



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

May 22, 2007

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Dallas Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 7, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Steve Oulman, Dlcd Transportation Planner
Jerry Wyatt, City of Dallas

<paa> ya/

PROF 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

emailed on 5/17/07

In person electronic mailed

DATE
STAMP

DEPT OF

MAY 18 2007

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: CITY OF DALLAS

Local file number: DDC 2-06

Date of Adoption: May 7, 2007

Date Mailed: May 17, 2007

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 1/5/07

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Revision of the Dallas Development Code - Articles 1, 2, 3 and 4.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No.

001-07 (15782)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Dallas

Local Contact: Jerry Wyatt	Phone: (503) 831- 3565	Extension:
Address: 187 SE Court Street	Fax Number: 503 - 623 2339	
City: Dallas OR	Zip: 97338	E-mail Address: jerry.wyatt@ci.dallas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1672

An Ordinance adopting the May 7, 2007 Dallas Development Code, repealing the January 5, 2000 Dallas Development Code, and declaring an emergency.

WHEREAS, it is necessary and appropriate to update and amend the January 5, 2000 Dallas Development Code; and

WHEREAS, after required notices and public hearings, the City Council preliminarily approved amendments to the January 5, 2000 Dallas Development Code, all of which are included in the document entitled "May 7, 2007 Dallas Development Code", now and continuously on file in the office of the City Manager; NOW, THEREFORE,

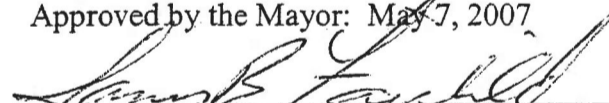
THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The document entitled "Dallas Development Code May 7, 2007", now and continuously on file in the office of the City Manager, is hereby adopted as the zoning and development regulations for the City.

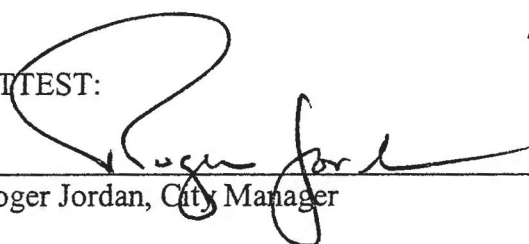
Section 2. Upon the effective date of this Ordinance, Ordinance No.1583, passed by the City Council and approved by the Mayor on December 6, 1999, and the January 5, 2000 Dallas Development Code, as previously amended, are repealed.

Section 3. The update and application of new zoning and development regulations being in the best interests of the City, an emergency is hereby declared and this Ordinance shall take effect upon its passage by the City Council and approval by the Mayor.

Read for the first time: April 2, 2007
Read for the second time: May 7, 2007
Passed by the City Council: May 7, 2007
Approved by the Mayor: May 7, 2007


James B. Fairchild, Mayor

ATTEST:


Roger Jordan, City Manager

CITY OF DALLAS DEVELOPMENT CODE

Ordinance No. 1672

Passed By The Dallas City Council

May 7, 2007

Effective Date:

May 7, 2007

Mayor Jim Fairchild

City Council

Ken Woods, Jr., Council President

Brian Dalton
Jackie Lawson
Wes Scroggin
Rich Slack

Warren Lamb
Kevin Marshall
David Shein
LaVonne Wilson

REVISED

Date	Ordinance
January 5, 2000	1583
February 21, 2002	1621
May 7, 2007	1672

Dallas Development Code

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ARTICLE I: PROCEDURES

CHAPTER 1.1 GENERAL ADMINISTRATION

1.1.10 TITLE.

This document shall be known as the "Dallas Development Code" and shall be referred to herein as "this code."

1.1.20 PURPOSE.

The principal purpose of the Dallas Development Code is to implement the goals and policies of the Dallas Comprehensive Plan; to comply with state and federal land, air and water law; and to promote public health, safety, convenience, and general welfare.

1.1.30 COMPLIANCE WITH CODE PROVISIONS.

No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered contrary to the provisions of this code.

1.1.40 SEVERABILITY.

The provisions of this code are severable. If any section, sentence, clause, or phrase of this code is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this code.

1.1.50 ENFORCEMENT.

The Development Official shall have the power and duty to enforce the provisions of this code. An appeal from a decision of the Development Official shall be made to the City of Dallas Planning Commission.

1.1.60 FORM OF PETITIONS, APPLICATIONS AND APPEALS.

Petitions, applications, and appeals provided for in this code shall be made on forms provided for the purpose to assure the fullest practical presentation of pertinent facts and to maintain a permanent record.

Issuance of building permits shall occur following determinations of compliance with this code. Building permit applications are on file with the Building Official.

1.1.70 TEMPORARY PERMITS.

The Development Official may issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property.

1.1.80 INTERPRETATION.

(1) **General Interpretative Authority.**

- (a) The Development Official shall be responsible for interpreting and administering the provisions of this code.
- (b) In the interpretation and application of the provisions of this code, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.
- (c) When the conditions imposed by any provisions of this code are less restrictive than comparable conditions imposed by any other provisions of this code or any other code, resolution, or regulation, the provisions which are more restrictive shall govern.

(2) **Procedure.**

- (a) Formal interpretative decisions, including but not limited to decisions regarding the appropriateness of a use in a particular zone, generally shall be made under a Type II procedure.
- (b) However, uses that are not listed in the underlying zoning district, but which are similar in character and impacts to a permitted, limited, or discretionary use within that district, may also be approved under the same procedure as the similar use.
- (c) Neither process may be applied for in lieu of a zone change. Uses that are allowed specifically in another zone, but not in the applicable zoning district, can only be permitted as a result of a zone change. (For example, a use specifically listed in the CG Zone, but not listed in the CR zone, shall not be permitted in the CR Zone.)

1.1.90 PENALTY.

In addition to the revocation procedure specified in Section 1.1.100, it is a civil infraction for any person to violate any of the provisions of this code. Any person violating any provision of this code shall be deemed guilty of a separate offense for each day during which such violation continues.

1.1.100 REVOCATION OF A LAND USE PERMIT.

(1) **Revocation Procedure.** Any development permit issued by the City may be revoked by the Planning Commission through a Type III procedure.

- (a) The Development Official may initiate a revocation procedure if the property owner has failed to respond to two or more official letters from the City requesting code compliance.

(2) **Revocation Criteria.** To revoke a land use permit, the Planning Commission must make a finding that one or more of the following circumstances exist:

- (a) Violation of any condition of approval;
- (b) Violation of any standard of this code in effect at the time the application was approved;
- (c) Failure to maintain the use and associated landscaping, parking or structures.

(3) **Option.** Prior to revoking the permit, the Development Official or Planning Commission (or the Council on appeal) may provide the applicant an additional opportunity to comply with the permit or code provisions. The time limit for such compliance shall not exceed 180 days.

(4) **Fees.** The property owner shall be responsible for payment of fees associated with the revocation request in the event that the Planning Commission revokes the permit.

(5) **Termination of Use.** Upon revocation, authorization for the use shall terminate immediately. The use or structure shall be removed within 90 days, and the site restored to its pre-approval conditions.

- (6) **Failure to Terminate Use.** Upon failure to comply with sub-section (3), the Development Official may declare the use a nuisance, and require that it be abated under the provisions of Dallas City Code Chapter 5.50, and the permit holder and the property owner shall be jointly and severally liable for the cost of abatement.

1.1.110 APPLICATION AND FEES.

Petitions, applications and appeals shall be made on forms provided for the purpose stated or as otherwise prescribed by the Planning Commission. Fees shall be set by Resolution of the City Council.

CHAPTER 1.2 DEFINITIONS

As used in this code the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

- Abutting. All lots, tracts or parcels of land joined by a common boundary line or point.
- Accessory Dwellings. A second dwelling unit which is subordinate, detached and located on the same lot as the principal building which has one or more rooms with bathroom and kitchen facilities designed for occupancy.
- Accessory Structure or Use. A structure or use which is incidental and subordinate to the main use of the property and located on the same lot as the main use.
- Acre:
 - (1) Gross acre. An acre of land (43,560 square feet) which includes in its measurement public rights-of-way, reserved open space, or land that is determined to be unbuildable.
 - (2) Net acre. An acre of land (43,560 square feet) which does not include in its measurement public rights-of-way, reserved open space or land that is determined to be unbuildable.
- Adjacent. Shall mean the same as contiguous.
- Alley. A public right-of-way not more than 20 feet wide, providing a secondary means of access to private property.
- Apartment House. Any building or portion thereof which contains three or more dwelling units and includes residential condominiums.
- Assisted Living Facility. A residential facility that also provides either apartments or rooms and a range of specialized services exclusively for elderly and/or handicapped individuals. At a minimum, assisted living facilities must provide on-site nursing care, communal laundry, meals and activities, public restrooms and 24-hour care. Included under this broad definition are congregate care facilities, rest homes, home for the aged, nursing homes, convalescent homes and similar facilities. (See ORS 418.443)
- Automobile Wrecking Yard. Premises used for the storage or sale of used automobile parts or for the storage, dismantling or abandonment of junk vehicles, obsolete automobiles, trailers, trucks, machinery or parts thereof.
- Babysitter: Any person who goes into the home of a child to give care during the temporary absence of the parent or legal guardian or custodian.
- Bed and Breakfast accommodations shall be permitted in the private, year-round residence of the host family who live on the premises provided that: The maximum number of guests at any time is six (6) persons, not including children under the age of twelve (12); The maximum number of guest rooms is three; Breakfast is the only meal provided by the host family; One (1) sign not to exceed four (4) square feet is permitted on the premises; and the operation shall not have any adverse effect on the neighbors.
- Boarding House. (See Lodging).
- Building. A structure used or intended for supporting or sheltering any use or occupancy.
- Building Envelope. A specific area on a lot, outside of the setback area, within which a principal building may be located.
- Building Line: A straight line that is parallel and adjacent to the front side of the main building and parallel to the front lot line.

- Building-site. The ground area of a building including yards and open space. A building site may encompass more than one lot and is the lot area where a building can be placed after setbacks from property lines, streets, buildings or other applicable requirements are met.
- Carport. A stationary structure which is enclosed on not more than two sides, consists of a roof with its supports or storage cabinets substituting for supports, and is used for sheltering motor or recreational vehicles.
- City. The City of Dallas, Oregon.
- Clinic. A building in which a variety of professional medical services are practiced but in which there is no overnight housing of patients.
- Commission. The term "Commission" shall mean the Planning Commission of the City of Dallas, Oregon, or its delegated representative.
- Common Open Space. An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.
- Community Service Use. Community service uses include public and private schools and colleges, religious institutions, government facilities (fire stations, libraries, office buildings, maintenance buildings and yards, etc.), park and recreational use facilities and similar public and semi-public uses that typically are found in residential areas.
- Condominium. An arrangement under which a tenant in an apartment building or in a complex of multi-unit dwellings holds full title to his unit and joint ownership in the common grounds.
- Construction Definitions.
 - (1) Substantial Construction. Repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the assessed valuation of the structure. If no assessed value is available the value shall be determined from the building permit. The term "substantial construction" does not include the following:
 - (a) A project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - (b) Alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- Contiguous. All lots, tracts, or parcels of land being in actual contact, adjoining or touching, except those lots, tracts, or parcels of land divided by a road, street, alley or public way.
- Curbline. The line indicating the edge of the vehicular roadway within the overall right-of-way.
- Daycare Facility: A facility that provides regular day care services for 13 or more children under 13 years of age, including a day nursery, nursery school group or similar unit operating under any name. A day care facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or day care provided by a "babysitter" or "family day-care provider" as defined in this Section. A day-care facility caring for seven or more children shall satisfy the certification requirements of the Child Care Division.
- Density. The number of residential dwelling units per gross acre of land or the amount of land area expressed in square feet of land assignable to each dwelling unit.
- Development. Man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.
- Development Official. The City Manager or his designated authorized representative in matters of planning and zoning review.
- Dwelling. A structure intended for residential purposes built in conformity with the State of Oregon Structural Specialty Code.

- (1) Dwelling Unit. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family and not having more than one cooking facility.
 - (2) Dwelling, Multiple Family. A building containing three or more dwelling units.
 - (3) Dwelling, Single Family. A detached building, or attached in the case of zero side yard dwellings, containing one dwelling unit.
 - (4) Duplex. A building containing two dwelling units.
 - (5) Row House. An attached single family dwelling unit located on an individual lot with no required side yard – except for end units. A Row House must also meet the following criteria:
 - (a) Alley or frontage road access (vehicle access shall not be provided directly to a non frontage public street).
 - (b) A minimum 36" paved pedestrian access from each unit directly to the public street and alley and to required outdoor areas.
 - (c) A front porch of at least 60 square feet.
 - (d) A garage located at least four feet behind the front porch – if frontage road access is provided.
 - (e) A private, usable outdoor open area of at least 60 square feet with a width dimension of 25 feet, accessible directly by a door and windows to the interior living space.
 - (f) A sight-obscuring fence or hedge placed along both side property lines.
 - (g) Architectural features and construction materials that are compatible with neighboring homes within a two-block radius.
 - (6) Zero(0)-Lot Line Dwelling. A detached single family dwelling on a lot with no side yard setback along one property line. The following conditions must also apply:
 - (a) A front porch of at least 60 square feet.
 - (b) A garage located at least four feet behind the front porch – if frontage road access is provided.
 - (c) A private, usable outdoor open area of at least 60 square feet with a width dimension of 25 feet, accessible directly by a door and windows to the interior living space.
 - (d) A sight-obscuring fence or hedge placed along both side property lines.
 - (e) Architectural features and construction materials that are compatible with neighboring homes within a two-block radius.
- Easement. The granting of a right of use across or through a block or tract of land.
 - Family. An individual, or two or more persons related by blood, marriage, adoption, or legal guardianship, living together in a dwelling unit in which meals or lodging may also be provided for not more than five additional persons, excluding servants; or a group of not more than five persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship, living together in a dwelling unit.
 - Family Daycare Provider. A day-care provider who regularly provides day care to fewer than 13 children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provision of day care to 13 or more children in the home of the provider shall constitute the operation of a "day-care facility," as defined in this section, and shall be subject to the requirements of this Ordinance for day-care facilities. A family day-care provider to seven or more children shall satisfy the certification requirements of the Child Care Division.
 - Fence. A structure used to obstruct light, sight, air, and/or passage.
 - Flood Plain Definitions.

- (1) Area of Special Flood Hazard. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
 - (2) Base Flood. The flood having a one percent chance of being equaled or exceeded in a given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
 - (3) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland waters, or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
 - (4) Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
 - (5) Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
 - (6) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
 - (7) Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of section 4.10.280(2).
 - (8) New Construction. A structure for which the "start of construction" commenced on or after the effective date of Ordinance No. 1407, enacted February 1, 1988.
 - (9) Floor Area. The area included within the exterior surrounding walls of a building, exclusive of courtyards.
- Garage. An accessory building or portion of a main building for the purpose of storage or repair of vehicles.
 - Grade (Adjacent Ground Elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.
 - Grade, finish. The final surface of the ground once an excavation (cut and/or fill) has been completed.
 - Grade, natural. The undisturbed surface of the ground where no excavation (cut and/or fill) has been undertaken.
 - Group Care Home. A home or residential institution maintained and operated for the supervision, care, or training of physically, mentally, or socially handicapped persons but not including foster homes or detention facilities.
 - Good Neighbor Fencing. Approved wood fencing material with the finished side to the exterior of the property or constructed with alternating panels.
 - Height of Building. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above lowest grade.
- (2) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than 10 feet above lowest grade.
- Height (fence). The vertical distance above the adjacent property line of the side and rear lot lines. On the front lot line, the vertical distance above the adjoining curb, or if the curb is not present, the crown of the street.
- Historic Preservation Definitions.
 - (1) Demolition. The demolition, removal, or relocation, in its entirety, of a historic building
 - (2) Exterior Alterations. A material addition to, removal of, or the remodeling of any exterior portion of a historic building. Exterior alterations do not include painting.
 - (3) Historic Building. A structure identified in the inventory or listed on the National Register of Historic Places.
 - (4) Interior Alteration. The alteration of a structure that does not affect the exterior qualities of the structure.
- Home Occupation. The secondary use of a dwelling or accessory structure for commercial activities strictly limited by the provisions of this code.
- Hospital. An institution devoted primarily to the rendering of healing, curing, and nursing care, which maintains and operates facilities for the diagnosis, treatment, or care of two or more unrelated individuals suffering from illness, injury, or deformity, or where obstetrical or other healing or nursing care is provided on a continuous basis.
- Kennel. A lot or building in which five or more dogs, cats, or animals at least four months of age are kept.
- Land Division Definitions.
 - (1) Block. An area or tract of land bounded by one or more streets in a subdivision.
 - (2) Block Frontage. The property abutting on one side of a street between:
 - (a) two cross streets;
 - (b) the City Limits and the nearest cross streets.
 - (c) When there is only one cross street:
 - (i) between a cross street and the dead end of a street;
 - (ii) between a cross street and the lots fronting on a cul-de-sac;
 - (iii) between a cross street and a line projected from the centerline of an intersecting street, such as a "T" intersection;
 - (iv) between a cross street and a point 600 feet from the particular property under consideration when there is no cross street or intersecting street within 600 feet.
 - (d) When there are no cross streets, the block shall be between the points 600 feet from each side of the property under consideration and along the street.
 - (3) Land Division. A partition or subdivision.
 - (4) Land Divider. Any person who undertakes the subdivision or partition of an area of land for the purpose of transfer of ownership or development and including changes in street or lot lines.
 - (5) Lot Line Adjustment. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with this code.
 - (6) Major Partition. A partition which includes the creation of a road or street.
 - (7) Minor Partition. A partition that does not include the creation of a road or street.
 - (8) Partition. Division of an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership

at the beginning of such year. The term "partition land" does not include land divisions resulting from lien foreclosures, the creation of cemetery lots, a court order, or a lot line adjustment.

- (9) Reserve Block. A strip of land, usually one foot in width, reserved across the end of or along the edge of a street or alley and terminating at the boundary of a land division, or a strip of land between a dedicated street of less than full width and adjacent acreage; in either case, reserved or held for future street extension or widening.
- (10) Replat. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
- (11) Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- (12) Subdivision. An act of subdividing land or an area or a tract of land subdivided as defined in this section.

- Landscaping. The arrangement of trees, grass, bushes, shrubs, flowers, gardens, fountains, patios, decks, street furniture, and paving materials in a yard space. It does not include the placing or installation of artificial plants, shrubs, bushes, grass or flowers.
- Level of Service (LOS). A measurable standard that must be met in order for a development to be approved. Transportation level-of-service standards are measured as follows:
 - (1) LOS A. At unsignalized intersections, nearly all drivers find freedom of operation and very seldom is there more than one vehicle in the queue (i.e., the line of vehicles). At signalized intersections, there is very low average stopped delay – less than five seconds per vehicle. This occurs when progression is extremely favorable, and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.
 - (2) LOS B. At unsignalized intersections, some drivers begin to consider the delay an inconvenience and occasionally there is more than one vehicle in the queue. At signalized intersections, average stop delay is in the range of 5.1 to 15.0 seconds per vehicle. This generally occurs with a good progression and/or short cycle lengths. More vehicles stop than for LOS A, causing higher levels of average delay.
 - (3) LOS C. At unsignalized intersections, frequently there is more than one vehicle in the queue and most drivers feel restricted, but not objectionably so. At signalized intersections, average stopped delay is in the range of 15.1 to 25.0 seconds per vehicle. These higher delays may result from fair progression and/or longer cycle lengths. Individual (stop light) cycle failures may begin to appear at this level. The number of vehicles stopping is significant at this level, although many still pass through the intersection without stopping.
 - (4) LOS D. At unsignalized intersections, usually there is more than one vehicle in the queue and drivers often feel restricted. At signalized intersections, average stopped delays are in the range of 25.1 to 40.0 seconds per vehicle. The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle length, or high volume/capacity ratios. Many vehicles stop, and the proportion of vehicles stopping increases. Individual cycle failures are noticeable.
 - (5) LOS E. At unsignalized intersections, demand is near or equal to the probable maximum number of vehicles that can be accommodated by the movement. There is almost always more than one vehicle in the queue and delays become intolerable. At signalized intersections, average stopped delays are in the range of 40.1 to 60.0 seconds per vehicle. This is considered to be the limit of acceptable delay. These high delay values generally indicate poor progression, long cycle lengths, and high volume/capacity ratios. Individual cycle failures are frequent occurrences.

- (6) LOS F. At unsignalized intersections, flow is forced and the intersection operates at gridlock. At signalized intersections, average stop delay is in excess of 60 seconds per vehicle. This is considered to be unacceptable to most drivers. This condition often occurs with over-saturation. It may also occur at high volume/capacity ratios below 1.0 (i.e., full capacity) with many individual cycle failures. Poor progression and long cycle lengths may also contribute to such high delay levels.
- Loading Space. An off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has direct access to a street.
 - Lodging, Rooming House or Boarding House. Any building or portion thereof containing not more than five guest rooms without independent cooking facilities where rent is paid in money, goods, labor or otherwise for not less than five nor more than ten guests.
 - Lot Definitions. A legally established parcel or tract of land which is occupied or is capable of being occupied by a building or group of buildings, including accessory structures, together with such yards or open spaces as are required by this code and which has frontage upon a street. If a building or group of buildings under the same ownership occupy more than one lot, the combined lots shall be considered as one lot, and all applicable property development standards are not maintained for each individual lot but are maintained for the combined lots.
 - (1) Lot, Corner. A lot abutting on two intersecting streets, other than an alley. A corner lot may have two front yards if two driveways exist on the lot on separate streets.
 - (2) Lot Coverage. That percentage of the total lot area covered by buildings or structures.
 - (3) Lot Depth. The horizontal distance from the mid-point of the front lot line to the mid-point of the rear lot line.
 - (4) Lot, Flag. A lot located behind the frontage lot and connected by a strip of land to the public street. There are two distinct parts to the a flag lot:
 - (a) the "flag" which is the actual building site and which must meet the minimum lot size of the underlying district; and
 - (b) the "pole" which must be at least 25 feet wide and under the same ownership as the "flag" portion of the lot, but which cannot be used to meet minimum lot size requirements.
 - (5) Lot, Interior. A lot other than a corner lot.
 - (6) Lot Line. The property line bounding a lot.
 - (a) Lot Line Adjustment. Any approved adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created, where adequate public facilities and access are provided, and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the Development Code.
 - (b) Lot Line, Front. The lot line separating the lot from the street, other than an alley.
 - (c) Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
 - (d) Lot Line, Side. Any lot line not a front or rear lot line.
 - (7) Lot of Record. Any recorded lot or parcel, which at the time of its recordation, complied with all applicable laws, ordinances and regulations.
 - (8) Lot, Through. An interior lot having a frontage on two streets and/or highways.
 - (9) Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth.
 - Manufactured Dwelling Definitions. A manufactured dwelling includes the following:

- (1) Manufactured Dwelling. Any building or structure not constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630, or any unit identified as a recreational vehicle by the manufacturer.
- (2) Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities – or to offer space free in connection with securing the trade or patronage of such person. A manufactured dwelling park is not a manufactured dwelling subdivision.
 - (a) Awning. Any stationary structure, other than a window awning, which may or may not be permanent, used in conjunction with a mobile home or trailer for the purpose of providing shelter from the sun and rain, having a roof with supports, and not more than one wall or storage cabinet substituting for a wall.
 - (b) Cabana. A stationary, lightweight structure with two or more walls, which may be prefabricated and which may or may not be removed, used adjacent to and in conjunction with a mobile home to provide living space and meant to be moved with the mobile home.
 - (c) Carport. A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.
 - (d) Construction Permit. A permit for the construction, enlargement, or alteration of any mobile home park and does not include building permit, mobile home setup permit, electrical permit, or plumbing permit.
 - (e) Issuing Authority. The Director of the Department of Commerce or the Director's Designated Agent, such as the City of Dallas.
 - (f) Mobile Home Accessory Building or Structure. Any awning, portable or permanent cabana, ramada, carport, porch, skirting, or steps established for use of the occupants of the mobile home and which is designed or intended to be attached to and which depend, in whole or in part, upon the mobile home for structural support.
 - (g) Mobile Home Space. A designated portion of a mobile home park or personal property, designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of its occupants.
 - (h) Park Street or Driveway. A private way which affords principal means of access to abutting individual mobile home spaces and auxiliary buildings.
 - (i) Ramada. A stationary structure having a roof extending over a mobile home, which may also extend over a patio or parking space for motor vehicles, and which is used principally for protection from the sun and rain.
 - (j) Stand. That portion of the mobile home space reserved for the location of the mobile home.
- (3) Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy and that is being used for residential purposes. Manufactured homes must have been constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction, usually after June 15, 1976.
- (4) Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy and that is being used for residential purposes. Mobile homes must have been constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

- (5) Recreational Vehicle. A vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode and as further defined, by state administrative rule.
- (6) Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
- Motel or Hotel. A building or group of buildings on the same lot used for transient residential purposes, containing guest units, each with sleeping and bathroom facilities and individual entrances from the building exterior or inside corridor.
- Neighborhood Convenience Center. A retail business or businesses, such as a grocery store or Laundromat, which sells a service or product required on a frequently recurring basis to persons within a residential area.
- Nonconforming Use Definitions.
 - (1) Nonconforming Lot. A lot which does not meet the area, depth, access or width requirements of the zone in which it is located but which was legally created in conformance with the laws in effect at the time of its creation.
 - (2) Nonconforming Use. A nonconforming use is a use that is not permitted by existing regulations, but:
 - (a) was lawful under regulations in effect at the time the use began; and
 - (b) has not been abandoned.
 - (3) Nonconforming Structure. A nonconforming structure does not fully comply with the dimensional or improvement standards of the underlying zoning district (or any applicable overlay zone) but was lawful under the standards in effect at the time when the structure was built.
- Nursing Home. Any home, place, or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner.
- Official Map. Any map adopted by the Dallas City Council in conjunction with the adoption of a code, or in conjunction with the Comprehensive Plan.
- Open Burning. Any burning of combustible materials in such a manner that the actual combustion is not wholly or substantially enclosed in a fireproof structure and the products of combustion are emitted into the open air, not directed through a stack or chimney.
- Owner. The owner of record of real property as shown on the latest tax rolls of Polk County, or by the deed records of such county, or a person who is purchasing property under contract. In terms of violations and binding agreements between the City and the owner, the owner shall also mean lease holder, tenant, or other person in possession or control of the premises or property at the time of agreement or of violation of agreement or the provisions of this code.
- Parcel. Shall mean the same as "lot".
- Parkrow. That portion of the public right-of-way between the curb and the sidewalk, which is reserved for utilities, street trees and landscaping, and which will be maintained by the abutting property owner.
- Partition. See Land Division Definitions.
- Person. A natural person, her/his heirs, executors, administrators or assigns; also includes a firm, partnership, or corporation, or its successors or assigns or the agent of any of the aforesaid and any political subdivision, agency, board, or bureau of the State.

