with window glazing.
- (E) Special Design Requirements. For property located on either side of Maple Street, the following additional design standards shall apply:
  - (1) Setbacks. The maximum building setback from a street-side property line shall be zero feet.
  - (2) Building Height. No building or structure shall exceed 45 feet in height as measured using the Oregon Structural Specialty Code.
  - (3) Building Design. Buildings shall be similar in character and design with existing structures.

(Ord. 475 §1, 2005; Ord. 501 §2, 2013; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)

## § 10.46.080. Signs.

Signs shall comply with Section **10.64.040**.

(Ord. 475 §1, 2005; Ord. 506 §1, 2015; Ord. 540, 12/20/2022; Ord. 545, 7/9/2025)

## § 10.46.090. Modification of Site Design Standards.

The Planning Commission, as part of the Site Design Review process, may allow modification through a variance to the site design requirements in the Central Business District when both of the following criteria are satisfied:

(A) The modification is necessary to provide design flexibility where:

- (1) Conditions unique to the site require such modification; or
- (2) Parcel shape or configuration precludes compliance with provisions; or
- (3) A modification is necessary to preserve trees, other natural features, or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area.

(B) Modification of the standards in this chapter shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Central Business District design provisions.

(Ord. 475 §1, 2005; Ord. 506 §1, 2015; Ord. 545, 7/9/2025)