- Planned Development. The development of land as a single entity according to a master development plan allowing for increased zoning flexibility in exchange for increased amenities. Plan developments may include a variety of housing types or land uses, when developed comprehensively, as prescribed in Chapter 3.8, Planned Developments.
- Plat. Includes a final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a land division.
- Replat. The act of platting lots, parcels and easements in a recorded subdivision or partition plat to increase or decrease the number of lots in the subdivision. A lot line adjustment is not considered a replat. Replats may vacate the platted lots or parcels and easements within the replat area, but shall not vacate any public street or road.
- Residential Care Definitions.
 - (1) Residential Facility. A residential care, residential training or residential treatment facility, which provides residential care, which may include treatment or training, for 6-15 individuals. A residential facility shall be licensed or registered in accordance with ORS 443.400, ORS 443.400 to 443.460 or ORS 418.205 to 418.327. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
 - (2) Residential Home. A residential treatment or training facility, or an adult foster home, which provides residential care, which may include treatment or training, for five or fewer individuals. A residential home shall be licensed in accordance with ORS 443.400, ORS 443.400 to 443.825, ORS 443.480 to 443.500 or ORS 443.705 to 443.825. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents.
- Rest Home. Shall mean the same as "nursing home."
- Restaurant. A business establishment where prepared food is served to the public for consumption within the building or to "take out" to some other location.
- Restaurant, Drive-in. A business establishment where prepared food is served to the public for consumption in their automobile or otherwise on the premises or where food is served to the public to take to some other location.
- Shall. The term "shall" means mandatory. In contrast, the terms "should" or "may" mean discretionary on the part of the City.
- Sign. See Dallas City Code 9.9.00, Sign Standards.
- Site Plan. A plan, prepared to scale, showing accurately and with complete dimensioning all of the uses proposed for a specific parcel or lot of land.
- Story. That portion of a building included between the upper surface of any floor and the upper floor next above, except the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.
- Street Definitions. A right-of-way which provides access to adjacent properties for vehicular, pedestrian, public utilities, and other such uses. The term "street" shall include such designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, court, place, or other such terms. A right-of-way 20 feet or less in width shall not be recognized as a street.
 - (1) Arterial. A thoroughfare or arterial of considerable length primarily for intercommunication between large areas and with a roadway designated to handle a large volume of traffic.
 - (2) Collector. A street accumulating traffic from minor streets and routing it to an arterial street.
 - (3) Cul-de-sac. A short, dead-end street with vehicular turnaround at or near the dead end.
 - (4) Dead-end street. The same as cul-de-sac, usually longer, which may be extended, and with no turnaround at the present dead end.

- (5) Frontage Road. Streets, either public or private, that provide frontage for residential lots and may carry a small amount of residential through traffic.
- (6) Half-street improvements. Improvements along a designated street area adjacent to the property to be developed, where the parcel on the opposite side of the same designated street area will be developed at a later time. Half-street improvements include ½ of the ultimate designated road width plus an additional travel lane (28 feet minimum), a parkrow if required, curb and gutter and 5' minimum sidewalk. Half-street improvements, including existing paving within the half-street area, shall have a minimum service life of 20 years as determined by the Development Official.
- (7) Improved Street. A street within a public right-of-way designed and constructed to the standards of the City for improved streets, including paved surfaces, curbs, sidewalks, planter strips, storm sewer, sanitary sewer and water system.
- (8) Local Street. A short street, cul-de-sac, or court. Its primary purpose is to conduct traffic to and from dwelling units to other streets. It may be a loop street connecting one collector or arterial at two points, or a more or less straight street connecting traffic between collector and/or arterial streets.
- (9) Minor Street. A street used exclusively for access to abutting properties.
- (10) Private Street. A street within a commercial or industrial subdivision which is privately owned.
- Structure. That which is built or constructed. An edifice or building of any kind or any piece or work artificially built up or composed of parts joined together in some manner, which required location on the ground or is attached to something having a location on the ground.
 - Structural Alteration. Any change to the supporting members of a building, including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof.
 - Subdivide. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
 - Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.
 - Vehicle Trips Per Day (VTD). The number of vehicle trips projected to be generated during a 24-hour period at full development of property served by a street. VTD is determined by referencing the latest edition of the Trip Generation Manual, by the Institute of Transportation Engineers.
 - Vicinity Map. A drawing or diagram, to scale, showing the location of the proposed land development in relation to those abutting properties required to receive notice, major streets, and other known landmarks.
 - Vision Clearance Area. Vision Clearance Area. A triangular area on a lot at the intersection of two streets, a street, driveway and an alley, or a street and a railroad, two sides of which are lot lines measured from the curb intersection to a minimum distance of 30 feet in a residential zone and 15 feet at other public right-of-way intersection, including an alley. Where the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet. The vision clearance area shall contain no planting, walls, structures, or temporary or permanent obstructions that interfere with the vision between three and one-half (3 ½) feet to seven (7) feet in height measured from the top of the adjacent curb. If a curb is not present, it shall be measured from the crown of the adjacent street.
 - Yard. An open space between a structure or structures and any lot line. The minimum horizontal distance between any point on a lot line and the nearest part of any structure or building is the yard depth.

- (1) Yard, front. An open space between side lot lines or the open space adjacent to the street, whichever is the greater distance. The front yard is measured horizontally from the front lot line at right angles to the front lot line to the nearest point of the foundation of the building. A lot line with street frontage shall be the front or street side yard line.
 - (2) Yard, Rear. An open space extending between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of the foundation of the most rear main building.
 - (3) Yard, Side. An open space between a building and the side lot line measured horizontally and at right angles from the side lot line to the nearest point of the foundation of a main building.
 - (4) Yard, Sideyard Dwelling. A development technique whereby single family dwellings are attached in row fashion on lots requiring no side yard space. This technique allows a reduction in lot area and lot dimensions below that otherwise required in an RS zone. The difference in lot area provided from that which is otherwise required is provided as compensating open space.
- Wireless Communication Facility. An unstaffed facility for the transmission and/or reception of radio or microwave signals used for communications, usually consisting of an equipment shelter or other enclosure containing electronic equipment, a support structure, antenna or other transmission and/or reception devices or an antenna attached to an existing structure.
 - Zoning Definitions.
 - (1) District, Zoning. A portion of the territory of the city designated on the official zoning map and within which certain uniform uses, regulations, and requirements apply under the provision of this code.
 - (2) Zoning Map. The official Dallas Zoning Map.
 - (3) Zone, Change. A Type III or Type IV amendment to the Zoning Map.
 - (4) Overlay Zone. A zone in which the general regulations are combined with those of another zone for the purpose of adding or limiting uses, increasing or decreasing density, or reducing special regulations.

CHAPTER 1.3 LAND USE DECISION-MAKING PROCEDURES

1.3.10 SUMMARY OF PROCEDURE TYPES.

An application shall be filed with the Development Official at least 28 days prior to the date of hearing. Application fees are set by Resolution adopted by the City Council. Land use applications are reviewed under four types of land use decision procedures:

- (1) **Type I Procedure.** Type I ministerial decisions require the Development Official to determine compliance with objective code standards. Examples include lot line adjustments, building setback determinations, determining whether a use is listed in the underlying zoning district, and the like. Because virtually no policy discretion is involved, public notice is not provided. Any Type I decision may be appealed to the Planning Commission within 10 days of the date that the decision was made.
- (2) **Type II Procedure.** Type II limited land use decisions require public notice because some policy discretion is involved. Examples include development review, subjective and discretionary code interpretations, minor adjustments and similar matters. Any Type II decision may be appealed to the Planning Commission by someone entitled to notice within 10 days of the date that the notice of decision was mailed.
- (3) **Type III Procedure.** Type III quasi-judicial decisions require application of general criteria on a case-by-case basis to development proposals, and therefore require public notice and a public hearing before the Planning Commission. Type III decisions include, but are not limited to, land divisions, discretionary use permits, conditional uses, variances, zone change, non-conforming use expansions, and similar decisions.
- (4) **Type IV Procedure.** Type IV decisions include changes to plan goals or policies, amendments to the plan map, and changes to the Comprehensive Plan or this code. Public hearings before the Citizens Advisory Committee, Planning Commission and City Council and notice to the Department of Land Conservation and Development are required. In the case of land under County jurisdiction, public hearings before the County Planning Commission and Board of Commissioners may also be required. Type IV land use decisions may be appealed to the Land Use Board of Appeals (LUBA).
- (5) Any Planning Commission decision may be appealed to the City Council as outlined in section 1.3.140 of this code.

1.3.20 COMPLIANCE WITH STATE LAW.

- (1) **ORS Requirements.** Land use applications shall be processed in accordance with the Planning and Zoning Hearings and Review provisions of ORS 227 and ORS 197 and this code.
- (2) **120-Day Decision Limit.** Except for plan amendments, legislative decisions and local decisions that depend upon a state or federal decision, the City shall make final land use decisions within 120 days of receipt of a complete land use application.
- (3) **Complete Application Required.** Because the City is obligated under state law to process development applications rapidly, it is incumbent upon the developer to prepare an application that must meet all technical requirements of this code and state law before the City will accept it as "complete."

1.3.30 PRE-APPLICATION CONFERENCE.

- (1) **Purpose.** The pre-application conference acquaints City staff with the proposed project and the applicant with the applicable requirements of this code and other law. This conference does not provide an exhaustive review of all potential issues that a given application could raise. A pre-application conference may be required for Type II, III and IV land use applications.
 - (a) **Form Required.** An applicant shall submit a completed form provided by the Community Development Department. The applicant shall provide two copies of all maps and information, so that it can be provided to Development Official for review.
 - (b) **Scheduling.** The Development Official may schedule a pre-application meeting within 30 days after receipt of the pre-application form and required materials from the applicant.
 - (c) **120-Day Review Period.** The statutory 120-day review period begins when the City determines that an application is complete. City regulations may change between the pre-application conference and receipt of a complete application. State and local regulations in effect at the time that the application is deemed complete shall control.

1.3.40 COMPLETE APPLICATION REQUIRED.

- (1) **Completeness Determination.** To make a determination of a complete application, the applicant must provide all of the information items required for the specific application (development review, subdivision, etc.) and the following general information:
 - (a) A completed original application form signed by the owner(s) of the property;
 - (b) A legal description supplied by Polk County, a title company, surveyor licensed in the State of Oregon, or other party approved by the City;
 - (c) For Type II, III and IV applications, a current Polk County Assessor map showing the properties within 100 feet of the subject site and a list of the names and addresses of owners of all such properties, certified as accurate and complete;
 - (d) All applicable application requirements for the specific land use request(s) as specified in this code; and
 - (e) Any other required materials determined necessary as a result of the pre-application meeting as outlined in a pre-application conference letter.
- (2) **If Application Incomplete.** If the application is determined to be incomplete, a written statement will be provided within 30 days identifying application deficiencies which must be met for the application to be processed. The applicant shall then have 180 days to provide the required information, after which time the application will be denied.
- (3) **If Application Complete.** If the application is deemed complete, written notice will be sent acknowledging acceptance.
- (4) **Regulations in Effect at Time of Application Binding.** Applications shall be considered under the land use regulations in effect at the time that an application is determined to be complete.
- (5) **Consolidated Applications.** Where an application can be reviewed consistent with the applicable Comprehensive Plan designation and zoning district, land use applications can be consolidated. Where multiple land use applications are consolidated, the applications shall be reviewed under the highest review procedure. For example, if an application involves both a Type II development review and a Type III conditional use review, the consolidated applications will be reviewed by the Planning Commission under the Type III procedure.

1.3.50 TYPE II NOTICE AND DECISION PROCEDURES.

Development review and similar administrative decisions require limited judgment in the review of land development requests. The initial Type II decision shall be made within 60 days following receipt of a complete application.

- (1) **Who Receives Notice of the Application.** For limited land use decisions:
 - (a) Written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made.
 - (b) A list compiled from the most recent Tax Assessor's information shall be provided.
 - (c) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
- (2) **Required Information in the Notice.** The notice and procedures used by the City shall:
 - (a) State that written comments are due 7 days prior to a hearing;
 - (b) State that failure of an issue to be raised in a hearing, in person or by letter and with sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
 - (c) List the applicable criteria from the Development Code and the Comprehensive Plan that apply to the application;
 - (d) Set forth the street address or other easily understood geographical reference to the subject property;
 - (e) State the place, date and time that comments are due;
 - (f) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 - (g) Include the name and phone number of a City contact person.
- (3) **Notice of the Decision.** The City shall:
 - (a) Provide notice of the decision to the applicant and any person who submits comments;
 - (b) Include in the notice of decision an explanation of appeal rights;
 - (c) Briefly summarize the reasons for the limited land use decision.

1.3.60 QUASI-JUDICIAL PUBLIC HEARINGS.

- (1) **Notice Requirements.** Whenever a Type III or IV quasi-judicial public hearing is required under this code, the required notice of the public hearing shall:
 - (a) Explain the nature of the application and the proposed use or uses which could be authorized;
 - (b) List the applicable criteria from the Development Code and the Comprehensive Plan that apply to the application at issue;
 - (c) Set forth the street address or other easily understood geographical reference to the subject property;
 - (d) State the date, time and location of the hearing;
 - (e) State that failure of an issue to be raised in a hearing, in person or by letter and with sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
 - (f) Include the name of a City representative to contact and the telephone number where additional information may be obtained;
 - (g) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

- (h) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
 - (i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- (2) For Type III and IV applications, notice shall be mailed to owners of record, as listed on the most recent property tax assessment roll and as provided by the applicant, of all properties within 100 feet of the exterior boundaries of property which is the subject of the notice, at least 20 days before the evidentiary hearing or if two or more hearings 10 days prior to the hearing. Comprehensive Plan, Development Code and Zoning Map amendments notification shall be mailed to owners of record, as listed on the most recent property tax assessment roll and as provided by the applicant, of all properties within 100 feet of the exterior boundaries of property which is the subject of the notice. Notice shall be sent least 20 days before the evidentiary hearing or if two or more hearings 10 days prior to the hearing. Application must be submitted to the Community Development Department at least 50 days prior to the Planning Commission meeting. For annexations the notice shall be posted upon the official public bulletin board and mailed to property owners within 100 feet of the subject property not more than 15 days nor less than 5 days prior to the date specified in the notice for the public hearing. Notice shall be published in the local paper at least 15 days and the last publication at least 5 days prior to the date specified in the notice for the public hearing.
 - (3) Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the property which is the subject of the notice.
 - (4) The failure of an affected property owner to receive notice as provided in this section shall not invalidate such proceedings if the local government can demonstrate that actual notice was given or received.
 - (5) The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

1.3.70 APPLICANT'S DOCUMENTS AND EVIDENCE.

- (1) All applicants for Type II, III or IV land use decisions are encouraged to notify or meet with affected neighbors prior to submission of the land use application, and to address issues raised through neighborhood contacts in the application.
- (2) All documents or evidence relied upon by the applicant shall be submitted to the City and be made available to the public at the time notice of public hearing is mailed.
- (3) If additional documents or evidence is provided by any party, the Planning Commission may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond.
- (4) The Planning Commission will grant the request by continuing the hearing or by leaving the record open for additional written evidence or testimony. If a continuance is granted, the hearing will be continued to the date and time at least seven days from the date of the initial hearing and opportunity will be provided at the continued hearing to present and rebut new evidence and testimony. If the Planning Commission leaves the record open for additional written evidence or testimony, the record will be left open for at least seven days. Any participant may file a written request with the Planning Commission for an opportunity to respond to new evidence submitted while the record is left open, which such request will be granted. When the record is reopened to admit new evidence or testimony, any person may raise new issues which apply to the matter at issue. Unless waived by the applicant, the Planning Commission will allow the applicant at least seven days after the record is closed to

all other parties to submit final written arguments in support of the application, which shall be considered part of the record, but shall not include any new evidence.

- (5) Delays caused by the allowance of such a continuance shall extend any deadlines within which the City is required to complete final action on a land use application.

1.3.80 STAFF REPORTS.

Any staff report to be used at a public hearing shall be available at least seven days prior to the hearing. The staff report shall provide a written summary and analysis of the applicant's materials and any other material received prior to the drafting of the staff report. The staff report will also:

- (1) Identify and state whether in staff's opinion the applicable review criteria and standards are met by the application as presented, if such an opinion is appropriate; and
- (2) Recommend conditions of approval as appropriate to ensure compliance with this code.

1.3.90 HEARING PROCEDURE.

- (1) **Commencement of Hearing.** At the commencement of the public hearing, a statement shall be made to those in attendance that:
 - (a) Lists the applicable substantive criteria;
 - (b) That testimony and evidence must be directed toward the criteria described in paragraph (a) of this subsection or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the decision; and
 - (c) That failure to raise an issue with sufficient specificity to afford the decision maker and the parties the opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
- (2) **Formal rules of evidence shall not apply.**
 - (a) Written Materials. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the record.
 - (b) Any signed writing presented to or received by any member of the hearing authority or by any other city agency or official at or prior to the public hearing shall be placed in the record. Unless the hearing authority specifically allows later filing of argument, no writings received after the close of the hearing will be considered as argument.
 - (c) All information received by the hearing authority shall be retained and preserved and shall be transmitted to an appellate body in the event an appeal is filed in accordance with Chapter 17.28, Appeals. True copies of original information may be substituted for original documents.
 - (d) All evidence and argument shall address applicable criteria and be as brief as possible, consistent with full presentation; redundancy shall be avoided.
 - (e) Each person presenting information or argument shall be permitted to complete the presentation without interruption except by the presiding officer to enforce this Code.
 - (f) Discussion of personalities shall be avoided to the extent possible in making a complete presentation.
 - (g) No person present shall engage in applause, cheers, or other vocal or outward expressions of approval, disapproval, agreement or disagreement. If any person persists in such conduct after warning by the presiding officer, such person may be expelled from the hearing.
- (3) **Authority of Presiding Officer.** The presiding officer has complete authority to enforce these provisions to assure that a fair hearing is held, including the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any one or more of these provisions.

- (4) **Close of Record.** Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.
- (5) **Delays.** Delays caused by an applicant's request to keep the record open under this subsection shall extend any deadlines within which the City is required to complete final action on a land use application.
- (6) **New Issues or Evidence.** If the record of a public hearing is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

1.3.100 DECISION AND NOTICE REQUIREMENTS.

- (1) **Motion.** Following the hearing procedure, the hearing body shall approve or deny the application or, if the hearing is in the nature of an appeal, affirm, reverse or remand the decision that is on appeal.
- (2) **120 Days.** A decision on a hearing or a land use proposal shall be made within 120 days of the date the application is accepted as complete. If the applicant requests an extension, the applicant must waive the 120 day rule.
- (3) **Extension.** Processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter;
- (4) **Quorum.** If a quorum of the hearing authority does not appear for a hearing, the hearing may automatically be continued to the date and time of the next regularly scheduled meeting, unless a continuance would cause a violation of the 120 day rule. If the continuance would cause a violation of the 120 day rule, the hearing shall be held and the members present shall have the authority to make a decision. If all members of a hearing body disqualify themselves, all members present shall be re-qualified and proceed to resolve the issues after stating their reasons for abstention or disqualification.
- (5) **Findings.**
 - (a) All parties are encouraged to prepare and submit written findings for the consideration of the hearing authority. The authority may direct staff to prepare proposed findings or, in the event that the authority does not follow staff's recommendation, the prevailing party may be directed to prepare findings.
 - (b) The hearing body shall state findings of fact and reasons supporting its decision.

1.3.110 NOTICE OF DECISION.

- (1) **Notice Content.** A Notice of Decision shall be sent describing the decision of the hearing authority, the findings, any conditions of approval, and local appeal period deadline, if any.
- (2) **Who Receives Notice.** The notice of decision will be issued to persons who appeared at the hearing, persons who submitted written testimony and were not in attendance at the hearing, and to those persons who are entitled to receive a notice of decision by other provisions of this code.

1.3.120 PUBLIC INFORMATION.

Copies Available to Public. A copy of these provisions shall be made available to any interested person requesting such a copy. Copies of the Rules of Procedure shall be available to the public within the hearing room prior to and during every public hearing conducted pursuant to this chapter.

1.3.130 RIGHTS AND RESPONSIBILITY OF HEARING BODY.

(1) Quasi-Judicial Fairness.

- (a) **Impartiality.** A party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, pre-judgment, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. Except for good cause shown, challenge shall be delivered not less than 48 hours preceding the time set for public hearing. An attempt to notify the person whose qualifications are challenged prior to the meeting shall be made by the City. The challenge shall be incorporated into the record of the hearing.

1.3.140 APPEAL TO CITY COUNCIL.

(1) Request for Review or Appeal of Decision.

- (a) A decision of the Planning Commission may be appealed to the City Council within 10 days of the date the notice of decision was mailed to the applicant, by those that testify or by those that submit written testimony, by filing a notice of appeal with the Development Official. The notice shall reference the decision being appealed, and why the Planning Commission's decision fails to comply with applicable review criteria.
- (b) If no appeal is filed within 10 days following the date the decision was mailed, the decision shall become final.

(2) Appeal Requirements. An application for an appeal shall:

- (a) Identify the land use decision by name and number, including the date of decision;
- (b) Describe the appellants standing to appeal;
- (c) State the specific grounds relied upon for review (i.e., the review criteria that were not satisfied or inappropriately applied); and
- (d) Include required filing fees.

(3) Decision.

- (a) The hearing before the City Council is a de novo review.
- (b) Upon review, the City Council may affirm, reverse or modify in whole or in part the decision under review. When the City Council modifies or renders a decision contrary to the decision of the Planning Commission, the City Council shall set forth its findings and reasons in its final order. Should the City Council remand the decision back to the Planning Commission for further consideration, it shall explain the reason for the remand.
- (c) The City Council shall render its decision within the statutory 120-day review period, unless the applicant has waived the right to a decision within this period.

Article II: Zoning Districts and Use Categories

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ARTICLE II: ZONING DISTRICTS AND USE CATEGORIES



CHAPTER 2.1 – GENERAL PROVISIONS

In order to implement the Dallas Comprehensive Plan and this code, the City is divided into the following zoning districts:

- (1) **Single Family Residential Zoning Districts**
 - Residential Agricultural -- RA
 - Residential Single Family -- RS
 - Residential Small Lot Single Family -- RSL
- (2) **Multi-Family Residential Zoning Districts**
 - Residential Medium Density -- RMD
 - Residential High Density -- RHD
- (3) **Commercial Zoning Districts**
 - Commercial Neighborhood -- CN
 - Commercial General -- CG
 - Central Business District -- CBD
 - Commercial Mixed Use -- MU
- (4) **Industrial Zoning Districts**
 - Industrial Light -- IL
 - Industrial Heavy -- IH
- (5) **Park & Open Space Zoning District -- POS**

2.1.10 ZONING MAP OF THE CITY OF DALLAS.

- (1) The location and boundaries of the zones are established as shown on the "Zoning Map of the City of Dallas," on file in the office of the Development Official, and referred to in this code as the "Zoning Map."
- (2) The Development Official shall be responsible for maintaining an official, current edition of the Zoning Map, including the dates and ordinance numbers of amendments thereto.
- (3) Copies of the Zoning Map may be purchased at cost from the City.
- (4) In cases of conflict, the Dallas Comprehensive Plan, Volume I, and the written text of this code, shall take precedence over the Zoning Map.

2.1.20 ZONE BOUNDARIES.

- (1) Zoning boundaries generally shall correspond with Comprehensive Plan designation boundaries.
- (2) Where a Comprehensive Plan designation has more than one implementing zoning district, zoning district boundaries generally follow property lines or the center lines of streets, alleys, railroad rights of way, or such lines extended, in effect when plan designations and zoning were established or amended for a particular area.
- (3) Amendments to zoning district boundaries that are consistent with the Comprehensive Plan Map shall be reviewed by the Planning Commission under the Type III procedure.

- (4) Amendments to zoning district boundaries that also require a Comprehensive Plan amendment shall be reviewed by the City Council under the Type IV procedure.

2.1.30 GENERAL PROVISIONS REGARDING ACCESSORY STRUCTURES.

Detached accessory residential structures and uses shall comply with all requirements for the principal use except those specifically modified by this code and shall comply with the following limitations:

- (1) Not more than two detached accessory structures shall be placed on any residential lot.
- (2) The maximum height shall be one story and shall not exceed 15 feet and the combined gross floor area of all accessory structures shall not exceed 1000 square feet.
 - (a) The Planning Commission may increase the maximum square footage and/or maximum height limitation, under the Type III Variance Use Review procedure.
- (3) Accessory structures must generally meet the setback standards of primary structures. However, an accessory structure may be built within five feet of the rear boundary line, provided the front and side yard requirements of the zone are observed.
- (4) A greenhouse or hothouse may be maintained accessory to a dwelling unit if there are no sales.

2.1.40 GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS.

At the time of passage of this code, a legally created lot or the aggregate of contiguous legal lots has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the zone. The lot or lots are subject to the requirements of the zone.

CHAPTER 2.2 – SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

2.2.10 SINGLE FAMILY RESIDENTIAL DISTRICTS.

The following districts implement the Single Family Residential Plan designation, as shown on the Dallas Comprehensive Plan Map:

- (1) **RA:** Residential Agriculture
- (2) **RS:** Residential Single Family
- (3) **RSL:** Residential Small Lot Single Family

2.2.20 PURPOSE.

The RA, RS and RSL zoning districts implement the Dallas Comprehensive Plan – Single Family Residential map designation.

- (1) The **RA** district is assigned on a limited basis to urban fringe areas where farming is still practiced. The RA district is essentially a holding zone, that allows farming to continue while restricting land divisions that could preclude efficient urban development in the future. The principal allowed uses are single family dwellings and limited livestock, crop, nursery and orchard uses. Public and semi-public uses may be approved through the conditional use process. Rezoning to either RS or RSL must occur prior to land divisions in this zone.
- (2) The **RS** district is the City's primary single family residential zone and will be applied to over half of the City's remaining vacant buildable land. This zone has provided quality neighborhoods for Dallas residents for the last 20 years, and will continue to provide the bulk of the City's housing over the next 20 years. Residential development in this zone is expected to occur at approximately five-six dwelling units per net acre.
- (3) The **RSL** district is intended as a transitional zone between the RS and higher intensity zones within Mixed Use Nodes, while providing more affordable home ownership opportunities in a traditional neighborhood setting. The "Small Lot Single Family" plan designation indicates the generalized boundaries of this innovative zoning district. The RSL district provides a variety of home-ownership opportunities – ranging from row houses, to small lot single family, to manufactured home parks. Development within the RSL district can only occur in accordance with an approved master plan. Neighborhood quality is especially important in this zone, which emphasizes pedestrian and bicycle connections to nearby shopping, parks and schools. Front porches and recessed garages are required to create a greater sense of community, to reduce crime by providing the opportunity for "eyes on the street," and to minimize the impacts on more traditional neighborhoods. Residential development in this zone is expected to occur at approximately seven-eight dwelling units per net acre.

2.2.30 DEVELOPMENT REVIEW REQUIRED.

To ensure that development within these zones carries out the purposes of the Dallas Comprehensive Plan, development review is required for some types of new development. Minimum and maximum densities are prescribed to ensure that Single Family land is used as prescribed in the Dallas Comprehensive Plan. Landscaping, access and parking standards are set forth in order to mitigate potential impacts from public and semi-public uses and smaller single family lots, especially within the Mixed Use Nodes.

2.2.40 USES ALLOWED IN SINGLE FAMILY ZONING DISTRICTS.

Table 2.2.1 identifies permitted outright, limited (permitted under prescribed conditions) and conditional (discretionary) uses that may be allowed within Single Family Residential zoning districts. Uses are subject to the special use standards of Section 2.2.50.

Table 2.2.1: Single Family Zones – Permitted, Limited and Conditional Uses

Use/Zoning District	RA	RS	RSL	Development Review?	Review Type
Commercial Nursery, Garden, Orchard (1)	L	L	X	No	I
Produce Sale (1)	L	X	X	No	I
Livestock (2)	L	X	X	No	I
Accessory Structures (3)	P	P	P	No	I
Single Family Detached Dwelling (4)	P	P/L	P/L	Yes if lot less than 6,000 square feet	I
Row House (5)	X	L	L	Yes	II
Zero-Lot Line Dwelling (6)	X	L	L	Yes	II
Duplex (7)	X	C	C	Yes	III
Hardship Manufactured/Mobile Dwelling (8)	C	C	C	Yes	III
Manufactured Dwelling Park (9)	X	X	L	Yes	II
Manufactured Home on Individual Lot (10)	L	L	L	Yes	I
Land Divisions (11)	L	L	L	Yes	III
Major Public Facility (12)	C	C	C	Yes	III
Assisted Living Facility (13)	C	C	L	Yes	III
Residential Home (13)	P	P	P	No	I
Residential Facility (13)	C	C	C	Yes	III
Government and Community Service Uses (14)	C	C	C	Yes	III
Home Occupation (15)	L	L	L	Yes	II
Accessory Dwelling Unit on Existing Lots (16)	C	C	C	Yes	III
Detached Accessory Structures (17)	P	P	P	Yes	I
Planned Developments (18)	C	C	C	Yes	III

Key:

- X Prohibited**
- C Conditional Use**
- L Limited**
- P Permitted**

See Special Use Standards in Section 2.2.50, below.

2.2.50 LIMITED USE STANDARDS IN SINGLE FAMILY ZONES.

The following special use standards shall apply to identified “limited uses” in Single Family Residential Zones:

- (1) **Agricultural Uses.** Gardening, orchard, nurseries, greenhouses and hothouses are permitted accessory uses, provided that no sales office is maintained on the premises other than for the sale of products grown on the premises.
- (2) **Livestock Standards.** One acre shall be required for large animals (cattle, horses, burros, donkeys, etc.). A minimum of one acre for the first animal and a half acre for each animal thereafter. Swine are not permitted. Fowl and smaller animals shall be contained within a building or by appropriate

fencing. The keeping of livestock, fowl, and fur bearing animals shall be done in such a manner so as not to constitute a nuisance, especially by reason of odor or disease.

- (3) **Accessory Structures.** See Section 2.1.30, General Provisions Regarding Accessory Structures.
- (4) **Single Family Dwellings.** Detached single family dwellings on lots in a RSL zone, of less than 6,000 square feet shall be permitted under the Type I Development Review procedure and shall have:
 - (a) Paved pedestrian access from each unit directly to the public street and alley (if applicable);
 - (b) A front porch of at least 60 square feet; and
 - (c) A garage located at least four feet behind the required front porch.
- (5) **Row Houses.** Row houses are permitted subject to Type II Development Review in designated Mixed Use Nodes under the following conditions:
 - (a) Alley or frontage road access (vehicle access shall not be provided directly to a non frontage public street);
 - (b) A minimum 36" paved pedestrian access from each unit directly to the public street and alley and to required outdoor areas;
 - (c) A front porch of at least 60 square feet;
 - (d) A garage located at least four feet behind the front porch – if frontage road access is provided;
 - (e) A private, usable outdoor open area of at least 60 square feet with a width dimension of 25 feet, accessible directly by a door and windows to the interior living space;
 - (f) A sight-obscuring fence or hedge placed along both side property lines; and
 - (g) Architectural features and construction materials that are compatible with neighboring homes within a two-block radius.
- (6) **Zero Lot Line Dwelling.** Zero lot line houses are permitted subject to Type II Development Review in the RS or RSL districts under the following conditions:
 - (a) A front porch of at least 60 square feet;
 - (b) A garage located at least four feet behind the front porch – if frontage road access is provided;
 - (c) A private, usable outdoor open area of at least 60 square feet with a width dimension of 25 feet, accessible directly by a door and windows to the interior living space;
 - (d) A sight-obscuring fence or hedge placed along both side property lines; and
 - (e) Architectural features and construction materials that are compatible with neighboring homes within a two-block radius.
- (7) **Duplexes.** Duplexes may be permitted through a Type III conditional use process on any other lot that meets the dimensional standards of the underlying zoning district. Duplexes may be permitted through a Type III conditional use process on any other lot that meets the dimensional standards of the underlying zoning district with duplexes located on no more than 10% of the lots in a platted subdivision. Duplexes in all zones shall meet the front porch and garage setback standards applicable to Row Houses (5) standards.
- (8) **Hardship Accessory Manufactured Dwelling.** The Planning Commission may permit the placement of a temporary, accessory manufactured dwelling through the Type III conditional use process. In addition to conditional use criteria, the applicant shall demonstrate that:
 - (a) All dimensional standards of the underlying zone are met;
 - (b) The permit shall be valid for a period not to exceed one year from the date of issuance. One renewal of such permit may be granted by the Planning Commission upon filing an application and application fee for a new permit;
 - (c) A documented medical condition exists that necessitates the accessory dwelling; and
 - (d) The use of the manufactured dwelling will be restricted to one or two immediate family members.
- (9) **Manufactured Dwelling Parks.** Manufactured dwelling (home) parks are reviewed under the Type II procedure, subject to the provision of Chapter 3.13, Manufactured Dwelling Parks.

- (10) **Manufactured Homes on Individual Lots.** One new manufactured home shall be permitted through a Type II design compatibility review process, as the primary use on any lot designated for Single Family Residential use. Each manufactured home shall:
- (a) Have more than 1,000 square feet of occupied space in a double-section or larger multi-section unit.
 - (b) Be placed onto a permanent foundation.
 - i) All load-bearing foundations, supports, and enclosures shall be installed in conformance with the Oregon Department of Commerce regulations and with the manufacturer's installation specifications, in accordance with OAR Chapter 814, Division 23.
 - ii) The manufactured/mobile home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter with stone, brick or other masonry material such that the top of the manufactured home frame is not located more than 12 inches above grade. Where required, all perimeter foundations shall be constructed in accordance with the "Oregon State Structural Specialty Code."
 - iii) The manufactured home shall have wheels, axles, and hitch mechanisms removed.
 - (c) Have utilities connected in accordance with Oregon Department of Commerce requirements and manufacturer's specifications.
 - (d) Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and be either:
 - i) A new, not previously occupied unit; or
 - ii) A unit not more than 3 years old, found upon inspection to be in excellent condition and free of structural, electrical, mechanical, and plumbing defects which cannot be corrected prior to placement.
 - (e) Have a nominal 3:12 roof pitch or greater.
 - (f) Be compatible with the nearest five dwellings, which shall be considered the "review area," as determined by the following standards:
 - i) Roofing materials shall be similar in color, material, and appearance to the most predominant type in the review area.
 - ii) Siding materials and trim shall be similar in appearance or complement other homes in the review area, including the type, color, and horizontal or vertical placement of materials. Eaves troughs shall be considered a desirable feature.
 - (g) Have a garage or carport constructed of like materials and color. The Development Official may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.
 - (h) Manufactured homes on lots of less than 6,000 square feet may be permitted in Mixed Use Nodes under the following standards:
 - i) Pedestrian access shall be provided from each unit directly to the public street and alley (if applicable);
 - ii) A front porch of at least 60 square feet shall be provided; and
 - iii) A garage shall be required and it shall be located at least four feet behind the front porch.
- (11) **Land Divisions.** See Chapter 3.3, Land Divisions.
- (12) **Major Public Facilities.** See Section 2.7.90.
- (a) Major public facilities are reviewed by the Planning Commission under Type III Conditional Use procedures.
- (13) **Residential Care Facilities.**
- (a) Assisted living facilities are permitted through the Type III conditional use process, and must meet the definition for an "assisted living facility" found in Section 2.7.110.

- (b) Residential homes and facilities (group care facilities) are defined in Section 2.7.110. Residential homes shall meet the requirements of a single family residence and shall be limited to five or fewer handicapped persons, plus necessary staff persons.
 - (c) Residential facilities (group care home for six or more handicapped persons, plus necessary staff persons) are defined in Section 2.7.110. Residential facilities shall meet the requirements of multiple family development and shall be reviewed by the Planning Commission through a Type III conditional use process.
- (14) **Community Service Uses.** Community service uses (*e.g.*, churches, public buildings, community centers, public and private schools, etc.) as defined in Chapter 1.2, Definitions, shall be reviewed under the Type III conditional use procedure.
- (15) **Home Occupations.**
- (a) Home Occupations are permitted under the Type II procedure, subject to development review and the following provisions:
 - i) The occupation will be a profession, personal service, art or craft that can be conveniently, unobtrusively and inoffensively pursued in a family dwelling without creating an adverse impact on the neighborhood. Permitted occupations include, but are not limited to, dressmaking, lawyer, accountant, artist, writer, teacher, photographer, physician, barber, or beautician.
 - ii) The proposed occupation shall not be a conditional use in the underlying residential zone.
 - iii) The occupation shall comply with the State Structural Specialty Code's provisions regarding storage or use of highly flammable or combustible materials.
 - iv) The occupation will be carried on by the residents of the dwelling and shall have:
 - (1) no more than 1 non-resident assistant, employee or partner, or business-related person; and
 - (2) no more than three total employees, including the business owner.
 - v) The occupation will not cause the emission of noise, vibration, heat or odors determined to be unreasonably offensive to the residents of other dwellings in the neighborhood.
 - vi) The occupation will not generate excessive traffic or monopolize on-street parking spaces, when compared with other dwellings in the area.
 - vii) No display, advertisement or sign board, except as permitted by this code or the Dallas Sign Code, shall occur.
 - viii) No outside storage or display of supplies, tools, equipment stock, or other materials associated with the occupation shall take place.
 - ix) No structural alterations to the dwelling (or to any attached or unattached accessory structure) shall be made, the residential appearance of the dwelling shall be maintained, and no more than one-half of the floor area of one story of the dwelling shall be used for the occupation.
 - (b) The Planning Commission may revoke any home occupation permit for failure to comply with the above standards, under Type III procedure, as prescribed in Section 1.1.100, Revocation of a Land Use Permit.
- (16) **Accessory Dwellings.** Permanent accessory dwelling units may be permitted through a Type III conditional use process and shall meet the following standards:
- (a) The minimum lot area shall be at least 1.5 times the minimum lot area required in the underlying zoning district.
 - (b) The accessory dwelling shall be provided with one parking space, in addition to the one space required for the primary dwelling unit.

- (c) The accessory dwelling shall be compatible with the primary dwelling unit in terms of color, siding, roof pitch and fenestration.
 - (d) The accessory dwelling shall be located behind the front facade of the primary dwelling and shall meet the setback requirements for accessory structures in the underlying zoning district.
 - (e) The Planning Commission may attach conditions to ensure compatibility with the neighborhood.
 - (f) A manufactured home is not allowed as an accessory dwelling unit unless allowed in Section 2.2.50 (8).
 - (g) The accessory dwelling shall be less than 1,000 square feet.
- (17) **Detached Accessory Structures.** Up to two detached accessory structures are permitted on a lot.
- (a) The maximum height shall not exceed one story or 15 feet.
 - (b) The combined area of detached accessory structures shall not exceed 1,000 square feet.
 - (c) Detached accessory structures shall be set back at least five feet from the rear boundary line and shall meet all other setback requirements of the underlying zoning district.
- (18) **Planned Developments.** See Section 3.8

2.2.60 DIMENSIONAL STANDARDS IN SINGLE FAMILY ZONES.

Table 2.2 on the following page identifies lot area, density, lot dimension, front porch and patio, building setback, parking and garage setback, and landscaping standards that apply to development within the Single Family zoning districts.

Table 2.2.2: Single Family Residential District Dimensional Standards

Standard (1) / Zoning District	RA	RS	RSL
Minimum Lot Area for Lots w/ Alleys	NA	6,000 SF	4,000 SF
Minimum Lot Area for Zero-lot Line Dwellings	NA	6,000 SF	4,000 SF
Absolute Minimum Lot Area	6,000 SF	6,000 SF	4,000 SF
Duplex Lot	8,000 SF	8,000 SF	5,000 SF
Corner Lot	8,000 SF	8,000 SF	5,000 SF
Row House Lot	NA	6,000 SF	3,000 SF
Avg. Maximum Lot Area (new lots)	10,000 SF	10,000 SF	8,000 SF
Manufactured Dwelling Park	NA	NA	1 Acre
Lot Width and Depth			
Minimum Lot Width	60'	60'	50'
Minimum Lot Width Cul-de-sac	50'	50'	50'
w/ Alley Access and Rear Garage	NA	50'	40'
w/ Row House and Alley Access	NA	60'	30'
Minimum Lot Depth	90'	90'	90'
w/ Alley Access and Rear Garage	NA	90'	80'
Maximum Lot Depth	150'	150'	150'
Covered Front Porch Standards-Zero-lot Line or Row House			
Lots Less than 6,000 Square Feet	NA	60 SF minimum	60 SF minimum
Building Setbacks (3)			
Minimum Front Yard	20'	20'	20'
along New Collector or Arterial Street	20'	20'	20'
along Existing Collector or Arterial Street (4)	25'	25'	25'
Alley Access, Rear Garage, Street Side Yard Garage and Front Porch	NA	20'	15'
Maximum Front Yard	NA	NA	20'
Minimum Side Yard	5'	5'	5'
Minimum Street Side Yard	20'	15'	15'
Minimum Rear Yard	25'	25'	15'
Corner Lots			
Minimum Front Yard	20'	20'	20'
Minimum Side Yard	5'	5'	5'
Minimum Street Side Yard	20'	15'	15'
Minimum Rear Yard	15'	15'	15'
Minimum Lot Depth	80'	80'	80'
Accessory Building(s)			
Accessory Structure	5'	5'	5'
*Minimum Street Side Yard (no vehicle access)	15'	15'	15'
Minimum Rear Yard w/ Alley	NA	10'	10'
Minimum/Maximum Density			
Planned Unit Development	NA	7 units per gross acre	9 units per gross acre
Manufactured Dwelling Park	NA	5-7 units / gross acre	7-9 units / gross acre
Minimum Garage Setbacks			
Alley Side	NA	6'	6'
Street Side	20'	20'	20'
Zero-lot Line, Row Houses, Alley Access Houses	NA	4' behind front porch	4' behind front porch
Maximum Building Height (5)			
Primary Buildings	24'	24'	24'
Accessory Structure	15'	15'	15'
Maximum Coverage			
Maximum Building Coverage (6)	35 percent	40 percent	40 percent
Zero-lot Line or Row House	NA	40 percent	50 percent

* With Building Permit

- (1) **Standards for Conditional Uses.** Unless otherwise indicated, conditional uses (including public and commercial uses) must meet the dimensional standards applicable to Single family development.
- (2) **Average Minimum Lot Area.** The average minimum lot area standard applies within Mixed Use Nodes only. The average of all the lots in the development cannot exceed the indicated average minimum lot area.
- (3) **Setback Exceptions.** The following exceptions to the setback requirement for a dwelling may be authorized for a lot in any residential zone under Type I procedure.
 - (a) If there are dwellings on both abutting lots with setbacks of less than the minimum required for the zone, the setback need not exceed the average setback of the abutting dwellings.
 - (b) If there is a dwelling on any abutting lot with a setback of less than the minimum required for a zone, the setback for the lot need not exceed the average of the abutting lot and the required setback.
- (4) **Major Street Front Yard Setback Reduction.** The Development Official may reduce the required front yard setback for any lot fronting an existing arterial or collector street to 20 feet.
- (5) **Building Height Measurement.** See Chapter 1.2, Definitions.
- (6) **Maximum Building Coverage.** Usable covered area of the building (building foot print, porches, accessory buildings) excluding the building overhang not exceeding (2) two feet.

2.2.70 ZONE CHANGE REQUIRED FOR LAND DEVELOPMENT IN THE RA ZONE.

The RA zone, Residential Agricultural, is intended to hold land until it is needed for urban development. State law requires that development must be consistent with the zoning standards in effect at the time of the application.

- (1) Any area zoned RA shall be rezoned to RS, Residential Single Family (or another appropriate urban residential zone), prior to applying for a land division.
- (2) However, in areas where urban services cannot be provided in an economic and efficient manner, the Planning Commission may approve up to one additional residential lot on a parcel in existence prior to January 1, 1981.
 - (a) The land division application shall be processed under the Type III procedure.
 - (b) A future urban-density development plan shall be prepared consistent with the Dallas Comprehensive Plan (especially Chapters VI and VII, Public Facilities and Transportation, respectively) and applicable provisions of this code.

2.2.80 PARKING REQUIREMENTS.

Parking shall be provided as set forth in Chapter 4.5.

CHAPTER 2.3 – MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICTS

2.3.10 MULTIPLE FAMILY DISTRICTS.

The following districts implement the Multiple Family Residential Plan Designation, as shown on the Dallas Comprehensive Plan Map:

- (1) **RMD:** Residential Medium Density
- (2) **RHD:** Residential High Density

2.3.20 PURPOSE.

The RMD and RHD zoning districts implement the Dallas Comprehensive Plan – Multiple Family Residential map designation.

- (1) **Residential Medium Density.** The **RMD** district is the City's primary multiple family residential zone. This zone is typically applied along arterial and collector streets, with pedestrian access to General Commercial and Neighborhood Commercial shopping areas. Vacant RMD land is found principally in Mixed Use Nodes. A variety of housing types are permitted in this zone, including row houses, duplexes and apartments. Adequate off-street parking, landscaping, pedestrian and bicycle connections, children's play areas and/or open space plazas are essential to create a high-quality urban living environment, especially in Mixed Use Nodes.
- (2) **Residential High Density.** Generally, the **RHD** district is assigned near the downtown area and along major arterial streets, with direct pedestrian and vehicular access to the Central Business District and/or General Commercial shopping areas. Although other uses may be permitted on a limited basis, relatively high-density apartment development is expected within this zone. Adequate off-street parking, landscaping, pedestrian and bicycle facilities, children's play areas and/or open space plazas are essential to create a high-quality urban living environment.

2.3.30 DEVELOPMENT REVIEW REQUIRED.

To ensure that development within these zones carries out the purposes of the Dallas Comprehensive Plan, development review is required for most new development. Minimum and maximum densities are prescribed to ensure that limited Multiple Family land is used efficiently. Landscaping and open space standards are set forth in order to mitigate the perceived negative impacts of higher density living.

2.3.40 USES ALLOWED IN MULTIPLE FAMILY ZONING DISTRICTS.

Table 2.3.1 identifies permitted and conditional (discretionary) uses that may be allowed within Multiple Family Residential zoning districts.

Table 2.3.1: Multiple Family Districts – Permitted, Limited, Conditional Uses

Use/Zoning District	RMD	RHD	Development Review	Review Type
Commercial Nurseries, Gardens, Orchards (1)	P	X	No	I
Single Family/Multi Family Detached and Zero-lot Line (2)	L	L	Yes	I
Zero-lot Line (2)	C	C	Yes	III
Row Houses and Duplexes/MF (3)	L	L	Yes	II
Apartment House (4)	P	P	Yes	I
Major Public Facilities (5)	C	C	Yes	III
Manufactured Dwelling Park (6)	P	P	Yes	II
Fraternal Organizations (7)	C	C	Yes	III
Assisted Living Facility (8)	C	C	Yes	III
Residential Home (8)	L	L	Yes	II
Residential Facility (8)	P	P	Yes	II
Land Divisions (9)	P	P	Yes	III
Community Service Uses (10)	C	C	Yes	III
Ground Floor Retail and Service Uses (11)	C	C	Yes	III
Accessory Dwelling Unit on Existing Lots (12)	C	C	Yes	III
Other Accessory Structures (13)	L	L	Yes	I,II,III
Home Occupation (14)	L	L	Yes	II
Planned Development (15)	C	C	Yes	III
Residential Health Care Professional (16)	C	C	Yes	III
Parking Lots (17)	L	L	Yes	II

Key:

- X Prohibited**
- C Conditional Use**
- L Limited**
- P Permitted**

2.3.50 Limited Use Standards in Multiple Family Zones.

The following standards shall apply to identified “limited uses” in Multiple Family Residential Zones. Unless otherwise noted, the standards of Section 2.2.50 shall apply equally to Multiple Family limited uses, as they do to Single Family limited uses.

- (1) **Commercial Nurseries, Gardens, Orchards.** See Section 2.2.50, Limited Use Standards in Single Family Zones.
- (2) **Detached Single Family, Multi Family and Zero-Lot Line Dwellings.** Single family dwellings are only permitted on legal lots of record.
 - (a) The lot of record shall not abut property in the same zoning district under the same ownership.
 - (b) Siting of single family and zero-lot line dwellings requires development review to maximize the potential for redevelopment of the subject parcel, and later development of adjoining parcels.

- (3) **Row Houses and Duplexes.** Row houses and duplexes are permitted on separate lots fronting any street within a Multi-Family district, provided that minimum density standards are met. Row houses are permitted subject to Type II Development Review.
- (4) **Apartment House.** Any building or portion thereof which contains three or more dwelling units and includes residential condominiums.
- (5) **Major Public Facilities.** See Section 2.7.90.
 - (a) Major public facilities are reviewed by the Planning Commission under the Type III Conditional Use procedures.
- (6) **Manufactured Dwelling Parks.** Manufactured dwelling (home) parks are reviewed under Type II procedure, subject to the provision of Chapter 3.13, Manufactured Dwelling Parks.
- (7) **Fraternal Organizations.** Lodges, athletic and social clubs and similar organizations may be approved by the Planning Commission under the Type III Conditional Use procedures.
- (8) **Residential Care Facilities.**
 - (a) Assisted living facilities are permitted through the Type III conditional use process, and must meet the definition for an “assisted living center” found in Section 2.7.110.
 - (b) Residential homes and facilities (group care facilities) are defined in Section 2.7.110 and are subject to development review.
- (9) **Land Divisions.** See Chapter 3.3, Land Divisions.
- (10) **Community Service Uses.** Community service uses (e.g., churches, public buildings, community centers, public and private schools, etc.) as defined in Chapter 1.2, Definitions, shall be reviewed under the Type III conditional use procedure.
- (11) **Ground Floor Service and Retail Uses.** Ground floor service and retail uses are permitted below any multiple family dwelling within a Mixed Use district. See Chapter 2.4, Commercial Zoning Districts.
- (12) **Accessory Dwellings.** Permanent accessory dwelling units may be permitted through a Type III conditional use process and shall meet the following standards:
 - (a) The minimum lot area shall be at least 1.5 times the minimum lot area required in the underlying zoning district.
 - (b) The accessory dwelling shall be provided with one parking space, in addition to the two spaces required for the primary dwelling unit.
 - (c) The accessory dwelling shall be compatible with the primary dwelling unit – in terms of color, siding, roof pitch and fenestration.
 - (d) The accessory dwelling shall be located behind the front facade of the primary dwelling and shall meet the setback requirements for accessory structures in the underlying zoning district.
 - (e) The Planning Commission may attach conditions to ensure compatibility with the neighborhood.
- (13) **Other Accessory Structures.** See Section 2.2.50.
- (14) **Home Occupations.** See Section 2.2.50.
- (15) **Planned Development.** See Section 3.8
- (16) **Residential Health Care Professional.** Professional Health Care Office serves the surrounding neighborhood, including but not limited to, dentists, doctors, optometrists, chiropractors, and psychiatrists.
- (17) **Parking Lots.** Parking lots may be constructed on a lot without a building on the parcel if the parking lot is in conjunction with an adjacent permitted use.

2.3.60 MULTIPLE FAMILY RESIDENTIAL DIMENSIONAL STANDARDS.

The following lot area, density, lot dimension, front porch and patio, building setback, parking and garage setback, and landscaping standards apply to development within the multiple family zoning districts.

- (1) **Density Determinations.**
 - (a) Efficiency units are considered to have 0.5 bedrooms.
 - (b) Accessory units are considered to have 1.0 bedrooms.
- (2) **Alley Access.** Row houses and Zero-lot line houses shall, if possible, have vehicular access from an alley. If alley access is possible, multiple family parking areas should access parking lots from the alley.
- (3) **Location of Parking Areas.** With alley access, parking shall be to the rear or side of buildings. No parking shall be allowed between the public street and a building.
- (4) **Building Height Measurement.** See Chapter 1.2, Definitions.

Table 2.3.2: Multiple Family Residential District Dimensional Standards

Standard / Zoning District	RMD	RHD
Lot Area Standards		
➤ Minimum for Apartments, Condominiums	10,000 SF	20,000 SF
➤ Minimum/Corner – Row House	2,400 / 3,500 SF	2,400 / 3,000 SF
➤ Minimum/Corner for Duplex Lots/MF	6,000 / 8,000 SF	Type I
➤ Minimum for Manufactured Dwelling Park	Type I	Type I
Max. Density Standard (DU / Gross Acre) (1)		
➤ Assisted Living Facility / Group Home	20-40	30-50
➤ 1 bedroom units	15-22	21-32
➤ 2 bedroom units	12-17	16-24
➤ 3 bedroom units	8-12	10-16
Lot Width and Depth		
➤ Minimum Lot Width	60'	60'
➤ Minimum Lot Depth	100'	100'
Front Porch, Balcony or Patio Standard		
➤ Duplex and Row House Units (minimum)	60 SF per unit	60 SF per unit
➤ Multiple Family Units (minimum)	40 SF per unit	40 SF per unit
Building Setbacks		
➤ Minimum Front and Street Side Yard		
fronting a local street	20'	20'
fronting a new collector or arterial street	20'	20'
fronting an existing collector or arterial street	25' (4)	25' (4)
w/ alley access, (2) rear garage, front porch	15'	15'
➤ Maximum Front or Street Side Yard	25'	25'
➤ Minimum Interior Side and Rear Yards		
abutting a Single Family Residential Zone	20'	20'
➤ Accessory Structure	5'	5'
Minimum Garage / Parking Area (3) Setbacks		
➤ Front, Street Side Yard, Rear Yard with access		
	20'	20'
➤ Interior Side and Rear Yards without access		
	5'	5'
➤ Abutting a Single Family Residential Zone		
	20'	20'
Maximum Building Height (4)		

➤ Primary Buildings	3 stories or 36'	4 stories or 48'
➤ w/ Conditional Use Permit	45'	55'
➤ Accessory Buildings	15'	15'
Landscaping & Play Areas		
➤ Minimum Landscape Coverage	15 percent	15 percent
Row house or duplex lots	15 percent	15 percent
➤ Required Children's Play Area or Plaza	10 percent	10 percent

2.3.70 PARKING REQUIREMENTS.

Parking shall be provided as set forth in Chapter 4.5.

CHAPTER 2.4 – COMMERCIAL ZONING DISTRICTS

2.4.10 COMMERCIAL DISTRICTS.

The following districts implement the Commercial Plan Designation, as shown on the Dallas Comprehensive Plan Map:

- (1) **CN:** Commercial Neighborhood
- (2) **CG:** Commercial General District
- (3) **CBD:** Central Business District
- (4) **MU:** Mixed Use District

2.4.20 PURPOSE.

The CN, CG, CBD and MU zoning districts implement the Dallas Comprehensive Plan “Commercial” map designation.

- (1) **Commercial Neighborhood District.** The CN district provides for small-scale commercial centers that complement the Central Business District and minimize travel distance from home to routine shopping and services.
 - (a) CN districts should be separated from other commercial areas, to avoid duplication of services and the adverse effects of strip commercial development. The CN district is intended to encourage "cluster" development of commercial activities on sites large enough to provide adequate street access, off-street parking and landscaping. At the same time, the CN district discourages "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial “nodes.”
 - (b) Within the Barberry and Wyatt Mixed Use Nodes, CN development is intended to have a “store-front” as opposed to strip mall appearance, with open plaza areas and prominent landscaping. Although adequate off-street parking must be provided, it must also be located behind or to the side of buildings. Vehicular access to arterial and collector streets is limited, with pedestrian and bicycle connections to adjacent residential neighborhoods.
- (2) **Commercial General District.** The CG district serves the driving public and is the City’s least restrictive commercial zone.
 - (a) The CG district recognizes the need for large-scale, auto-oriented commercial centers, while avoiding strip commercial development patterns along arterial streets. Therefore, CG areas, are concentrated in the North Dallas area.
 - (b) The LaCreole Mixed Use Node is intended to serve the City’s general commercial needs through the Year 2020. To use the limited supply of commercial land efficiently, to minimize congestion along Ellendale Road and Kings Valley Highway, and to provide for open space and pedestrian connections to adjacent high density residential areas, commercial development in the LaCreole Node must adhere to the adopted master plan.
- (3) **Central Business District.** The Central Business district recognizes and promotes Downtown Dallas as the principal commercial, government, office and cultural center of the community. The CBD is intended to accommodate a wide range of businesses, government offices (including regional offices of the state and federal governments), office development and medium and high-density housing. Although adequate off-street parking facilities are encouraged, the CBD is pedestrian-oriented, with storefront buildings that frequently depend upon on-street parking. Conversion of older single-family homes in the CBD – to office and small-scale business – is encouraged.

- (4) **Mixed Use District.** The Mixed Use District is only applied within Mixed Use Nodes and encourages a combination of Residential Medium Density (RMD) and Commercial Neighborhood (CN) uses on parcels of one-half acre or greater. Development in the Mixed Use District shall be pedestrian-oriented, with parking lots to the rear or sides of buildings. Alley access is encouraged. Pedestrian connections within each development and to adjacent commercial, residential and public areas are required.

2.4.30 DEVELOPMENT REVIEW REQUIRED.

To ensure that development within commercial zones carries out the purposes of the Dallas Comprehensive Plan, development review is required for new and expanding commercial uses. Landscaping, parking and access standards are set forth in order to mitigate the potential negative impacts of commercial development.

2.4.40 USES ALLOWED IN COMMERCIAL ZONING DISTRICTS.

Table 2.4.1 identifies permitted and conditional (discretionary) uses that may be allowed within Commercial zoning districts.

Table 2.4.1: Commercial Districts – Permitted, Limited and Conditional Uses

Use Categories	CN	CG	MU	CBD	Development Review	Review Type
Retail Sales and Service Uses						
Primarily Indoor	L	P	L	P	Y	I
Primarily Outdoor	X	L	X	X	Y	II
Offices	L	P	L	P	Y	I,II
Overnight Accommodations	L	P	L	P	Y	I,II
Amusement Enterprises						
Indoor	L	L	L	L	Y	I
Outdoor	X	C	X	X	Y	III
Community Service Uses	L	P	L	P	Y	I,II
Motor Vehicle Oriented Uses						
Quick Service	L	P	L	L	Y	I, II
Repair Services	L	P	L	L	Y	I,II
Outdoor Sales and Storage	X	P	L	C	Y	I,III
Industrial Service	X	C	X	X	Y	III
Manufacturing / Processing	X	C	X	X	Y	III
Wholesale / Large-Scale Outdoor Retail I	X	P	X	X	Y	I
Residential						
Single Family	L	X	L	C	Y	II,III
Assisted Living Facility	C	C	C	C	Y	III
Group Care	C	C	L	C	Y	II, III
Multiple Family	C	C	L	C	Y	II, III
Rowhouses	C	C	L	C	Y	II, III
Animal Care Facilities	L	L	X	L	Y	II
Planned Development	C	C	C	X	Y	III
Accessory Structures	C	C	C	C	Y	III
Wireless Communication Facilities (WCF)	X	C	X	X	Y	III
Parking Lots	L	L	L	L	Y	II

Private Streets	C	C	C	C	Y	III
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Key: X - Prohibited C - Conditional Use L - Limited P - Permitted

2.4.50 LIMITED USE STANDARDS IN COMMERCIAL ZONES.

Where development occurs in a commercial zone that is adjacent to a residential zone, there shall be a sight-obscuring fence or hedge between the two uses. The following standards shall apply to identified new uses in Commercial zones:

(1) Commercial Neighborhood District Development Standards.

- (a) In the CN zone:
 - i) Retail and service establishments shall not exceed 20,000 square feet of gross floor area.
 - ii) Grocery stores shall not exceed 50,000 square feet in gross floor area.
- (b) Within the Mixed Use Nodes, development must meet the design standards of Chapter 3.9, Master Plan District, and may only occur consistent with an approved master plan.
- (c) Except for sidewalk cafes and approved neighborhood fairs, all Neighborhood Commercial uses shall be conducted entirely indoors.
- (d) Neighborhood Commercial development areas shall be limited to four acres or less in size, unless located within a Mixed Use Node.
- (e) Neighborhood Commercial development shall place parking at the rear of buildings, to encourage pedestrian and bicycle access. No parking shall be placed between the front of a building and a public street.
- (f) Motor vehicle oriented uses shall not access directly from a state highway.
- (g) New parking areas shall be landscaped in accordance with Chapter 4.4, Landscaping & Screening Standards.
- (h) At least 10% of each developed CN commercial site shall be landscaped. Unimproved public right-of-way located between the street or sidewalk and the front property line shall be landscaped and maintained by the property owner.
- (i) The placement of accessory storage buildings shall be reviewed through a Type III Conditional Use Permit.

(2) General Commercial Site Development Standards.

- (a) Outdoor storage and heavy equipment parking areas shall be fully and permanently screened from public view. The placement of accessory storage buildings shall be reviewed through a Type III Conditional Use Permit.
- (b) Vehicle and merchandise display areas shall be set back a minimum of 10 feet from the public right-of-way and from residential areas; this setback area shall be permanently irrigated, landscaped and screened in accordance with Chapter 4.4, Landscaping and Screening Standards.
- (c) Commercial properties shall be maintained free of weeds, inoperable vehicles, and waste materials.
- (d) All sales, displays and storage in a CG zone shall be conducted within an enclosed building, unless open sales, displays and storage is specifically authorized through the limited use approval process and is limited by conditions of development review approval.
- (e) At least 5% of each developed CG commercial site shall be landscaped. Unimproved public right-of-way located between the street or sidewalk and the front property line shall be landscaped and maintained by the property owner.
- (f) New parking areas shall be landscaped in accordance with Chapter 4.4, Landscaping & Screening Standards.

(3) Central Business District Commercial Site Development Standards.

- (a) Except for sidewalk cafes and approved temporary sales, all CBD new uses shall be conducted entirely indoors.
 - (b) A traditional “store front” appearance is encouraged in the CBD. Therefore, new development shall place parking to the side of or behind buildings, to encourage pedestrian and bicyclist access. No new parking shall be placed between the front of a building and a public street.
 - (c) Areas not used for buildings or parking shall be landscaped.
 - (d) At least 5% of each developed CBD commercial site shall be landscaped. Unimproved public right-of-way located between the street or sidewalk and the front property line shall be landscaped and maintained by the property owner.
 - (e) New parking areas shall be landscaped in accordance with Chapter 4.4, Landscaping & Screening Standards.
- (4) **Mixed Use District Site Development Standards.** See Chapter 3.9, Master Plan Overlay District.
- (5) **Planned Development.** See Section 3.8
- (6) **Parking Lots.** Parking lots may be constructed on a lot without a building on the parcel if the parking lot is in conjunction with an adjacent permitted use.

2.4.60 DIMENSIONAL AND LANDSCAPING STANDARDS.

The following lot area, lot dimension, building setback, parking and garage setback, and landscaping standards apply to development within Dallas’s commercial zoning districts.

Table 2.4.2: Commercial Zoning Districts – Dimensional Standards

Standard / Zoning District	CN	CG	MU	CBD
Lot Area Standards				
➤ Minimum Lot Area	NA	NA	NA	NA
➤ Minimum Development Area	NA	NA	NA	NA
Lot Width and Depth				
➤ Minimum Lot Width	NA	NA	NA	NA
➤ Minimum Lot Depth	NA	NA	NA	NA
Building and Parking Area Setbacks				
➤ Minimum Front and Street Side Yard Landscaped Area	5’	10’	15’	3’
➤ Minimum Rear Yard with Alley	NA	NA	NA	NA
➤ Minimum Rear Yard w/out Alley	10’	10’	10’	NA
➤ Minimum Interior Side	NA	NA	5’	NA
➤ Minimum Landscaped Yard abutting a Residential Zone	10’	10’	10’	10’
➤ Accessory Structure	5’	5’	5’	5’
Maximum Building Height				
➤ Accessory Structure	15’	15’	15’	15’
Landscaping				
➤ Minimum Landscape Coverage	10%	5%	20%	5%

2.4.70 PARKING REQUIREMENTS.

Parking shall be provided as set forth in Chapter 4.5, Off-street Parking Standards.

CHAPTER 2.5 INDUSTRIAL ZONING DISTRICTS

2.5.10 INDUSTRIAL DISTRICTS.

The following districts implement the Industrial Designation, as shown on the Dallas Comprehensive Plan Map:

- (1) **IL:** Industrial Light District
- (2) **IH:** Industrial Heavy District

2.5.20 PURPOSE.

The IL and IH zoning districts implement the Dallas Comprehensive Plan "Industrial" map designation.

- (1) **Industrial Light District.** The IL district encourages a wide range of secondary manufacturing and wholesale uses. More intensive industrial uses may be allowed through the conditional use process. The IL district can serve as a transition zone between IH zoning and residential zoning. Campus industrial parks are also encouraged to locate in this zone.
- (2) **Industrial Heavy District.** The IH district is the City's more intensive industrial zone, and allows primary manufacturing and processing uses. Through the conditional use process, manufacturing and processing of hazardous materials may be permitted. The IH zone typically is not designated adjacent to residential areas. Where IH zoning occurs next to residential zoning, special setbacks apply.

2.5.30 DEVELOPMENT REVIEW REQUIRED.

To ensure that development within industrial zones carries out the purposes of the Dallas Comprehensive Plan, development review is required for new and expanding industrial development. Landscaping and open space standards are set forth in order to mitigate the perceived negative impacts of industrial uses, especially along public streets and adjacent to residential areas.

2.5.40 USES ALLOWED IN INDUSTRIAL ZONING DISTRICTS.

Table 2.5.1 identifies permitted and conditional uses that may be allowed within Industrial zoning districts.

Table 2.5.1: Industrial Districts – Permitted, Limited and Conditional Uses

Use Category * / Zoning District	IL	IH	Development Review	Review Type
Manufacturing and Processing				
➤ Primary	L	P/L	Yes	II
➤ Secondary	L	P	Yes	I
➤ Hazardous Materials	C	C	Yes	III
Offices *	P/L	L	Yes	I,II
Retail & Service Uses	C	C	Yes	III
Community Service Uses *	C	C	Yes	III
Motor Vehicle Oriented Uses *	C	C	Yes	III
➤ Repair Services *	P	P	Yes	I
Industrial Service *	P	P	Yes	I
Wholesale & Warehouse Uses *	P	P	Yes	I
Large-Scale Outdoor Retail II*	C	C	Yes	III
Major Public Facilities	C	C	Yes	III
Animal Care Facilities	C	C	Yes	III
Residential	X	X	NA	NA
One single-family dwelling for caretaker/watchman	L	L	Yes	II
Master-Planned Industrial Park Dev.*	P/L	L	Yes	I,II
Agricultural Uses	P	P	No	NA
Wireless Communication Facilities (WCF)	C	C	Yes	III
Parking Lots	L	L	Yes	II
Private Streets	C	C	Yes	III

Key:

- X Prohibited
- C Conditional Use
- L Limited
- P Permitted

2.5.50 USE STANDARDS IN INDUSTRIAL ZONES.

- (1) **Improvement Standards in All Industrial Zones.** The following standards shall apply to all uses in Industrial zones:
- (a) Landscaped Street Setback. All required setback areas between any street and buildings or parking areas shall be permanently irrigated and landscaped.
 - (b) Landscaped Area Abutting a Residential Zone. A 20-foot permanently irrigated and landscaped setback shall be required for all structures, parking, storage and display areas abutting residential zoning districts.
 - (c) Off-Street Parking and Loading. Off-street parking and loading shall be paved, striped and landscaped as provided in Chapter 4.5, Off-street Parking Standards. Off-street parking and loading areas shall be set back a minimum of 10 feet from the public right-of-way and 20 feet from residential zoning, and shall be permanently irrigated, landscaped and screened.

- (d) Outdoor Storage. In the IL zone, outdoor storage and heavy equipment parking areas shall be fully screened from public view (i.e., from abutting streets and residentially-zoned areas.)
- (e) Outdoor Display. Vehicle and merchandise display areas shall be set back a minimum of 10 feet from the public right-of-way and 20 feet from residential areas; this setback area shall be landscaped and screened.
- (f) Maintenance. Industrial properties shall be maintained free of weeds, inoperable vehicles, and waste materials. Parking areas shall be paved and maintained, unless a parking adjustment has been approved.
- (g) Use Separation. New primary Manufacturing and process, waste-related and hazardous uses shall be separated from residential districts by a minimum of 300 feet, unless a conditional use permit is approved through a Type III review process.
- (h) DEQ Standards. All new industrial uses shall comply with applicable Department of Environmental Quality noise, fugitive emissions, hazardous materials, air or water quality, and related environmental standards. The applicant shall be responsible for documentation of compliance with applicable DEQ environmental standards.
- (i) Conditions. The Development Official or Commission may impose additional conditions necessary to minimize identified adverse impacts to the neighboring properties, including but not limited to unsightly views, truck traffic and potential hazards.
- (j) Accessory Retail and Service Uses. Retail sales and service uses shall be accessory to, and primarily serve, the existing industrial uses in the area.

2.5.60 INDUSTRIAL DIMENSIONAL STANDARDS.

The following lot area, density, lot dimension, building setback, parking and garage setback, and landscaping standards apply to development within Dallas's Industrial zoning districts.

Table 2.5.2: Industrial Zoning Districts – Dimensional Standards

Standard / Zoning District	IL	IH
Lot Area Standards		
➤ Minimum Lot Area	8,000 SF	8,000 SF
➤ Minimum Development Area	NA	NA
Lot Width and Depth		
➤ Minimum Lot Width	80'	80'
➤ Minimum Lot Depth	100'	100'
Building and Parking Area Setbacks		
➤ Minimum Front and Street Side Yard Landscaped Area	10'	10'
➤ Minimum Interior Side and Rear Yard	5'	5'
➤ Accessory Structure	5'	5'
➤ Minimum Landscaped Yard abutting a Residential Zone	20'	20'
Maximum Building Height	50'	50'
Landscaping		
➤ Minimum Landscape Coverage	10 percent	5 percent

2.5.70 PARKING REQUIREMENTS.

Parking shall be provided as set forth in Chapter 4.5, Off-street Parking Standards.

CHAPTER 2.6 – PARK & OPEN SPACE ZONING DISTRICT

2.6.10 PARK & OPEN SPACE.

The Park & Open Space (POS) district implements the Public/Semi-Public Park plan designation.

2.6.20 PURPOSE.

The POS district provides for the use and expansion of park and open space uses that serve the general public, on sites of sufficient size to allow for the on-site mitigation of potential adverse impacts.

2.6.30 DEVELOPMENT REVIEW REQUIRED.

To ensure that development within these zones carries out the purposes of the Dallas Comprehensive Plan, development review is required for all community service uses. Landscaping, parking and traffic impact standards in order to mitigate potential negative impacts from community service uses.

2.6.40 USES ALLOWED IN THE PARK & OPEN SPACE ZONING DISTRICT.

Table 2.6.1 identifies permitted and conditional uses that may be allowed within the POS district.

Table 2.6.1: Park & Open Space District Land Uses

Use/Zoning District	POS	Development Review	Review Type
Park and Open Space, Fields, Courts, Centers, Playgrounds and Golf Courses	P	Yes	I
Accessory Uses	P	Yes	I
Major Public Facilities	C	Yes	III
One single-family dwelling for caretaker/watchman	L	Yes	II

Key:

- X Prohibited**
- C Conditional Use**
- L Limited**
- P Permitted**

2.6.50 DIMENSIONAL STANDARDS.

The following lot area, density, lot dimension, building setback, and parking apply to development within Dallas's POS zoning district.

Table 2.6.2: POS District Dimensional Standards

Standard	Zoning District	POS
Site Area Minimum		6,000 SF
Minimum Lot Width		60'
Building Setbacks		
➤ Minimum Front Yard		20'
➤ Minimum Side Yard		5'
➤ Minimum Side Yard on Side Street		20'
➤ Accessory Buildings		5'
➤ Minimum Rear Yard		25'
Maximum Building Height		
➤ Primary Buildings		60'
➤ Accessory Buildings		15'

2.6.60 PARKING REQUIREMENTS.

Parking is allowed in the required setback area and shall follow all the other applicable requirements as set forth in Chapter 4.5, Off-street Parking Standards.

CHAPTER 2.7 LAND USE CATEGORIES

2.7.10 GENERAL RETAIL AND SERVICE.

- (1) **Characteristics.** Retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- (2) **Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
- (3) **Examples.** Retail and service uses, include, but are not limited to:
 - (a) **Retail-Oriented.** Stores selling, leasing, or renting consumer, home and business goods, including art, art supplies, bicycles, clothing, dry goods, electronic equipment, electrical supplies, fabric, food, frozen food, furniture, garden supplies, gifts, groceries, hardware, heating supplies, home improvements, household products, jewelry, paint, pawned goods, pets and pet food, pharmaceuticals, plants, plumbing supplies, printed material, restaurant and hotel supplies, scientific or professional instruments, secondhand goods, stationery, tires, videos and the like.
 - (b) **Personal and Business Services.** Personal and business services such as banks, dance or music studios, dry cleaning (except those using highly volatile or combustible materials or those using high pressure steam tanks or boilers), hair and tanning salons, health studios, laundromats, medical care, photographic studios, photocopy and blueprint services, physical therapists, private schools (martial arts, business, trade schools), reducing salons, shoe repair and maintenance, sign-making, telephone or telegraphic exchange, taxidermists, mortuaries, veterinarians and animal grooming.
 - (c) **Entertainment-Oriented Sales and Service.** Including restaurants, cafes, delicatessens, cocktail lounges, taverns, bars, catering establishments.
 - (d) **Overnight Accommodations.** Including hotels, motels, bed & breakfasts, etc.
 - (e) **Repair-Oriented Services.** Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment, photo or laundry drop-off, quick printing, recycling drop-off, tailor, locksmith, upholsterers and the like.
 - (f) **Neighborhood-Oriented.** Neighborhood retail and service uses include all of the above sub-categories, but are focused on day-to-day service to the immediate neighborhood and are designed to be accessible by foot and bicycle, as well as automobiles. Neighborhood retail and service uses typically are found in store-front buildings and are limited in size. Such uses are not destination-oriented and do not include drive-through facilities.
- (4) **Exclusions.**
 - (a) Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale, Warehouse, and Freight Movement uses.
 - (b) Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.
 - (c) Repair and service of motor vehicles is classified as Motor Vehicle Oriented Repair Services.

2.7.20 AMUSEMENT ENTERPRISES.

- (1) **Indoor.** Continuous recreational facilities such as pool halls, bowling alleys, indoor firing ranges, dance halls, skating rinks, video arcades and theaters; health and fitness clubs, lodges, meeting halls, auditoriums.
- (2) **Outdoor.** Fairgrounds, major outdoor entertainment and recreational events, drive-in theaters, outdoor skating rinks, race tracks, and the like.

2.7.30 MOTOR VEHICLE ORIENTED.

- (1) **Characteristics.** Sales and service of automobiles, trucks and boats. These uses may be conducted indoors or outdoors.
- (2) **Accessory Uses.** Accessory uses include offices, parking areas and convenience stores.
- (3) **Examples:**
 - (a) **Quick service.** Automobile accessories, minor repairs, and fuel distribution (retail only, provided all fuel is stored underground).
 - (b) **Repair.** Repair of motorcycles, automobiles, marine craft and the like, including incidental body and fender work, painting or upholstery.
 - (c) **Sales.** Sales of automobiles, motorcycles, marine vehicles, and the like.

2.7.40 OFFICE.

- (1) **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
- (2) **Accessory Uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- (3) **Examples.** Business or professional offices, financial and real estate offices, medical and dental clinics, art and music studios, and contractors offices.
- (4) **Exclusion.** Offices with associated industrial activities or large-scale outdoor activities.

2.7.50 COMMUNITY SERVICE USES.

- (1) **Characteristics.** Community service uses are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities have membership provisions and are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may include mass shelter or short term housing for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- (2) **Accessory Uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking; health and therapy areas; daycare uses; and athletic facilities.
- (3) **Examples.** Examples include airport terminal facilities; city hall, civic centers, government offices, ambulance services; bus depots; colleges; fire stations; hospitals; libraries; museums; parks; playgrounds; police stations; public swimming pools and recreational facilities; religious institutions; schools; senior centers; and trade or vocational schools.

- (4) **Exclusions.**
(a) Private lodges, clubs, and athletic or health clubs are classified as Retail Sales and Service.

2.7.60 INDUSTRIAL SERVICE USES.

- (1) **Characteristics.** Industrial Service Uses are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- (2) **Accessory Uses.** Accessory activities may include offices, parking, storage, and rail spur or lead lines.
- (3) **Examples.** Examples include auto and truck salvage and wrecking; building, heating, plumbing or electrical contractors; electric motor repair; exterminators; farm machinery sales or repair; freight terminal for motor trucks; fuel oil distributors; heavy industrial vehicle rental, repair, or sales; heavy truck servicing and repair; janitorial and building maintenance services; laundry, dry cleaning, and carpet cleaning plants; machine shops; motor freight depots; photo-finishing laboratories; printing, publishing and lithography; railroad freight classification yard or repair shop; recycling operations; repair of scientific or professional instruments; research and development laboratories; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; tire re-treading or recapping; tool repair; truck stops; welding shops.
- (4) **Exclusions.**
(a) Contractors and others who perform services off-site are included in the Office category, if major equipment is not stored on the site, and fabrication, or similar work is not carried on at the site.
(b) Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.

2.7.70 MANUFACTURING AND PROCESSING.

- (1) **Description.** Manufacturing and Production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- (2) **Accessory Uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, employee day care facilities, warehouses, storage yards, rail spur or lead lines, repair facilities, truck fleets, and caretaker's quarters. Living quarters, except for caretakers, are subject to the regulations for residential uses in the zone.
- (3) **Primary Manufacturing and Processing Uses.**
(a) **Characteristics.** Primary manufacturing and processing uses are generally involved in the processing of large volumes of raw materials into refined materials. Processing usually generates liquid or solid wastes, air pollutants, and other emissions, such as noise, vibration, heat, and light. Raw materials and refined products usually require heavy transportation, rail, and truck service. Labor force size is normally large.
(b) **Examples.** Examples include manufacture of lumber and wood products; paper manufacture; production and manufacture of primary metals; manufacture of building

materials; non-hazardous chemical, fertilizer, paint, and allied product manufacturing uses; machinery manufacturing uses; metal product manufacturing and fabrication uses; metal working shop uses; wood and lumber products processing, manufacturing and storage uses; processing or packaging of livestock and animal products uses; processing and manufacture of food products uses; rock, sand, or gravel crushing, storage, or sales; and sandblasting or cutting.

- (c) Exclusions. The manufacture or extensive use of hazardous materials is classified as Hazardous Manufacturing and Processing.

(4) Secondary Manufacturing and Processing Uses.

- (a) Characteristics. Secondary manufacturing and processing uses are generally light and medium industries involved in the processing of refined materials into components and the assembly of components into finished products.

- (b) Examples. Examples include appliance, office, and electrical product equipment manufacturing uses; artisan design manufacturing uses; computer and related high technology manufacture and design; indoor sign construction and painting shop uses; leather and leather product manufacturing uses; furniture and fixtures manufacturing uses; light machinery manufacturing uses; metal fabricated product manufacturing uses; paper and allied products assembly uses; printing, publishing, and binding uses; professional, scientific, and equipment manufacturing uses; research and development firms; rubber and product manufacturing uses; textile products manufacturing uses; textiles, apparel manufacture, and fabrication of textile products uses; and tobacco processing uses.

- (c) Exclusions.

- i) Battery manufacture is classified as Hazardous Manufacturing and Processing.
- ii) Uses engaged in the rendering of fats and oils, slaughtering of fish and meat, and manufacture of fermented foods such as sauerkraut, vinegar, and yeast are classified as Primary Manufacturing and Processing Uses.
- iii) Motor vehicle and trailer manufacturing uses are classified as Primary Manufacturing and Processing uses.

(5) Hazardous Manufacturing and Processing.

- (a) Characteristics. Hazardous manufacturing and processing generally involves explosive, extremely flammable, chromium plating, or other highly toxic manufacturing or storage uses.

- (b) Examples. Examples include the manufacture of hazardous chemicals, fertilizer, insecticide, paint and allied products; batteries; blast furnace; boiler or tank works; bulk storage of petroleum products; cooperage works; electroplating; forge plant; fuel storage; heating plants using wood or coal; and solid fuel yards.

2.7.80 WHOLESALE, WAREHOUSE, AND FREIGHT MOVEMENT USES.

- (1) **Characteristics**. Wholesale firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on site or delivered to the customer. Warehouse and freight movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer, except for will-call pickups. There is limited on-site sales activity with the customer present.

- (2) **Accessory Uses.** Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, repackaging of goods, product repair, parking, and minor fabrication services.
- (3) **Examples.** Examples include wholesale firms (not open to general public); storage or sales yard for building materials, contractor's equipment, delivery vehicles, feed and solid fuel yard; wholesale distribution of all standard types of prepared or packaged merchandise, such as automobile supplies, drugs, electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, textiles and fabrics, and variety store merchandise; Warehouses; Cold storage plant, including storage and office; and mini storage building for household goods;
- (4) **Exclusions.** Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related Manufacturing and Processing uses. Uses that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.

2.7.90 MAJOR PUBLIC FACILITIES.

- (1) **Major Public Facilities.**
 - (a) Characteristics. Major public facilities typically are located outside of public rights-of-way or public utility easements, are above ground, and serve the large areas of the community.
 - (b) Examples. Examples include power transformer stations and electrical substations; water reservoirs; sewage treatment plants; fire stations; community buildings; maintenance garages and yards.
- (2) **Accessory Uses.** Accessory uses may include office, parking and security uses.

2.7.100 ANIMAL CARE.

- (1) **Low Impact.**
 - (a) Characteristics. Low impact animal care facilities are operated at very low noise levels.
 - (b) Examples. Examples include animal hospitals; pet grooming facilities; and veterinary offices.
- (2) **High Impact.**
 - (a) Characteristics. High impact animal care facilities have a large volume of animal traffic and high noise levels.
 - (b) Examples. Examples include kennels, including exercise pens and runways; dog and cat pounds.

2.7.110 RESIDENTIAL CARE.

- (1) Residential Facility. A residential care, residential training or residential treatment facility, which provides residential care, which may include treatment or training, for 6-15 individuals. A residential facility shall be licensed or registered in accordance with ORS 443.400, ORS 443.400 to 443.460 or ORS 418.205 to 418.327. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
- (2) Residential Home. A residential treatment or training facility, or an adult foster home, which provides residential care, which may include treatment or training, for 5 or fewer individuals. A residential home shall be licensed in accordance with ORS 443.400, ORS 443.400 to 443.825, ORS 443.480-443.500 or ORS 443.705-443.825. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents.

- (3) Assisted Living Facility. A residential facility that provides either apartments or rooms that provide a range of specialized services exclusively for elderly and/or handicapped individuals. At a minimum, assisted living facilities must provide on-site nursing care, communal laundry, meals and activities, public restrooms and 24-hour on-call care. Included under this definition are congregate care facilities, rest homes, home for the aged, nursing homes, convalescent homes and similar facilities. Residents of such facilities typically do not drive motor vehicles, and therefore have reduced parking needs.
- (4) Congregate Care Facility. Congregate care facilities provide apartments with some communal facilities for adults who are capable of caring for themselves and who often drive motor vehicles.

2.7.120 LARGE-SCALE OUTDOOR RETAIL USES I & II.

- (1) **Characteristics.** Retail sales uses with large outdoor display areas.
- (2) **Accessory Uses.** Indoor retail uses, offices, parking areas, wholesale uses.
- (3) **Examples.** Examples of Large-scale Outdoor Retail Use I include feed and seed store; landscape materials outlet; retail lumber yard; automobile, truck, manufactured home and boat sales lots. Examples of Large-scale Outdoor Retail Use II include sales and rental of farm and heavy equipment, landscape materials outlet; and retail lumber yard.

2.7.130 MASTER-PLANNED INDUSTRIAL PARK DEVELOPMENT.

- (1) **Characteristics.** Master planned industrial park development sites that meet the following criteria:
 - (a) 20 acres or more of buildable land;
 - (b) Adjacent to an industrial sanctuary to minimize conflict with residential areas;
 - (c) Served by an existing or planned arterial or collector street;
 - (d) Gentle terrain of no more than 5% slope;
 - (e) Availability of utilities and proper emergency vehicle access.

Article III: Specific Land Use Review Procedures, Criteria and Application Requirements

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ARTICLE III: SPECIFIC LAND USE REVIEW PROCEDURES, CRITERIA AND APPLICATION REQUIREMENTS



CHAPTER 3.1 – INTRODUCTION

3.1.10 LAND USE REVIEW TYPES.

Article III sets forth application requirements, review criteria and procedures specific to land use reviews. Table 3.1.1 identifies the type(s) of review procedure applicable to each land use review.

Table 3.1.1 Applicable Procedure

Land Use Review	Chapter	Type of Review Procedure
(1) General	3.1	Type I, II, III or IV
(2) Development Review	3.2	Type I or II
(3) Lot Line Adjustments, Land Divisions	3.3	Type I, III
(4) Conditional Use Permits	3.4	Type III
(5) Adjustments, Variances	3.5	Type II, III
(6) Non-Conforming Uses	3.6	Type II or III
(7) Comprehensive Plan / Zoning Map and Text Amendments; Street Plan Amendments	3.7	Type III or IV
(8) Planned Unit Developments	3.8	Type III
(9) Master Plans (Mixed Use Nodes)	3.9	Type III or IV
(10) Historic Sites and Structures	3.10	Type III
(11) Floodplain Development	3.11	Type I or III
(12) Riparian Corridors & Wetlands	3.12	Type I or III
(13) Manufactured Dwelling Parks	3.13	Type II
(14) Annexations	3.14	Type IV

3.1.20 MULTIPLE APPLICATIONS.

Where Development Review is requested in conjunction with a higher review procedure (e.g., a Type III conditional use permit, subdivision or variance), the application shall be reviewed through the higher review procedure.

3.1.30 BUILDING & FIRE CODES.

The applicant and owner shall be responsible for compliance with all applicable building and fire codes. Nothing in this Code shall be construed to relieve the applicant or owner from compliance with such codes, or with any State or Federal requirements.

CHAPTER 3.2 – DEVELOPMENT REVIEW

3.2.10 PURPOSE.

The purpose of Development Review is to ensure that new and expanding residential, multiple family residential, commercial, industrial and public developments comply with the Dallas Comprehensive Plan and the provisions of this Code, including the use and dimensional standard of the underlying zoning district.

- (1) **Standards.** This chapter sets forth landscaping, buffering, access and circulation, public facilities (including transportation), recreational open space, and environmental standards for new and expanding development.
- (2) **Information Requirements.** This article also sets forth information requirements that must be met in order to process development applications.

3.2.20 REVIEW PROCEDURES, COMPLIANCE & RESPONSIBILITY.

- (1) **Procedure Type.**
 - (a) Development Review applications shall be reviewed under the Type I or Type II procedure, as indicated in the underlying zoning district.
 - (b) Development review applications that are consolidated with a zone change, conditional use permit, planned development, subdivision or variance, shall be reviewed by the Commission under the Type III procedure. The Development Official may grant a one time-one year extension to an approved Planning Commission action.
- (2) **Compliance.** Compliance with this article is necessary prior to a building permit being issued.

3.2.30 APPLICABILITY.

- (1) **Where and When.** This article applies to new development or expansion of any indoor or outdoor use requiring a building permit and resulting in expansion of 120 square feet or more, for the following uses:
 - (a) Commercial, industrial, multiple-family or public development, including buildings, storage areas and parking lots.
 - (b) Land Divisions (Chapter 3.3).
 - (c) Planned Developments (Chapter 3.8).
 - (d) Development within mapped riparian corridors (Chapter 3.12) or within the 100-year floodplain (Chapter 3.11).
 - (e) Any new use specifically identified as subject to Development Review in this Code.
- (2) **Proportionality.** For new uses, all of the requirements of this chapter shall apply to the entire building site. For expanding uses, the requirements of this chapter shall apply only to the expanded use or area.
- (3) **Compliance.** Development review shall be approved prior to issuance of building permits.
- (4) **Adequate Public Facilities.** No development shall be approved unless adequate public facilities are available or improvements will be constructed and operational, as required by this Code and the Dallas Comprehensive Plan.
 - (a) If existing improvements leading to or serving the site are inadequate to handle anticipated loads, improvements are to be constructed and operational prior to the issuance of building permits or in conjunction with construction of the approved lots or

parcels pursuant to financial assurance for the improvements or a written agreement with the City prior to final plat approval.

- (b) If over-sizing of public facilities is required, the developer may be eligible for cost reimbursement for the over-sizing according to city policy.

3.2.40 SITE PLAN CONTENTS.

In addition to the requirements specified in other sections of this code, all site plans shall include scaled drawings of the following information for the proposed development site:

- (1) Vicinity map.
- (2) Lot dimensions.
- (3) Existing and proposed structures, including their location, horizontal and vertical dimensions, size and type.
- (4) Topographic features, including existing and proposed contours at two-foot intervals and the location of the 100-year floodplain, wetlands and riparian setback area, if any exist on the property.
- (5) Except for open space areas that will be preserved, existing and proposed vegetation and landscaping, including all trees of six inches or greater in diameter at five feet above ground level, and all vegetation within the riparian setback area.
- (6) A detailed landscaping plan, including type and size of plantings and method of permanent irrigation.
- (7) Existing and proposed fences and signs, including their height, size, type, and content.
- (8) The precise location of adjacent street rights-of-way, paving width and location, and locations of existing sidewalks and bicycle routes.
- (9) Existing and proposed circulation and parking plan, including vehicular and pedestrian access points, internal circulation, connections with adjacent properties, loading and unloading areas, and off-street parking. Off-street parking plan shall show each space location, the number and size of regular and handicapped spaces, driveways and internal traffic flow.
- (10) Existing and proposed lighting.
- (11) Existing and proposed utility lines and size.

3.2.50 PROFESSIONAL PLANS REQUIRED.

The Development Official or Commission may require the applicant to prepare the following additional studies or plans in order to mitigate potential adverse development impacts on the environment, adjoining neighborhoods or the City. Required studies or plans shall include recommendations to mitigate identified impacts.

- (1) Traffic impact study and parking lot layout.
- (2) Noise and vibration.
- (3) Wetland/riparian area delineation and avoidance/mitigation.
- (4) Surface water management plans: floodplain analysis, drainage, hydrology.
- (5) Erosion control.
- (6) Geotechnical, earthquake and seismic analysis.
- (7) Hazardous waste.
- (8) Landscape plan and irrigation system.
- (9) Other plans deemed necessary by the Development Official or Commission to mitigate impacts.

3.2.60 PUBLIC FACILITY AND BUFFERING REQUIREMENTS.

Whenever a development increases the demand for public facilities or services (e.g., new construction, increases traffic on streets, increases stormwater runoff, or use of City water or sewer facilities) the developer shall prepare site plans, studies, and specifications as required. Such plans, studies, and specifications shall demonstrate, to the satisfaction of the City, that the applicant is committed to meeting the requirements below, before a building permit is issued. The developer shall dedicate, convey, construct or bond each of the required items before any lots are sold (in the case of a subdivision or planned development) and before an occupancy permit is issued (in the case of commercial, industrial, multiple-family and public development).

- (1) **Riparian Area Conservation.** Land within riparian setback areas along identified stream corridors shall be conserved through dedication to the City, conservation easements, or other appropriate mechanisms approved by the City.
- (2) **Land Dedication.** Land needed for public facilities, including streets, bicycle and pedestrian facilities, parks, and utilities shall be dedicated to the City, in accordance with adopted plans or as recommended by the Development Official.
- (3) **Utility Easements.** Public utility easements shall be required in addition to public rights-of-way, where recommended by the Development Official.
- (4) **Underground Utilities.** Unless the City Council grants a specific exemption based on existing above-ground utilities, all new utilities shall be placed underground.
- (5) **Erosion Control.** An erosion control and dust mitigation plan shall be prepared by the applicant and approved by the Development Official prior to commencement of vegetation removal or grading.
- (6) **Local Streets.** Unless modified through the Planned Development, Variance or Adjustment process, local improved streets required for the project shall meet the street standards of Chapter 4.2 Street & Accessway Design Standards and specifically shall be provided with:
 - (a) Curbs, gutters and drainage approved by the Development Official.
 - (b) Six-foot sidewalks on both sides of street frontage; and
 - (c) Minimum Five-foot park rows (landscaped areas between the street pavement and the sidewalk) when required by adopted plans or if required by the Commission as a condition of approval.
- (7) **Streets.** Streets identified on the Comprehensive Plan Map shall be designed as provided in Chapter 4.2, Street & Accessway Design Standards.
 - (a) Sidewalks shall be constructed on both sides of Collector Streets.
- (8) **Exterior Streets.** Minimum street improvements for streets that abut the exterior of a development may be improved to "half street" standards.
- (9) **Landscaped Setbacks from Buildings.** Landscaped setback areas shall be provided as required in the underlying zoning district.
- (10) **Outdoor Storage and Display.** Whenever an outdoor storage or display area abuts a residentially zoned property or a public street, a 20-foot landscaped area shall be required in addition to a permanent, attractive six-foot site-obscuring wall or fence approved by the Commission. In addition, the Development Official may require solid evergreen plantings that will fully screen stored or displayed materials or equipment from residential and public view.
- (11) **Access Limitations.** In addition to meeting applicable State or County requirements, the City may limit driveway access to arterial streets to one driveway per 200 linear feet, or greater, depending on the recommendation of the Development Official or as specified in

Mixed Use Node plans. Shared access driveways or local/collector street access only may be required by the Development Official to meet this standard.

- (12) **Landscaping Standards.** Each site shall meet the minimum landscape area requirements of the underlying zone and the standards of Chapter 4.4, Landscaping and Screening.

3.2.70 OTHER CONDITIONS AND ASSURANCES.

- (1) **Additional Conditions.** The City may require additional conditions of approval necessary to mitigate impacts identified through required studies and plans.
- (2) **Adequate Public Facilities.** The applicant shall be required to demonstrate, through documents, that sanitary sewer, water, storm drainage, electrical, telephone, cable television and transportation services are available or can be provided in accordance with the standards of the service provider. The developer shall be required to pay for the extension and installation of sanitary sewer, water, storm drainage, transportation facilities, and utilities determined necessary to serve the development, in a manner roughly proportional to the impact of the development.
- (3) **Performance Agreement.** A signed performance agreement may be required, and a bond, cash deposit, or other means of ensuring compliance may be required, in order to ensure completion and maintenance of the approved site plan.
- (4) **Revocation.** The City may revoke occupancy or cut off water or sanitary sewer service to any property or development that fails to perform conditions or maintain property as required under this article, in accordance with Chapter 1.1.100, Revocation of Land Use Permits.

3.2.80 PUBLIC IMPROVEMENT DESIGN STANDARDS.

All new and expanded developments subject to Development Review shall have adequate public facilities and services constructed and approved prior to the issuance of building permits. The adequate public facilities and services will be determined by the Development Official and as expressed in Chapter 3.3, Land Divisions and Chapter 4.2, Street and Accessway Design Standards. Improvements to public facilities shall be made in accordance with Chapter 3.3, Land Divisions. All permanent utility service shall be underground and no new overhead utility service shall be permitted. Redevelopment of property shall be reviewed on a case by case basis by the Development Official.

3.2.90 MODIFICATIONS TO APPROVED DEVELOPMENT REVIEW APPLICATIONS.

Modifications of approved Development Review applications shall be reviewed in a manner as the original development approval.

3.2.100 ADJUSTMENTS AND VARIANCES.

Adjustments and variances to the standards of this Code shall be reviewed as prescribed in Chapter 3.5 of this Code.

CHAPTER 3.3 – LAND DIVISIONS AND DEVELOPMENT

3.3.10 PURPOSE.

This chapter sets forth minimum requirements for land divisions and lot line adjustments.

- (1) **Minimum Requirements.** The provisions of this chapter shall be the minimum requirements to implement the Dallas Comprehensive Plan and Public Facilities Plan, and for public health, safety, and welfare.
 - (a) The Planning Commission may attach design standards for single-family residential lots that will promote the public health, safety, attractiveness, efficient use of land, and general welfare of the City. Irregular shaped lots may not be allowed. An irregular shaped lot has a shape or configuration that technically meets the minimum/maximum area, setbacks or frontage requirements of this code but meets these requirements by incorporating unusual elongation's, angles, curvilinear lines, shapes or design features. The use of flag lots, which are unrelated to topography or other natural land features, is discouraged.
- (2) **Purposes.** Such provisions are intended to provide for a permanently wholesome community environment, adequate municipal services, and safe streets for accomplishing, among other things, the following objectives:
 - (a) Better living conditions within new land divisions;
 - (b) Simplification and definiteness of land descriptions;
 - (c) Establishment and development of streets, utilities, and public areas;
 - (d) Streamlined Development Review based on clear and objective approval standards;
 - (e) Geographic phasing of urban development, from the City center outwards, as envisioned by the Dallas Comprehensive Plan; and
 - (f) Provision of adequate public facilities for each buildable lot within the city limits as prescribed in approved master plans for sanitary sewer, water, storm drainage and transportation.

3.3.20 APPLICABILITY.

This chapter shall be applicable to all lands within the limits of the City of Dallas, Oregon and shall apply whenever a land division or lot line adjustment is proposed except where specifically exempted by State law.

3.3.30 REVIEW PROCEDURE.

- (1) **Land Divisions.** Land divisions shall be reviewed by the Commission under the Type III procedure.
 - (a) Applications for expedited land divisions will be processed in accordance with ORS 197.360 provisions.
- (2) **Re-plats.** Re-plats shall be reviewed under the Type III procedure, subject to the following:
 - (a) A replat shall be processed as a land division and a replat application shall be submitted on the form provided for a subdivision or partition, as appropriate, and except as otherwise set forth in this section, shall be subject to all applicable provisions of this ordinance.

- (b) For the purposes of providing public notice the property which is the subject of the notice shall be any lots or parcels whose configuration will change or which are adjacent to a street or public easement proposed to be relocated or vacated.
- (c) In addition to other required notice, notice as required by ORS 92.225(4) shall be given when the replat is replating all of an undeveloped subdivision as defined in ORS 92.225.
- (d) When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, in the same manner as for property contiguous to the proposed replat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the City in writing within ten days of the mailing of the notice
- (e) A replat does not vacate any recorded covenants or restrictions.

3.3.40 APPLICATION REQUIREMENTS.

When a land division is proposed five reproducible copies of the tentative plan for the proposed land division shall be filed with the Development Official at least 28 days prior to the Commission's regular meeting at which the proposal could be considered. In order for an application to be deemed complete the applicant shall address each of the approval criteria listed in this chapter in a written narrative or on the preliminary plat. A complete application for tentative plat approval shall include the following information and data:

- (1) **Name of Subdivision.** The name of any proposed subdivision shall not be the same to the name of any previous subdivision shown on a plat filed in the office of the County Clerk of Polk County, Oregon.
- (2) **Vicinity Map.**
- (3) **Land Division Map, Required Plans.** Preliminary plan for the proposed land division shall be on a scale of one inch equals 200 feet, or on a modified scale if desired be the Development Official, with the following information and data:
 - (a) The ownership, township, section or donation land claim, and the County in which the land division is located.
 - (b) The location of all existing or proposed roads and streets within or on the boundary of the proposed land division.
 - (c) **Site Plan.** Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. A subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the state of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed.
 - (d) The zoning in and adjacent to the proposed land division and indicating any uses proposed other than single family residential.
 - (e) The location of all buildings within the proposed land division and their present uses. Those to remain shall be indicated.
 - (f) The location, size, and use of all contemplated and existing public areas within the proposed land division, and a description of the adaptability of the area for uses

contemplated. Areas approved for public use shall be dedicated for such use and indicated on the final plat before recording.

- (g) The location and kind of existing public facilities, and planned public utilities in and adjacent to the proposed land division as prescribed on applicable master facilities plans; the locations shall be shown on the vicinity map.
- (h) The location of drainage ways and easements in and adjacent to the proposed land division and the proposed method of storm water collection and disposal and erosion control.
- (i) The topography within and adjacent to the proposed land division at two-foot contour intervals. The base for such information shall be datum obtained from any official bench mark in Polk County or the City of Dallas, providing its location, description, and elevation are furnished.
- (j) Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:
 - 1. Proposed and existing street rights-of-way and all other transportation facilities;
 - 2. All proposed lots and tracts;
 - 3. All trees with a diameter six inches or greater measured four feet from the ground;
- (k) A preliminary soil engineering report, prepared by a suitably qualified and experienced civil or geotechnical engineer who is licensed in Oregon and who derives his or her livelihood principally from that profession, discussing the engineering feasibility of the proposed development and addressing strength properties of surface and subsurface soils with regard to expansive soils, stability of slopes; appropriate types of foundations together with bearing values and settlement criteria for foundation design, soil erosion potential, permeability and infiltration rates; excavation, filling and grading criteria including recommended final slopes; surface and subsurface drainage; planting and maintenance of slopes; other identified soil or subsurface constraints together with geotechnical remediation and other recommendations to alleviate or minimize their effects; and signature and seal of the geotechnical engineer. The report shall also contain a statement as to whether the proposed development, constructed in accordance with the recommended methods, is reasonably likely to be safe and prevent landslide or other damage to other properties over the long term, and whether any specific areas should not be disturbed by construction.
- (l) Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice.
- (m) North point, scale, and date.
- (4) **Names and Addresses.** The names and addresses of all landowners within the proposed land division, the land divider if other than the owners, and the engineer or surveyor responsible for laying out the land division.
- (5) **Water Supply.** A brief statement showing compliance with the water supply provisions of this chapter.

- (6) **Sanitary Sewage Disposal.** A brief statement regarding sewage disposal.
- (7) **Other Utilities.** A brief statement regarding how needed communication, electrical, natural gas and related utilities will be provided and coordinated with the City and the appropriate utility provider.
- (8) **Additional Information.** The approval authority may require additional information from the applicant as necessary to determine compliance with approval criteria.

3.3.50 DEVELOPMENT CRITERIA.

The applicant shall bear the burden of proof with substantial evidence that each of the following approval criteria has been satisfied:

- (1) All applicable standards of this Code are met.
- (2) All applicable general and design standards of Article IV are met.
- (3) All public facilities projects identified by the Development Official or by Chapter VI of the Dallas Comprehensive Plan as needed to serve the proposed land division have been constructed; or the applicant can demonstrate that the required public facilities improvements will be constructed and operational:
 - (a) Prior to the issuance of building permits; or
 - (b) In conjunction with construction of the approved lots or parcels pursuant to financial assurance for the improvements or a written agreement with the City prior to final plat approval.
- (4) Sanitary sewer, water and storm drainage collection and distribution systems are or will be adequate to handle the increased loads required by each phase of the proposed land division, based on master facilities plans and as determined by the Development Official.
- (5) Streets and intersections serving the proposed land division are adequate to accommodate increased vehicular, bicycle and pedestrian traffic safely and efficiently.
 - (a) To make this determination, the Development Official may require that the applicant prepare a transportation impact study which demonstrates, at a minimum, that no street link or intersection serving the proposed land division will exceed LOS (level-of-service) D during peak morning or evening demand periods or LOS C during non-peak demand periods. This traffic impact study must consider the proposed development and probable development within the area served by each street link or intersection for at least a 10-year period.
 - (b) Where bicycle paths or lanes are required on City plans, and there is a roughly-proportional relationship between construction of bicycle paths or lanes and the impact of the development, such bicycle paths shall be installed at the developer's expense.
 - (c) Five foot sidewalks, street trees (at 30-foot intervals), curbs and gutters shall be installed by the developer on both sides of all interior streets, as specified in Table 4.2.1 of Chapter 4.2, Street & Accessway Design Standards.
 - (d) Full-street improvements also shall be required whenever an unimproved local street provides the sole access from an arterial or collector street to the subject property, provided that there is a roughly-proportional relationship between the required improvement and the impact of the proposed development.
 - (e) Upon review and approval from the Development Official half-street improvements may function as an adequate transportation system on an interim basis.
 - (f) Any proposed driveway grades in excess of fifteen (15) percent, must be approved by the Development Official through a Type II process, in which case the Development Official shall find that topographic conditions require a steeper grade and that no reasonable

design alternative exists. The applicant shall identify any potential lots on the preliminary plan that met these criteria.

3.3.60 DECISION OPTIONS.

At the conclusion of the public hearing, the approval authority may approve, disapprove or approve with modifications the proposed tentative plan.

3.3.70 CONDITIONS OF APPROVAL.

The approval authority shall attach conditions of approval as necessary to ensure compliance with this Code.

3.3.80 ADJUSTMENTS AND VARIANCES.

The procedure and criteria for adjustments and variances shall be as prescribed in Chapter 3.5 of this Code. A separate fee shall be assessed and shall accompany each variance or adjustment request.

3.3.90 STREET & ACCESSWAY DESIGN STANDARDS.

(1) Streets, accessways and bicycle lanes shall be designed in accordance with the standards of Chapter 4.2, Street & Accessway Design Standards.

3.3.100 OTHER PUBLIC FACILITIES.

- (1) **Sewage Disposal.** All lots shall be serviced by the City's sewage system.
- (2) **Domestic Water Supply.** All lots shall be served by the City Water System.
- (3) **Underground Utilities.** All permanent utility service to lots in a land division shall be underground and no overhead utility service to a subdivision shall be permitted. The land divider, owner or developer shall be responsible for complying with the requirements of this section and shall:
 - (a) Obtain a permit from the Director of Public Works for placement of all underground utilities.
 - (b) Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Oregon.
 - (c) Provide underground easements for utilities as set forth on the final plat. Each easement shall be a minimum of 15 feet in width. The easement shall be located where possible, abutting an interior lot line.

3.3.110 FLAG LOTS.

Flag lots shall be discouraged except where it is impractical, now or in the future, to create a public street that provides access to otherwise buildable land. Where permitted, each flag lot shall meet the following minimum standards:

- (1) **Front Yard.** The front yard of the "flag" portion of each flag lot shall be at least 60 feet wide and 25 feet deep, and shall be parallel to the public street from which the lot takes access.
- (2) **The "Pole."** The "pole" portion of the flag lot shall be excluded from lot size calculations. The "pole" shall meet the following standards:

- (a) The “pole” for a single flag lot shall be at least 25 feet wide, with a 15-foot paved driveway.
- (b) The “pole” for a double flag lot shall be at least 50 feet wide, with a 24-foot paved driveway.
- (3) **Side and Rear Yards.** Side and rear yard setbacks shall be 10 feet and 15 feet, respectively.
- (4) **Interim Flag Lot Exception:** Where a public street is practical in the long-term and is designated on a street plan map, but is unlikely to be constructed within the next five years, an interim flag lot may be approved, provided that the property owner shall sign an agreement:
 - (a) To dedicate land for future public right-of-way when requested by the City.
 - (b) In favor of future street and public improvements; and
 - (c) To abandon the “pole” access and replace paving with landscaping, when direct public street access is available to the flag portion of the flag lot.

3.3.120 LOT LINE ADJUSTMENTS.

- (1) **Review Procedure.** Lot line adjustments shall be reviewed under Type I procedure.
- (2) **Review Standards.** The proposed lot line adjustment shall meet the following standards:
 - (a) No additional lot shall be created.
 - (b) The existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by this Code.
 - (c) The adjustment will result in the relocation of a common boundary.
 - (d) The adjustment will not cause or create a violation of any provisions of this Code.
 - (e) The adjustment will not increase the degree of nonconformity of any lawful pre-existing nonconforming use.
 - (f) Compliance with requirements of 3.3110 Flag Lots if one or more flag lots are proposed.
 - (g) The adjusted boundary line shall be surveyed and monumented and a survey shall be filed with the Polk County Surveyor unless the adjusted property line is a distance of even width along the common boundary of a lot in a subdivision or a parcel in a partition in compliance with ORS.92.060.
 - (h) A property line adjustment deed, which contains the names of the parties, the description of the adjusted line, references to original recorded documents, and signatures of all parties shall be recorded with Polk County.
 - (i) The survey and deed required by (e) and (f) above, shall be filed or recorded within 180 days of final approval of the lot line adjustment or the approval shall be null and void. The Development Official may grant one extension of up to 180 days.
 - (j) A decision of the Development Official on an administrative lot line adjustment is not a land use decision. A proposed lot line adjustment which does not meet the above requirements may be approved by the Commission through a type III variance procedure.
- (3) **Land Division Standards Apply.** In the event that a lot line adjustment proposal does not comply with the standards listed under sub-section (1), above, the application shall be denied or reviewed as a Type III land division.

3.3.130 BUILDING & CONSTRUCTION.

- (1) **Building Permits.** No permit shall be issued for the construction or placement of any building or structure upon land in an unrecorded land division.

- (2) **Public Facilities.** No permit shall be issued for the construction or placement of a building or structure on land that lies within a recorded land division, until the required streets, sewers, and utilities have been constructed and approved in accordance with this Code, other applicable City ordinances, and any conditions of approval. Construction prior to recording of the final plat may occur with an approved site improvement plan (utility, street, sewer, storm, water..) financial assurance and a signed agreement that the improvement will be constructed according to the approved subdivision plat and City of Dallas specifications. Recording of the final plat may occur prior to the construction of the public improvements with a signed agreement stating that the required public facility improvements will be constructed and operational in conjunction with construction of the approved lots and pursuant to financial assurance for the amount of the improvements. If the final plat is to be recorded prior to the construction of the public improvements an Improvement Bond or cash deposit (100% of project) issued to the City for the amount of the improvement cost (asphalt, curb, sidewalk, utility, lights, signage, drainage, landscaping etc..) is required. The installation of erosion control measures is required with the construction and the grading may commence upon receiving the Letter to Proceed or issuance of construction permit from the Public Works Department. A Maintenance Bond for 2-years and 15% of the project is required and may be transferred from the Improvement Bond is possible.
- (3) **Soil Engineering Report / Fill on Lots.** Any fill placed on the lots within the building envelope must be an engineer-controlled fill with separation of vegetative material from the select compacted material. All new lots must have a geo-technical soil report specific to the subdivision with soil conditions identified for the lots in the subdivision or the owner/developer may submit engineered designed footing details that would allow the residences to be constructed without resulting in significant impacts.

3.3.140 SURVEYS.

- (1) **Public Survey Monuments.**
- (a) Any donation land claim, section corner, or other official survey monument within or on the boundary of a proposed land division shall be accurately referenced in accordance with ORS Chapters 92 and 209, respectively.
 - (b) All land divisions shall be surveyed and monumented as required by ORS Chapters 92 and 209, respectively.

3.3.150 ACTION ON FINAL PLATS READY FOR RECORDING.

- (1) **City Approval and Recordation Required.** No person shall dispose of, transfer, sell, or agree, offer, or negotiate to sell any lot in any subdivision prior to the final plat of said subdivision being approved by the City and recorded with Polk County.
- (2) **Conformance with Tentative Plan.** A land division plat, when ready for final approval prior to recording, shall be in accordance with the approved tentative plan. Before approval by the Commission, there shall appear on the final plat the signatures of all persons set out in the dedication, signatures of the mortgagees, if any, signatures of the City Engineer and County Surveyor, and the signature and seal of the registered professional engineer or registered land surveyor responsible for the laying out of the land division. All signatures must be with black India ink. The final plat, when presented for approval thereof by the Commission, shall be accompanied by an exact duplicate copy.

- (3) **Final Plat Approval.** If deemed appropriate, the Commission may withhold final approval of the plat until the field check of the land division has been made, provided such field check has been initiated within seven calendar days of the Commission meeting.
 - (a) After the final plat has been filed with the City, the staff shall review the final plat and compare it with the approved tentative plan to ascertain whether the final plat conforms to the approved tentative plan and with such conditions of approval of the tentative plan which may have been made.
 - (b) If the staff finds that there has not been substantial conformity with the tentative plan, they shall advise the land divider of the changes that must be made.
 - (c) The Development Official or County Surveyor shall examine the plan for accuracy and completeness, and may collect such fees as are provided by State law for such review.
- (4) **Planning Commission President's Signature.** When the final plat has been reviewed and is in conformity, the Development Official shall so certify to the President of the Commission, who may then sign the plat without further action of the Commission.
 - (a) If the final plat is not in substantial conformance, it shall be submitted to the Commission.
 - (b) If the final plat is referred to the President of the Commission for his signature without being submitted to the Commission, the President may elect either to sign the plat or submit it to the entire Commission for further review.
 - (c) When submitted to the Commission for review, approval of the final plat shall be by majority of those present.
 - (d) If the plat is signed without review by the Commission, the action shall be reported to the Commission at the next regular meeting. In the absence of the President, the duties and powers with respect to the action on final plats shall be vested in the Vice-President.

3.3.160 TIME LIMIT FOR THE RECORDING OF A PLAT.

The first phase of a plat, if phasing is approved, or the complete plat must be filed with the Commission within one year from the date of tentative approval, unless a phasing plan has been approved.

- (1) **1 Year Expiration.** If not submitted or recorded within one year of the date of final decision, or in accordance with the approved phasing plan, the approval shall be null and void.
- (2) **Re-Submittal.** In the event that the final plat is not recorded within the time herein provided, it shall be re-submitted to the Commission, which may require changes or alterations deemed necessary due to changed conditions within the general area of the land division.
- (3) **Land Division Review Expiration.** The Commission may review any undeveloped final plat after the expiration of ten years from the date of final approval by the City, as authorized by ORS 92.205, *et seq.*

3.3.170 STATE REAL ESTATE COMMISSION APPROVAL.

- (1) **ORS Chapter 92 Compliance.** No person shall offer any subdivided or partitioned lands for sale or lease without having first complied with the applicable provisions of Chapter 92 of the Oregon Revised Statutes.
- (2) **Copies of Recorded Plats Provided.** Within six days after the recording of a land division, the owner or his representative shall furnish the Development Official six prints made from the reproduction of the recorded plat.

CHAPTER 3.4 – CONDITIONAL USES

3.4.10 PURPOSE.

Uses designated in this Code as permitted Conditional Uses shall be permitted or enlarged or altered upon approval by the Commission in accordance with the standards and procedures specified in Chapter 3.2 & 3.4.

3.4.20 APPLICABILITY.

- (1) **Where and When.** Prior to issuing any building permit, the Development Official shall receive and review a development permit application for:
 - (a) Any new use specifically identified in the underlying zoning district as a conditional use; and
 - (b) Expansion of any indoor or outdoor use – specifically identified in the underlying zoning district as a conditional use by ten percent or more.
- (2) **Proportionality.** For new uses, all of the requirements of this chapter shall apply to the entire building site. For expanding uses, the requirements of this chapter shall apply only to the expanded use or area.
- (3) **Listed Conditional Uses.** Lawfully established uses that are also identified as conditional uses in the underlying zoning district, but which have not been formally reviewed under this chapter, may continue. However, expansion of such uses may only occur in conformance with the provisions of this chapter.

3.4.30 APPLICATION REQUIREMENTS.

Conditional Use permit applications shall be reviewed under the Type III procedure.

- (1) **Who May Initiate.** A request for a Conditional Use or modification of an existing Conditional Use may be initiated by a property owner or an authorized agent by filing an application with the Community Development Department upon forms provided by the City.
- (2) **Basic Information.** In addition to the information required for all Type III applications, the applicant shall provide such additional information as required by the Conditional Use application form and required fee.
- (3) **Supplemental Information.** Other information such as drawings, studies or materials may be requested that will assist the Commission in understanding the nature and potential impacts of the proposed use and its relationship to the surrounding properties.

3.4.40 REVIEW CRITERIA.

In determining whether a Conditional Use proposal shall be approved with conditions, the Commission shall find that the following criteria are met or can be met by observance of conditions.

- (1) The proposed use meets the dimensional standards of the underlying zoning district and conforms with Development Review standards of this Code.
- (2) The location, size, design, and operating characteristics of the proposed use will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.
- (3) Adverse impacts identified through the application and public hearing process can be mitigated.

3.4.50 CONDITIONS OF APPROVAL.

In addition to the general requirements of this Code, the Commission may recommend conditions to be attached which it finds necessary to satisfy conditional use review criteria or to mitigate identified impacts. These conditions may include but are not limited to the following:

- (1) Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and restraints to minimize the environmental effects, such as noise, vibration, air pollution, glare and odor.
- (2) Modifying lot size, dimension, or open space requirements.
- (3) Limiting the height, size or location of a building or other structure because of obstructions to view or the reduction of light or air to adjacent property.
- (4) Designating the size, number, location and nature of vehicle access points.
- (5) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.
- (6) Limiting or otherwise designating the number, size, location, height and lighting of signs.
- (7) Requiring additional screening and landscaping to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.
- (8) Limiting the location and intensity of outdoor lighting and requiring its shielding.
- (9) Designating the size, height, location and materials for a fence.
- (10) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or another significant natural resource.
- (11) Making any other condition to permit the development of the City in conformity with the intent and purpose of the Comprehensive Plan.

3.4.60 TIME LIMIT.

A permit for a use involving a conditional use shall be void after one year of the date of final decision if:

- (1) No substantial construction has taken place; or
- (2) The conditional use was not approved as part of a phased development approval; or
- (3) The applicant has not requested and received a one-time extension granted by the City Manager.

CHAPTER 3.5 – ADJUSTMENTS AND VARIANCES

3.5.10 PURPOSE.

The purpose of Article III is to allow flexibility in the application of the numerical standards of this Code consistent with the Dallas Comprehensive Plan, the purpose of the underlying zoning district, and the purpose of the dimensional standard itself. The Commission may authorize a variance from any dimensional requirement set forth in this Code.

- (1) **Adjustments.** An “adjustment” is a change in a numerical or measurable standard of equal to or less than ten percent.
- (2) **Variances.** A “variance” allows a use that other property owners enjoy in the same zone but, because of a special and unusual circumstance related to the specific property i.e. the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner.
- (3) **Use Variances Prohibited.** No adjustment variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. A variance cannot substitute for a zone change or Comprehensive Plan Map amendment.

3.5.20 AUTHORIZATION TO GRANT OR DENY ADJUSTMENTS AND VARIANCES.

The Development Official may approve adjustments from the numerical requirements of this Code based principally on the presence of special or unusual circumstances related to a specific piece of property. In contrast, the Commission may grant a variance only if the applicant also shows that a hardship would result from strict application of the standards of this Code.

3.5.30 PROCEDURE AND CONDITIONS.

- (1) **Type II Procedure.** Adjustments are reviewed under the Type II procedure.
- (2) **Type III Procedure.** The Commission reviews variances under the Type III procedure. If an adjustment is proposed as part of an application that requires a public hearing before the Commission, the adjustment shall be consolidated with the Type III application.
- (3) **Burden of Proof.** In both cases, the burden of proof is on the applicant to demonstrate that applicable criteria are satisfied.
- (4) **Who May Initiate.** A request for a variance may be initiated by a property owner or an authorized agent by filing an application on forms provided by the City.
- (5) **Basic Information.** In addition to the information required for all Type III applications, the applicant shall provide such information as required by the variance application form, including the required fee.
- (6) **Supplemental Information.** Other information such as drawings, studies or materials may be requested that will assist the Commission in understanding the nature and potential impacts of the proposed use and its relationship to the surrounding properties.
- (7) **Approval Criteria.** If any approval criteria is not satisfied, even after imposing conditions of approval, the approval authority shall deny the variance or adjustment request.
- (8) **Conditions of Approval.** In granting an adjustment or variance, the approval authority may attach conditions necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of the code.

3.5.40 CRITERIA FOR GRANTING AN ADJUSTMENT.

In order to approve an adjustment, all of the following criteria must be met:

- (1) **Site Constraints.** The applicant has identified specific topographical or lot configuration constraints that make it impractical to meet a specific numerical provision of this Code.
- (2) **Purpose of Standard.** The adjustment is consistent with the purpose section of applicable zoning district(s).
- (3) **Impacts on Adjoining Properties.** Adjoining properties and the immediate neighborhood will not be adversely affected by approval of the proposed adjustment.
- (4) **Minimum Necessary Adjustment.** The proposed adjustment is the minimum necessary to solve practical problems associated with strict application of the standard.
- (5) **Compensation for Lost Riparian Setback Area.** If the adjustment is for a riparian setback, a corresponding increase in setback area is provided elsewhere on the property or on an adjacent property.
- (6) **No Net Loss in Flood Holding Capacity.** If the adjustment is to the floodplain boundary, there will be no net loss in flood holding capacity.

3.5.50 CRITERIA FOR GRANTING A VARIANCE.

In order to approve a variance, the Commission must find that all of the following criteria are met:

- (1) **Extraordinary Conditions.** Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
- (2) **Substantial Property Right.** The variance is necessary for the preservation of a substantial property right of the applicant which is substantially the same as is possessed by owners of other property in the same zone or vicinity.
- (3) **No Material Detriment.** The authorization of the variance shall not be materially detrimental to the purposes of this Code, injurious to property in the zone or vicinity in which the property is located, or otherwise detrimental to the objectives of the Dallas Comprehensive Plan.
- (4) **Minimum Necessary.** The variance requested is the minimum variance from the provisions and standards of this Code which will alleviate the hardship.
- (5) **Hardship Not Self-Imposed.** The property owner or developer is placed in a hardship that is not self-imposed.

3.5.60 TIME LIMIT.

A permit for a use involving an adjustment or variance shall be void after one year of the date of final decision if:

- (1) No substantial construction has taken place; or
- (2) The variance was not approved as part of a phased development approval; or
- (3) The applicant has not requested and received a one-time extension granted by the City Manager.

CHAPTER 3.6 – NON-CONFORMING USES AND STRUCTURES

3.6.10 PURPOSE.

The purpose of non-conforming use review is to determine:

- (1) whether an existing use that does not conform within existing zoning regulations is a valid non-conforming use; and
- (2) whether and under what circumstances a valid non-conforming use may be expanded or replaced.

3.6.20 WHERE APPLICABLE.

This chapter applies to all non-conforming lots, uses and structures, as defined in Chapter 1.2 of this Code.

3.6.30 REVIEW PROCEDURE.

- (1) **Determination of Non-Conforming Status.** A determination shall be made whether a lot, use or structure is non-conforming through the Type I procedure.
- (2) **Non-Conforming Lots of Record.** Lots that were legally created, shall be considered buildable lots under this Code. However, such lots shall be subject to the use and all applicable dimensional standards of the underlying zoning district.
- (3) **Expansion of a Non-Conforming Use or Structure.**
 - (a) An expansion may be approved for a non-conforming use or structure by up to ten percent in a calendar year, under the Type II procedure.
 - (b) The Commission shall review proposed expansions of non-conforming uses or structures of greater than ten percent in a calendar year through the Type III procedure.
 - (c) Expansions of non-conforming uses or structures are subject to Chapter 3.2, Development Review.

3.6.40 APPLICATION REQUIREMENTS.

The application requirements of Chapter 3.2.40-50, Development Review, shall apply.

3.6.50 REVIEW CRITERIA – DETERMINATION OF VALID NON-CONFORMING USE STATUS.

- (1) Those uses existing at the time of adoption of this code shall be allowed to continue as a permitted use, even though the use may not conform to the code.
- (2) For purposes of verification of a use, the applicant shall demonstrate that the use:
 - (a) As approved was consistent with the regulations in effect at the time of development approval; and
 - (b) has not been changed or expanded in a manner inconsistent with the Dallas Comprehensive Plan or implementing land use regulations since it was lawfully approved; and
 - (c) has not been abandoned for a period of one year or more at any time since it was lawfully created; or

- (d) that the existence, nature and extent of the use has been documented for every year during the previous 10 years prior to the date of the application. Evidence proving the existence, continuity, nature and extent of the use for the ten-year period preceding application creates a rebuttable presumption that the use, as proven, was lawfully created.

3.6.60 REVIEW CRITERIA – ALTERATION OF A VALID NON- CONFORMING USE.

- (1) **Permitted Alterations.** Alteration of a valid non-conforming use shall be permitted under any of the following conditions under the Type I procedure:
 - (a) Where necessary to comply with any State law, or to maintain in good repair structures associated with the use; or
 - (b) Where there has been a change of ownership or occupancy, provided that the nature and extent of the use does not change; or
 - (c) Where restoration or replacement is proposed when such restoration or replacement is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster.
- (2) **Discretionary Alterations.** The following criteria shall apply to expansion of valid non-conforming uses that are not subject to sub-section (1) above:
 - (a) The alteration shall meet the Type III Conditional Use procedure.
 - (b) The alteration shall have no greater adverse impact to the neighborhood than that of the current use, including its structures and operations.
- (3) **Conditions.** The Commission may attach any reasonable condition designed to mitigate adverse impacts resulting from approval of a proposed alteration, including its structures and operations.

3.6.70 ABANDONMENT.

A non-conforming use shall not be resumed after a period of interruption or abandonment of more than one year, unless the resumed use meets the requirements of this Code.

3.6.80 CHANGE OF PRE-EXISTING USE.

If a pre-existing use is changed, it shall be changed to a use conforming to the zoning regulations and, after change, it shall not be changed back again to the original pre-existing use.

CHAPTER 3.7 – COMPREHENSIVE PLAN AND ZONING MAP AND TEXT AMENDMENTS

3.7.10 PURPOSE.

This chapter includes procedures and criteria for both quasi-judicial and legislative Comprehensive Plan and/or Zoning Map amendments. The Dallas Comprehensive Plan, Volume II, shall guide the timing and location of Plan and Zoning Map amendments.

3.7.20 PROCEDURE.

- (1) Comprehensive Plan Map amendments, including amendments to arterial and collector street designations, shall be reviewed under Type IV procedure.
- (2) Zoning Map amendments that do not require a Comprehensive Plan Map amendment (because they are in compliance with the Plan Map) shall be reviewed under Type III procedure.
- (3) Zoning Map amendments that are combined with Comprehensive Plan Map amendments shall be reviewed under Type IV procedure.
- (4) The Development Official shall maintain a record of amendments to the text and map of this Code in a form convenient for the use of the public.

3.7.30 APPLICATION REQUIREMENTS.

- (1) **Who May Initiate.**
 - (a) A quasi-judicial Comprehensive Plan and/or Zoning Map amendment may be initiated by a property owner or an authorized agent by filing an application with the Community Development Department on forms provided by the City.
 - (b) A legislative amendment may only be requested by the Development Official, Commission or City Council.
- (2) **Basic Information.** In addition to the information required for all Type III and IV applications, the applicant shall provide such additional information as required by the Comprehensive Plan and Zoning Map application form, including the requisite fee. For all Comprehensive Plan, Development Code and Zoning Map amendments, applications are due 50 days prior to the hearing date before the Planning Commission.
- (3) **Comprehensive Plan Map Amendments.** Where a Comprehensive Plan Map or street designation amendment is proposed, the Statewide Planning Goals, the Goals and Policies of the Dallas Comprehensive Plan (Volume I) and the criteria of this chapter shall be specifically addressed in the application narrative. The 120-day statutory time limit does not apply to Comprehensive Plan Map amendments.
- (4) **Zone Changes That Implement the Comprehensive Plan.** Where a zone change is proposed in conformance with the Comprehensive Plan Map, only the standards of this chapter need be addressed in the application narrative. The 120-day statutory time limit does apply to zone changes in compliance with the Comprehensive Plan Map.
- (5) **Comprehensive Plan Text Amendments.** Where a Comprehensive Plan is proposed, the Statewide Planning Goals, the Goals and Policies of the Dallas Comprehensive Plan (Volume I) and the criteria of this chapter shall be specifically addressed in the application

narrative. The 120-day statutory time limit does not apply to Comprehensive Plan or Development Code text amendments.

- (6) **Supplemental Information.** Other information such as drawings, studies or materials may be requested that will assist the Commission in understanding the nature and potential impacts of the proposed map amendment(s), its (their) relationship to the surrounding properties and the community as a whole.

3.7.40 REVIEW CRITERIA.

No Comprehensive Plan Map (including street designations) or Zoning Map boundary shall be amended except upon a finding of compliance with this section. In order for a zone change application to be deemed complete the applicant shall address each of the criteria listed below in a written narrative. The applicant shall bear the burden of proof by demonstrating with substantial evidence that each of the following criteria has been satisfied:

- (1) **Zone Changes That Implement the Comprehensive Plan.** Where a zone change is proposed in conformance with the Comprehensive Plan Map, the applicant must submit a site plan and demonstrate conformance with the following criteria:
- (a) The applicant shall analyze alternative sites capable of meeting the purported need, considering the land needs assessment in Volume II of the Dallas Comprehensive Plan. This analysis shall demonstrate that there is a shortage of designated land within the City limits available to meet the purported need, and that changing the zone will not result in a shortage of land in any other plan designation.
 - (b) Adequate public facilities are available to meet increased demand for services that may result from potential development allowed on the rezoned site. The applicant shall demonstrate that:
 - i) All public facilities projects identified in Chapter VII of the Dallas Comprehensive Plan which serve the area where the zone change is proposed have been constructed or are programmed to serve the site within the next five years; and that the required public facilities improvements will be in place and operational in conjunction with the development of the site.
 - ii) Sanitary sewer, water and storm drainage collection and distribution systems are adequate to handle the increased loads required by the rezoning, as determined by the Director of Public Works.
 - iii) Streets serving the proposed site are adequate to accommodate increased vehicular, bicycle and pedestrian traffic safely and efficiently. To make this determination, the City may require that the applicant prepare a transportation impact study which demonstrates, at a minimum, that no street link or intersection affected by the proposed subdivision will exceed LOS (level-of-service) D during peak morning or evening demand periods or LOS C during non-peak demand periods. This traffic impact study must consider the proposed development and probable development within the area served by each street link or intersection for at least a 10-year period.
 - iv) Where street, utility, sidewalk, or bicycle improvements are roughly proportional to the impacts from proposed development that will likely result from the proposed zone change, and these improvements are required in City plans, then the applicant shall agree in writing to install the required improvements at the developer's expense.
- (2) **Comprehensive Plan Map and Street Designation Amendments.** Where a Comprehensive Plan Map amendment is proposed (including an urban growth boundary amendment), the applicant shall demonstrate conformance with the following criteria:

- (a) Applicable Statewide Planning Goals.
- (b) Applicable Goals and Policies of the Dallas Comprehensive Plan (Volume I).
- (c) Amendments to collector and arterial street designations shall explicitly address the Transportation Planning Rule (OAR Chapter 660, Division 12) and the Transportation Policies of the Dallas Comprehensive Plan.

3.7.50 DECISION OPTIONS.

- (1) **Quasi-Judicial/Legislative Amendments.** In the case of a quasi-judicial or legislative zone change (whether or not a Comprehensive Plan amendment is proposed), the review body may:
- (a) approve the zone change;
 - (b) approve the zone change with conditions;
 - (c) reduce the area of the zone change (provided that adequate public notice has been provided); or
 - (d) deny the zone change.

3.7.60 CONDITIONS OF APPROVAL.

The review authority may require conditions of approval necessary to ensure conformance with Zoning Map amendment review criteria. Conditions of approval shall not be placed on Comprehensive Plan Map, Comprehensive Plan text or Development Code text amendments.

3.7.70 ILLUSTRATIVE SITE PLAN COMPOSITION.

The Commission may require preparation of a site plan to illustrate how a Zoning Map amendment may be implemented. In such cases, the site plan shall conform with the requirements of Chapter 3.2, Development Review.

3.7.80 PREVIOUS RESOLUTIONS OF INTENT.

The City's intent is not to continue to use a Resolution of Intent to Rezone in the future. The Development Review process achieves the same objectives. Towards this end, the City has legislatively rezoned land within the City consistent with the Dallas Comprehensive Plan Map.

- (1) **Existing Resolutions of Intent to Rezone.** The conditions of previously-effected Resolutions of Intent to Rezone shall remain binding upon existing and future property owners and the City unless specifically revoked by the City Council.
- (2) **Termination.** Upon fulfillment of all conditions by the applicant, the Council shall by ordinance effect such change of zone unless the Council has already finalized the zone change through a legislative process.
- (3) **Invalidation.** The failure of the applicant to substantially meet any condition of a Resolution of Intent to Rezone, including the time limit placed in the resolution, shall render said Resolution null and void – unless an extension is granted by the Council upon recommendation of the Commission.

CHAPTER 3.8 – PLANNED DEVELOPMENTS

3.8.10 PURPOSE.

The Planned Development review process allows flexibility in design and creative site planning, while providing for the orderly development of the City consistent with the Dallas Comprehensive Plan. This article provides for flexibility in site design and development consistent with the following objectives:

- (1) Encourage creative, efficient uses of land that may include development clustering and density transfer to buildable areas.
- (2) Provide and ensure preservation and enhancement of riparian areas and usable open spaces.
- (3) Ensure that pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities are integrated into the project design.
- (4) Ensure that recreational areas (active and passive) are dispersed throughout the development and easily accessible from all dwelling units.
- (5) Preserve and enhance natural landscape features of the site; avoid development on steep river banks, wetlands and riparian areas; and protect and enhance riparian vegetation and habitat areas.
- (6) Within limits approved by the approval authority: allow latitude in building design and placement, open spaces, circulation facilities and off-street parking to best use the physical features of land within the development.
- (7) Facilitate the economical and adequate provision of public services and utilities.
- (8) Provide an attractive living and working environment for Dallas's residents and work force.
- (9) Maintain surface and ground water quality.
- (10) Provide for a multi-modal transportation systems.
- (11) Minimize adverse impacts to neighboring properties.

3.8.20 APPROVAL PROCEDURE.

- (1) **Developer's Option.** Use of the Planned Development process is optional on the part of the applicant.
- (2) **Procedure.** All Planned Developments shall be reviewed under Type III procedures in accordance with Article I of this Code.
- (3) **Land Divisions.** Whenever the division of property is proposed, the applicant must also meet the requirements of Chapter 3.3, Land Divisions. Unless specifically authorized by this Chapter or Chapter 3.3, Land Divisions, modifications to subdivision standards may only be approved by the Commission in accordance with Chapter 3.5, Adjustments and Variances.
- (4) **Review Phases.** The Planned Development approval process entails two phases, a preliminary and a final review.
 - (a) **Preliminary Review.** An application for a preliminary Planned Development shall include a site development plan. Preliminary review of the Planned Development will necessarily involve consideration of off-site impacts of the proposed design. The preliminary Planned Development approval will expire three (3) years after the date of final approval unless otherwise provided in the approved phasing plan.
 - (b) **Final Review.** A final site development plan shall be submitted by the applicant following the approval of the preliminary Planned Development.

- i) The Commission President shall approve or disapprove the Final Planned Development under the Type I procedure. If the final plan complies with the approved Preliminary Plan the final plan shall be approved. If modifications are proposed, such modifications must be approved by the Commission under Type III procedure. Construction shall not commence until a Planned Development has received Final Approval.
- (5) **Phased Development.** A Planned Development may be developed in phases, subject to a phasing schedule approved by the Commission as a result of a Type III process. Where phasing is proposed, the applicant shall submit a development time schedule indicating:
- (a) The approximate date when construction of the project shall begin;
 - (b) The phases in which the project will be built, and the approximate date when construction of each phase will begin;
 - (c) The approximate date when development of each phase will be completed; and
 - (d) The area, location, and degree of development of common open space that will be provided at each phase.
- (6) **Size and Location.**
- (a) Planned Developments shall be located outside of designated "master plan areas" for which a master plan has been adopted by the City Council.
 - (b) The minimum acreage for any planned development shall be 10 acres.

3.8.30 INFORMATION REQUIREMENTS.

- (1) **Complete Application Required.** An application shall not be considered for a Planned Development unless it satisfies all of the requirements of this section.
- (a) An application shall not be accepted that proposes development, other than required public facilities, within riparian corridors as defined in Chapter 3.12 of this Code.
 - (b) An application shall not be deemed complete for a Planned Development unless all requested adjustments to engineering standards or variances to standards in this chapter, including information justifying the adjustment or variance, are contained in the application.
- (2) **Preliminary Planned Development Application Requirements.** An application for a Preliminary Planned Development shall have five copies of a proposed site development plan. In addition to the application requirements of Chapter 3.2, Development Review, the site development plan shall include the following:
- (a) The proposed boundaries and legal description of the property to be developed.
 - (b) The proposed functions, size, percentage of lot coverage, grades, landscaping, and method of maintenance for common or dedicated open space upon completion of the project.
 - (c) A conceptual development plan showing all multi-family residential and non-residential structures, if any, including proposed building footprints, floor plans and unit sizes of typical dwelling units, and showing typical architectural styles and proposed elevations when viewed from the street(s) or from adjacent properties.
 - (d) Concept plan showing all proposed improvements and natural features, including (but not limited to):
 - i) Recreational facilities, bicycle paths and pedestrian trails.
 - ii) Existing site features to be retained and removed natural slopes, stands of trees, walls, fences, refuse areas, streets, sidewalks, paths and landscaping (including the means to provide permanent maintenance to all planted areas and open spaces).

- iii) Topographical maps of existing and proposed terrain showing a maximum five-foot contour interval where slopes equal or exceed 25 percent and a maximum two-foot contour interval where slopes are less than 25 percent.
 - iv) 100-year flood plains and floodways.
 - v) All proposed utilities and public facilities.
 - vi) The proposed location and dimension of all off-street parking facilities (public and private).
 - vii) The proposed location, size and means of access to public and semi-public areas if applicable (*e.g.*, private schools, churches, etc.).
 - viii) Proposed building envelopes, proposed streets, proposed cut and fill areas, and existing native vegetation (including all trees of six inches in diameter at five feet above ground level, and where developments or streets are proposed in areas designated as sensitive lands.
- (e) Calculations of the absolute area and the percentage of the site which is included in the sensitive lands maps, including but not limited to wetlands and wetland buffers, fish and wildlife habitat areas, areas subject to landslides or slumping, stream corridors and riparian areas, one hundred year flood plain areas, designate and show 0-15 percent slope, 15 up to 25 percent slope, and 25 percent slope and greater;
 - (f) Calculations of land to be dedicated as public right-of-way and land reserved for open space.
 - (g) Geotechnical and environmental reports, if required by the Development Official.
 - (h) A tabulation of the percentage of total building coverage and impervious surface area coverage on the land.
 - (i) A determination of buildable and unbuildable areas and a tabulation of densities within each project area, phase.
 - (j) A proposed phasing and/or timing schedule.
 - (k) A narrative explaining how open space or public facilities will be managed.
- (3) **Final Planned Development Application.** An application for a Final Planned Development shall include a site development plan which shall contain the following:
- (a) Final and complete set of plans, specifically showing all requirements contained in Section 3.8.30(2).
 - (b) Road, drainage and utility plans.
 - (c) Assurance of building code compliance.
 - (d) Assurance of fire code compliance.
 - (e) Documentation of compliance with any conditions of approval required by the Commission.
 - (f) Maps showing existing and finished contours at two-foot intervals; provided, however, that five-foot contours shall be sufficient for unbuildable areas where no construction or vegetation removal is proposed; and
 - (g) Submission of declaration of Covenants, Conditions and Restrictions for the Planned Development.

3.8.40 PERMITTED AND ACCESSORY USES.

- (1) **Permitted Uses.** If a use is permitted outright or conditionally in the underlying district, the use may be approved through the Planned Development process.
- (2) **Accessory Uses.** In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a Planned Development may include the following uses:
 - (a) Golf course;

- (b) Private park, lake, or waterway;
- (c) Recreation area;
- (d) Recreation building, club house, or social hall;
- (e) Other accessory structures which the approval authority finds are designed to serve primarily the residents of the development which are compatible to the design of the development.

3.8.50 MODIFICATIONS TO APPROVED PLANNED DEVELOPMENTS.

The Development Official shall determine whether a "minor" adjustment or "major" modification is required, based on criteria 1 and 2 below. The Development Official may refer this decision to the Commission.

- (1) **Minor Modification.** Minor modifications may be made to an approved Preliminary or Final Planned Development. Minor adjustments are those which entail minor changes in dimensions or siting of structures, landscaping and the like, but which do not entail changes to the character of the Planned Development, rearrangement or redesign of structures, open spaces or increased density.
- (2) **Major Modifications.** Major modifications to an approved Preliminary or Final Planned Development require an application for Modified Final Planned Development. Major adjustments are those which change the basic design, density, use, open space, appearance from streets or adjoining properties and the like.

3.8.60 DENSITY TRANSFERS AND BONUSES.

In any Planned Development, the Development Official shall determine base residential density based on the underlying zone.

- (1) The Commission may approve an increase in base density as a result of density transfer from areas designated as open space to buildable areas. Up to two units per acre may be transferred from each acre of common open space to buildable land.
- (2) The maximum density of development in the following zones shall be:
 - (a) RS zone – the base density allowed in the RS zone, plus two units per acre density transfer, up to a maximum of eight dwelling units per net buildable acre.
 - (b) RMD and RHD zones – the base density stated in for each zone, plus two units per acre density transfer, provided that the resultant density on buildable land does not exceed the maximum density allowed in the next higher zoning district 3.8.70 Design Standards and Requirements.

3.8.70 DESIGN STANDARDS AND REQUIREMENTS.

The development standards in this chapter are intended to accomplish the following design objectives in all Planned Developments. The applicant shall be responsible for addressing each of these criteria in the development narrative and on Planned Development plans.

- (1) **Natural Landscape.** Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape, and particular attention shall be given to the retention of natural landscape features of the site.
- (2) **Recreation.** Recreational areas (active and passive) shall be dispersed throughout the development and shall be easily accessible from all dwelling units.
- (3) **Open Space.** Every Planned Development shall preserve open space as indicated in the Dallas Comprehensive Plan. A minimum of 20 percent of its gross land area shall be maintained as common open space, suitable for active or passive recreational purposes, for

which adequate provision is made for its perpetual upkeep and maintenance. Pedestrian and/or bicycle access shall be provided to usable common open space from streets, as required in the Dallas Comprehensive Plan.

- (4) **Improvements and Amenities.** Every Planned Development shall make adequate provision for utilities, drainage, lighting, pedestrian and vehicular circulation and access, public safety, landscaping and accommodation of environmentally sensitive features and other similar items.
- (5) **Street Design.** Streets shall be designed in a grid system and constructed consistent with this Code, except as explicitly modified below or through an adjustment or variance to street design standards.
 - (a) Off-site collector and arterial street dedication and half-street improvements shall be required where determined necessary to mitigate impacts from the development proposal.
 - (b) One-way streets or loop streets with one access point shall serve no more than an average of 40 units and be no more than 600 feet long. One-way streets shall be signed at every intersection.
 - (c) There shall be provided, through covenants or other legal means approved by the City Attorney, assurance of permanent maintenance of private streets and parking areas.
 - (d) All areas that are to be occupied or traveled by motor vehicles shall be paved and constructed to City standards.
 - (e) Where there is no reasonable alternative except to allow a street through riparian corridors, and abutting lots do not take access directly from this street, parking lanes shall not be required.
- (6) **Attachment of Conditions.** In conjunction with the approval of a Preliminary Planned Development or Final Planned Development, conditions shall be attached which will assure that the property will be developed and maintained in accordance with this Code and the approved development plan and subdivision plat.
- (7) **Perpetual Maintenance.** All private improvements and amenities that are held in common and are part of the Planned Development shall be perpetually maintained in a good, safe and serviceable condition at no expense to the City. The documents necessary to guarantee perpetual maintenance shall be approved by the City Attorney.
- (8) **Minimum Yards and Setbacks.** Except when otherwise approved at the time of the Final Planned Development hearing, the minimum setbacks of the underlying zone shall apply to exterior project boundaries. Interior yards (building envelopes) shall be as approved on the Planned Development site development plan.
- (9) **Maximum Building Height.** Building height maximums of the underlying zone may be waived on individual buildings to allow greater flexibility in the development. Consideration shall be given to adjacent land uses and building heights as well as building relationships within the development.
- (10) **Storage Standards.** All storage in the Planned Development shall be within a closed building. The Commission may approve screened outdoor storage of recreation vehicles, boats or similar personal items.
- (11) **Refuse Storage.** All outdoor trash, garbage, and refuse storage areas shall be screened on all sides from public view and, at a minimum, be enclosed on three sides with a six foot high sight-obscuring fence or wall with a sight-obscuring gate for access.
- (12) **Mechanical Equipment.** All rooftop mechanical equipment shall be placed behind a permanent screen, completely screened from public view.
- (13) **Utilities.** All utilities shall be underground.

- (14)**Pedestrian and Bicycle Circulation Facilities.** Within the Planned Development, sidewalks shall be constructed in accordance with City of Dallas Engineering Construction Standards. Pedestrian and bicycle trails which connect to the City or County trail system and which will reasonably be used by residents or employees of the Planned Development shall be dedicated and constructed at the developer's expense. Additional interior pedestrian facilities shall be required to connect with planned trail systems and shall be:
- (a) Functionally and safely convenient to each dwelling unit served.
 - (b) Functionally and safely convenient to schools and to industrial, commercial, recreational and utility areas within or adjacent to the project, and functionally convenient to a larger pedestrian circulation system outside the Planned Development.
 - (c) Sufficiently wide to accommodate potential use as specified in adopted plans or this Code.
 - (d) Lighted for security and safety.
- (15)**Traffic Impacts.** The developer shall be responsible for determining traffic impacts and construct improvements necessary to mitigate identified impacts, consistent with service levels established in the Comprehensive Plan.
- (a) Private access to collector and arterial streets shall be minimized.
 - (b) Parallel through streets and contoured "grid" patterns shall be encouraged.
 - (c) Until Level of Service (LOS) levels have been adopted, no development shall exceed LOS D (as defined by the Director of Public Works) during peak use periods.
- (16)**Attractive Streetscapes.** The Planned Development design shall ensure an attractive "streetscape," especially along collector and arterial streets, by planting street trees and other vegetative buffers, minimizing the visibility of parking lots and garages, and avoiding the canyon-like effects of walled or fenced subdivisions.

3.8.80 LAND DIVISION APPROVAL REQUIRED.

The Planned Development process allows for zoning flexibility and density transfer. However, many Planned Developments involve the division of land into lots. In such cases, unless specifically exempted under this Chapter, the standards and procedural requirements of Chapter 3.3, Land Divisions, and 4.2, Street and Accessway Design Standards, shall apply.

3.8.90 REVOCATION.

The Commission may revoke preliminary approval of a Planned Development under the Type III procedure.

3.8.100 FILING OR RECORDING.

Upon final approval and after all conditions have been met, the developer shall record the Final Plan with Polk County.

3.8.110 LOCATION OF UTILITIES.

The location and size of water lines, fire hydrants, sewer and storm sewer lines, the location of the electric, gas and telephone lines, and television cable, and the lighting plans must be acceptable to the Development Official prior to development.

CHAPTER 3.9 – MASTER PLAN DISTRICT

3.9.10 PURPOSE.

The Master Plan District implements Volume I, Goals and Policies, of the Dallas Comprehensive Plan related to proposed development within Master Planned Mixed Use Nodes.

- (1) Mixed Use Nodes encourage a combination of commercial, medium and low density residential, public and semi-public land uses in conformance with an approved master plan and upon demonstration that adequate public facilities and services are available to the site proposed for development.
- (2) The intent of this chapter is to create neighborhoods that have a commercial focal point with public plazas, flanked by multiple family development with nearby recreational opportunities, with an outer ring of single family development, schools and parks.
- (3) Master planning also facilitates City review of the impacts resulting from development of individual parcels on remaining parcels within a Mixed Use Node, in terms of land use, transportation and public facilities (sewer, water, storm drainage, schools, parks).
- (4) This chapter allows flexibility in zoning and urban design, consistent with an approved Master Development Plan, that complies with specific adopted performance standards for Mixed Use Nodes as expressed in Chapters 2 and 3, Volume I of the Dallas Comprehensive Plan.
- (5) This chapter is expressly intended to avoid problems associated with “piece-meal” development of individual parcels, by requiring consideration and facilitation of appropriate development of neighboring parcels.

3.9.20 APPLICABILITY.

The Dallas Comprehensive Plan Map identifies the boundaries of three Mixed Use Nodes that are regulated by this chapter:

- (1) The Barberry Mixed Use Node includes approximately 230 gross acres located south of E Ellendale Road that will be served by an extension of SE Barberry Avenue.
- (2) The LaCreole Mixed Use Node includes approximately 150 gross acres located north of E Ellendale Avenue that will be served by an extension of NE LaCreole Drive.
- (3) The Wyatt Mixed Use Node includes approximately 100 gross acres located north of W Ellendale Road that will be served by an extension of NW Wyatt Avenue.

3.9.30 MASTER DEVELOPMENT PLAN STANDARDS.

Master Development Plans shall be required for all Mixed Use Nodes identified on the Dallas Comprehensive Plan Map.

- (1) At a minimum, the Master Development Plan shall identify the following:
 - (a) Specific Area Plan designations;
 - (b) Parks, schools, plazas and open space;
 - (c) Existing and future water, sanitary sewer and storm drainage facilities;
 - (d) Arterial and collector streets and connections to areas outside the Mixed Use Node and to State highways;
 - (e) Pedestrian and bicycle accessways and connections.
- (2) All development within a designated Mixed Use Node shall be consistent with an approved Master Development Plan that meets the applicable performance standards in Sections 3.9.40-3.9.60.

- (3) Annexation, zone change and/or land development requests within any Mixed Use Node shall not be processed unless and until the City of Dallas has adopted a Master Development Plan for the entire Mixed Use Node through a Type IV process.
- (4) Amendments to approved Master Development Plans shall be required whenever a proposed land use or public improvement is not in substantial compliance with the approved Master Development, as determined by the Development Official.
- (5) The Commission may modify the plan designations and transportation connections identified in the approved Master Development Plan through a Type III process in association with a land use request, provided that:
 - (a) the location of a specific plan designation or identified transportation facility is not changed by more than 200 feet;
 - (b) the amended Master Development Plan continues to comply with Sections 3.9.40-3.9.60.
- (6) The Commission and City Council shall review amendments to an approved Master Development Plan through a Type IV process for compliance with the criteria in Sections 3.9.40-3.9.60.
- (7) Land divisions and conditional uses that are consistent with the approved Master Development Plan, or which can be made consistent through an modified approved under Section 5 above, shall be reviewed by the Commission through the Type III process.
- (8) Public, multiple-family and commercial uses that are consistent with the approved Master Development Plan shall be subject to Type II Development Review. Sanitary sewer, water, storm drainage, street and related utility projects that are identified on City master plans are exempt from this requirement.
- (9) Single-family and duplex developments on approved lots, and accessory uses, shall be:
 - (a) Sited in conformance with the approved Development Master Plan and shall not impede the future provision of identified transportation or other public facilities.
 - (b) Reviewed by staff through the Type I or II process, as prescribed in the underlying zoning district.

3.9.40 PERFORMANCE STANDARDS – BARBERRY MIXED USE NODE.

The Dallas Comprehensive Plan, Volume I, Goals and Policies, includes specific policies that must be met within the Barberry Mixed Use Node. This section incorporates these policies as performance standards that must be met by the applicants for development within each Mixed Use Node. Policy 3.2.2 sets forth specific performance standards for the area “South of E Ellendale between Fir Villa and Hawthorne Avenue”.

- (1) **Land Uses.** Land uses shall be consistent with the applicable zoning district and shall approximate the following numeric standards (does not include streets or unbuildable areas):

Table 3.9.1 Barberry Mixed Use Node Land Use Allocation

Land Uses	Net Buildable Acres (approximate)	Number of Dwelling Units / Gross Square Feet (approximate)
Neighborhood Commercial	10	110,000 sq. ft ¹
Multiple Family Residential	20	320 units ²
Small Lot Single Family	22	154 units ³
Single Family Residential	75	375 units ⁴
School & Park Facilities	45	N/A
Total	172	674 Units

1 Based on a floor area ratio (FAR) range of 0.25.

2 Based on a density range of 16 dwelling units per net buildable acre.

3 Based on a density of 7 dwelling units per net buildable acre.

4 Based on a density of 4 dwelling units per net buildable.

(2) Neighborhood Commercial. Neighborhood Commercial uses shall be allowed consistent with the provisions of the Neighborhood Commercial zoning district.

- (a) The neighborhood commercial node located in the Barberry Master Planning Area shall be implemented by the Neighborhood Commercial zoning district, and shall minimize the distance Dallas citizens must travel for routine shopping needs.
- (b) Approximately 15 gross acres (10 net acres exclusive of streets and plaza area) of Neighborhood Commercial land south of E Ellendale Avenue, between Fir Villa and Hawthorne Avenue, shall be designated Neighborhood Commercial.
- (c) In addition to meeting setback, buffering and lot coverage standards of the underlying neighborhood commercial zoning district, the master plan shall reserve at least 10 percent of the Neighborhood Commercial area for use as a central, open, publicly-accessible plaza.
- (d) Master-planned commercial developments shall only be approved following a thorough analysis of traffic and public facilities impacts. Transportation and public facilities improvements required as a result of this analysis shall be paid for by the commercial developer.
- (e) The small shopping center shall be designed to serve the east Dallas neighborhood and the maximum square footage of the “anchor” use or building shall be limited to 50,000 square feet of floor area (a large grocery store); other uses are limited to 25,000 square feet each.
- (f) Uses that serve an area outside the immediate neighborhood, such as car dealerships or large department or discount stores, shall be prohibited.
- (g) Primary vehicular access to the neighborhood commercial center shall take place from Barberry Avenue; vehicular access shall not occur directly from E Ellendale Avenue.
- (h) All commercial development shall be subject to the standards of the Dallas Development Code and shall encourage pedestrian access from residential areas to the neighborhood commercial center. Direct pedestrian access to store fronts shall be required and parking lots shall be placed to the side or rear of buildings.
- (i) Prior to any commercial development in the Barberry node:
 - i) At least 50 percent of the planned residential units shall be developed.
 - ii) Barberry Avenue shall be fully improved and connected to La Creole Drive north of Rickreall Creek; and

- iii) A traffic signal shall be installed at the intersection of Barberry Avenue and E Ellendale Avenue.
- (3) **Multi-Family Residential.** Multi-family residential uses shall be allowed consistent with the provisions of the Medium Density Residential zoning districts.
- (a) The Barberry Mixed-use node shall designate and reserve at least 20 buildable acres, exclusively for Medium Density Residential use (including streets and open space) near the planned intersection of Barberry Avenue and E Ellendale Avenue.
- (b) In addition to meeting setback, buffering and lot coverage standards of the underlying residential zoning district, the master plan shall include at least 10 percent of the multiple-family area for active recreational play areas.
- (4) **Open Space.** The “illustrative master plan” shows where land for open space and schools could be provided as required by the Dallas Comprehensive Plan, Volume I, Chapter 4, Parks and Open Space, and this chapter.
- (a) Land within the Barberry Mixed Use Node shall not be annexed to the City of Dallas without assurances that a school site and neighborhood park will be provided in a timely fashion, at a specific location, to support planned development in the Barberry Mixed Use Node.
- (b) Developed active recreational play areas and commercial plazas shall be recognized as helping to meet the relevant level-of-service standards prescribed in Chapter 4 of the Dallas Comprehensive Plan.
- (5) **Transportation and Circulation.** Multi-family residential development shall be connected to adjacent Neighborhood Commercial, park and open space and single-family residential land with a combination of grid streets and accessways that actively encourage bicycle, pedestrian, automobile and delivery truck access.
- (a) All connectivity standards of Chapter 4.2 of the Dallas Development Code shall be met.
- (b) Prior to granting land use permits for any new commercial or multi-family development in the Barberry Mixed Use Node, the Commission shall approve a street plan to connect Barberry Avenue to E Ellendale Avenue.
- (c) Prior to occupancy of any commercial or multi-family development, Barberry Avenue shall be fully improved along the subject property frontage, in accordance with City development standards.
- (d) The Master Development Plan shall be coordinated with the Oregon Department of Transportation (ODOT), and approved by the Commission, before a zone change to Commercial Neighborhood (CN) or Residential Medium Density (RMD) may be approved.

3.9.50 PERFORMANCE STANDARDS – LACREOLE MIXED USE NODE.

The Dallas Comprehensive Plan, Volume I, Goals and Policies, includes specific policies that must be met within the LaCreole Mixed Use Node. This section incorporates these policies as performance standards. Policy 3.2.1 sets forth specific performance standards for the area described as “LaCreole Drive North of E Ellendale Avenue”.

- (1) **Land Use.** Land uses shall be consistent with the applicable zoning district and shall approximate the following numeric standards (does not include streets or unbuildable areas):

Table 3.9.2 LaCreole Mixed Use Node Land Use Allocation

Land Uses	Net Buildable Acres (approximate)	Number of Dwelling Units / Gross Square Feet (approximate)
General Commercial	26	271,000 sq. ft. ¹
Multiple Family Residential	24	384 ²
Small Lot Residential	25	175 ³
Single Family Residential	20	80 ⁴
Mixed Use	17	85 / 40,000 sq. ft. ⁵
Parks & Open Space	05	N/A
Total	117	639 units

1 Based on a floor area ratio (FAR) range of approximately 0.25.

2 Based on a density of 16 dwelling units per net buildable acre.

3 Based on a density of 7 dwelling units per net buildable acre.

4 Based on a density 4 dwelling units per net buildable acre.

5 Based on a floor area ratio (FAR) range of approximately 0.10 for 8.5 acres and 10 dwelling units per net buildable acre on 8.5 acres. This area probably will not be fully redeveloped over the next 20 years.

- (2) **General Commercial.** General commercial uses shall be allowed consistent with the provisions of the General Commercial zoning district.
- (a) The LaCreole General Commercial Node shall concentrate automobile-orientated general commercial uses, which require large areas for development, near existing commercial uses in the North Dallas commercial area.
 - (b) This commercial node must be supported by multi-family development and open space, and must be provided with adequate public facilities, as required by the Dallas Comprehensive Plan, Volume I, Policy 3.2.
 - (c) In addition to meeting setback, buffering and lot coverage standards of the underlying commercial zoning district, the master plan shall reserve at least five percent of the General Commercial area for use as central, open, publicly-accessible plaza(s).
 - (d) Master-planned commercial developments shall only be approved following a thorough analysis of traffic and public facilities impacts. Transportation and public facilities improvements required as a result of this analysis shall be paid for by the commercial developer.
- (3) **Multiple Family Residential.** Multi-family residential uses shall be allowed consistent with the provisions of the Medium or High Density Residential zoning districts. Multi-family development must support neighborhood commercial development, so that there is an established neighborhood to serve.
- (a) A minimum of 30 gross buildable multi-family acres shall be designated and reserved exclusively (including open space and streets) for multi-family residential use between King's Valley Highway and E Ellendale Avenue. This area includes required children's recreational areas, which must occupy at least 10 percent of each development site.
 - (b) Multi-Family residential development shall be connected to adjacent General Commercial and low density residential land with a combination of grid streets and accessways that encourage bicycle, pedestrian, automobile and delivery truck access.
 - (c) In addition to meeting setback, buffering and lot coverage standards of the underlying zoning district, the master plan shall include at least 10 percent of the multiple-family area for active recreational play areas.

- (4) **Open Space.** The master plan must demonstrate how land for open space, in proportion to planned residential acreage, will be provided, as indicated in the Dallas Comprehensive Plan, Volume I, Chapter 4, Parks and Open Space. Developed active recreational play areas shall be recognized as helping to meet the relevant level-of-service standards prescribed in Chapter 4 of the Dallas Comprehensive Plan.
- (5) **Transportation and Circulation.**
- (a) Prior to granting land use permits for any new commercial or multi-family development in the LaCreole Node, the approved Master Development Plan shall identify a street connection through the mixed use node from E Ellendale Avenue to King's Valley Highway.
 - (b) Prior to occupancy of any commercial or multi-family development, LaCreole Drive shall be fully improved along the subject property frontage, in accordance with City development standards.
 - (c) The Master Development Plan shall be coordinated with the Oregon Department of Transportation (ODOT), and approved by the City Council, before a zone change to General Commercial or Medium/High Density Residential may be approved.

3.9.60 PERFORMANCE STANDARDS – WYATT MIXED USE NODE.

The Dallas Comprehensive Plan, Volume I, Goals and Policies, includes specific policies that must be met within the Wyatt Mixed Use Node. This section incorporates these policies as performance standards that must be met by the applicants for development within each Mixed Use Node. Policy 3.2.3 sets forth specific performance standards for the area “North of the Intersection of W Ellendale and Wyatt Street”.

- (1) **Planned Development.** Because this area is under common ownership, the Wyatt Mixed Use Node will develop as a Planned Development, subject to the applicable standards of this Chapter and a Master Plan approved through the Type IV process.
- (2) **Land Uses.** Land uses shall be consistent with the applicable zoning district and shall approximate the following numeric standards (does not include streets or unbuildable areas):

Table 3.9.3 Wyatt Mixed Use Node Land Use Allocation

Land Uses	Net Buildable Acres (approximate)	Number of Dwelling Units / Gross Square Feet (approximate)
Neighborhood Commercial	04	50,000 sq. ft ¹
Multiple Family Residential	12	192 units ²
Small Lot Single Family	15	105 units ³
Single Family Residential	34	170 units ⁴
Park Facilities	10	N/A
Total	75	433 Units

- 1 Based on a floor area ratio (FAR) range of about 0.25.
- 2 Based on a density range of 16 dwelling units per net buildable acre.
- 3 Based on a density of 7 dwelling units per net buildable acre.
- 4 Based on a density of 4 dwelling units per net buildable.

- (3) **Neighborhood Commercial.** Neighborhood Commercial uses shall be allowed consistent with the provisions of the Neighborhood Commercial zoning district.
 - (a) The neighborhood commercial node located in the Wyatt Mixed Use Node shall be implemented by the Neighborhood Commercial zoning district, and shall minimize the distance Dallas citizens must travel for routine shopping needs.

- (b) Approximately five gross acres (four net acres exclusive of streets and plaza area) of Neighborhood Commercial land, north W Ellendale Avenue near Wyatt Street, shall be designated Neighborhood Commercial.
- (c) In addition to meeting setback, buffering and lot coverage standards of the underlying neighborhood commercial zoning district, the master plan shall reserve at least ten percent of the Neighborhood Commercial area for use as a central, open, publicly-accessible plaza.
- (d) Master-planned commercial developments shall only be approved following a thorough analysis of traffic and public facilities impacts. Transportation and public facilities improvements required as a result of this analysis shall be paid for by the commercial developer.
- (e) A small shopping center shall be designed to serve the west Dallas neighborhood and the maximum square footage of the "anchor" use or building shall be limited to 30,000 square feet of floor area (a large grocery store); other uses are limited to 15,000 square feet each.
- (f) Uses that serve an area outside the immediate neighborhood, such as car dealerships or large department or discount stores, shall be prohibited.
- (g) Primary vehicular access to the neighborhood commercial center shall take place from Wyatt Street; vehicular access shall not occur directly from E Ellendale Avenue.
- (h) All commercial development shall be subject to the standards of the Dallas Development Code and shall encourage pedestrian access from residential areas to the neighborhood commercial center. Direct pedestrian access to store fronts shall be required and parking lots shall be placed to the side or rear of buildings.
- (i) Prior to the occupancy of any commercial development in the Wyatt node:
 - i) At least 50 percent of the planned residential units shall be developed.
 - ii) A traffic signal shall be funded and installed at the intersection of Wyatt Street and W Ellendale Avenue when traffic warrants indicated the need of the signal.
- (6) **Multi-Family Residential.** Multi-family residential uses shall be allowed consistent with the provisions of the Medium Density Residential zoning districts. Multi-family development must support neighborhood commercial development, so that there is an established neighborhood to serve.
 - (a) In addition to meeting setback, buffering and lot coverage standards of the underlying residential zoning district, the master plan shall include at least 10 percent of the multiple-family area for active recreational play areas.
- (7) **Open Space.** Land for parks and open space shall be provided as required by the Dallas Comprehensive Plan, Volume I, Chapter 4, Parks and Open Space, and this Chapter.
 - (a) Developed active recreational play areas and commercial plazas shall be recognized as helping to meet the relevant level-of-service standards prescribed in Chapter 4 of the Dallas Comprehensive Plan.
- (8) **Transportation and Circulation.** Multi-family residential development shall be connected to adjacent Neighborhood Commercial, park and open space and single-family residential land with a combination of grid streets and accessways that actively encourage bicycle, pedestrian, automobile and delivery truck access.
 - (a) All connectivity standards of Chapter 4.2 of the Dallas Development Code shall be met.
 - (b) Prior to granting land use permits for any new commercial or multi-family development in the Wyatt Mixed Use Node, the Commission shall approve a street plan to connect the planned extension of NW Denton Avenue to W Ellendale Avenue, via Wyatt Street.

- (c) Prior to occupancy of any commercial or multi-family development, W Ellendale Avenue shall be fully improved along the subject property frontage, in accordance with City development standards.
- (d) The Master Development Plan shall be coordinated with the Oregon Department of Transportation (ODOT), and approved by the Commission, before a zone change to Commercial Neighborhood or Residential Medium Density may be approved.

3.9.70 ZONING ON APPROVED MASTER PLAN.

Zoning shall be applied to land within each Mixed Use Node upon annexation to the City, based on the adopted Master Plan for each Node. For areas designated "Mixed Use", the standards of the RMD (Residential Medium Density) and CN (Commercial Neighborhood) districts shall apply, depending on the use involved.

3.9.80 MINIMUM DEVELOPMENT AREA.

The minimum development area within a Mixed Use Node shall be two acres to avoid piecemeal development. The following exceptions apply:

- (1) New single-family residences or expansion of existing single-family residences on existing legal lots of record.
- (2) Expansion of existing commercial or institutional uses on existing legal lots of record.
- (3) Lots created as a result of a two acre or larger land division, where consistent with the adopted Master Plan for the area.
- (4) Development of designated "Mixed Use" areas as mapped on the adopted LaCreole Master Plan – in which case the minimum development area shall be ½ acre.

3.9.90 ADEQUATE PUBLIC FACILITIES REQUIREMENTS.

Development within Mixed Use Nodes shall assure adequate public facilities and services, including transportation facilities, consistent with the following standards:

- (1) **Phasing.** Development within Mixed Use Nodes shall be phased as follows:
 - (a) Development within the Barberry Mixed Use Node shall occur from the southeast (the west end of SE Barberry Avenue) towards the north and west, in phases.
 - i) Commercial development in the north-central area depends upon connecting SE Barberry Avenue through to E Ellendale Avenue, and extending SE Rickreall Drive through to SE Fir Villa Road.
 - ii) At least 50 percent of the planned residential units must be constructed before the neighborhood commercial area is developed.
 - (b) Development within the LaCreole Mixed Use Node shall occur from the west (Polk Station Road) to the east in phases.
 - i) Commercial development in the north-central area depends upon connecting NE LaCreole Avenue through to Kings Valley Highway.
 - ii) Residential development must support general commercial development in this area.
 - iii) A site or sites must be identified for the commercial plaza(s) before commercial development occurs in this area.
 - (c) Development within the Wyatt Mixed Use Node shall occur from the south (W Ellendale) towards the north, consistent with an approved Master Plan.
 - i) Commercial development in the south-central area depends upon connecting SW Wyatt Street from W Ellendale Avenue to the planned extension of SW Denton Avenue.

- ii) At least 50 percent of the planned residential units must be constructed before the neighborhood commercial area is developed.
 - iii) Sites must be identified for parks before land in this area is rezoned for urban uses.
- (2) **Transportation Plans.** All development shall be consistent with adopted transportation plans for the area, including the following:
- (a) The collector and arterial street system as shown on the Dallas Comprehensive Plan Map.
 - (b) Chapter 5, Multi-Modal Transportation, Volume I, Goals and Policies, of the Dallas Comprehensive Plan (see also Chapter 5, Transportation Element, Volume II, Background, of the Dallas Comprehensive Plan, for useful information).
 - (c) The 1999 Transportation Impact Study adopted in conjunction with adoption of the Barberry and LaCreole Master Plans; and
 - (d) required transportation impact studies for specific development proposals.
- (3) **Adequate Public Facilities & Level-of-Service Standards.** Before land is annexed and rezoned to enable implementation of adopted Master Plans for Mixed Use Nodes.
- (a) Adequate public facilities standards of Chapter 3.7, Comprehensive Plan and Zoning Map and Text Amendments, shall be met.
 - (b) Public facility improvement standards of Chapter 4.2, Street & Accessway Design Standards, shall be met.
 - (c) Public facilities deficiencies for specific areas, as described in the Dallas Comprehensive Plan, shall be to the satisfaction of the Director of Public Works. See especially:
 - i) Chapter VII, Public Facilities Plan, Volume II, Background, of the Dallas Comprehensive Plan.
 - ii) Map 9, Public Facilities Deficient Areas, of the Dallas Comprehensive Plan.
- (4) **Parks & Schools.** Sites and funding mechanisms have been identified for needed parks and schools within each Mixed Use Node, consistent with the provisions of this Chapter and the Dallas Comprehensive Plan. All development shall be consistent with adopted Parks and Open Space plans for the area, including the following:
- (a) The standards of this Chapter which are based on the mandatory park and open space policies of Chapters 2 and 3, Volume I, Goals and Policies, of the Dallas Comprehensive Plan; and
 - (b) Level-of-service standards and parks and open space policies in Chapter 4, Parks & Open Space, Volume I, of the Dallas Comprehensive Plan (for useful information regarding parks, open space and school needs, see also Chapter 4, Parks, Schools and Open Space, Volume II, of the Dallas Comprehensive Plan; Map 8, Parks and Schools, of the Dallas Comprehensive Plan; and Illustrative Plans for the Barberry and LaCreole Mixed Use Nodes).

3.9.100 RELATIONSHIP TO PLANNED DEVELOPMENT PROVISIONS.

Mixed Use Nodes function like Planned Developments in the sense that they focus on specific geographic areas, allow commercial and higher density residential uses in exchange for increased public amenities, and include more flexible development standards.

- (1) **Areas with Adopted Master Plans.** In Mixed Use Nodes with adopted Master Plans (Barberry and LaCreole), the provisions of Chapter 3.8, Planned Developments, do not apply.
- (2) **Areas without Adopted Master Plans.** In Mixed Use Nodes without adopted Master Plans (Wyatt), can be implemented through the Planned Development process.

CHAPTER 3.10 – HISTORIC PRESERVATION

3.10.10 PURPOSE.

The purpose of this chapter is to establish procedures for identifying and preserving historic sites and structures, and to ensure the review of historic sites and structures prior to their demolition or substantial alteration.

3.10.20 APPLICABILITY.

This chapter applies to sites and structures that appear on the Dallas Historic Inventory.

3.10.30 REVIEW PROCEDURE.

- (1) **Historic Designation.** Historic sites and structures may be designated by the Commission as “significant” for Goal 5 purposes under the Type III procedure.
 - (a) Sites and structures that appear on the National Register of Historic Places shall be deemed significant.
 - (b) The designation of sites and structures that do not appear on the National Register of Historic Places may only occur if the property owner consents in writing to local designation.
 - (c) Additional sites and structures may be considered upon receiving written consent from the owner.
- (2) **Demolition or Alteration.** Applications to demolish or substantially alter a designated historic site or structure shall be reviewed under the Type III procedure.
- (3) **Polk County Historical Society.** Notice of all Type III public hearings for the demolition or alteration of a historic site shall be provided to the Polk County Historical Society.

3.10.40 CRITERIA FOR ESTABLISHMENT OF HISTORIC DESIGNATION.

Before a building, structure, object, or site is added to the Dallas Historic Inventory, the Commission shall determine that the building, object, or site merits the designation because it is on the National Register of Historic Places or possesses two or more of the following characteristics:

- (1) **Historic Events.** Association with a historic or famous event.
- (2) **Antiquity.** Generally considered to be approximately 50 years of age or older.
- (3) **Character.** Representative character of a period or style of architecture or method of construction.
- (4) **Merit.** Extraordinary or unusual architectural merit by reason of design, detail, use of materials, or craftsmanship.
- (5) **Famous Architect.** Identification as the work of an architect, designer, or master builder whose individual work has influenced development in the community, state, or nation.
- (6) **Cultural History.** Relationship to the broad cultural history of the community, state, or nation.
- (7) **Person.** Identification with a person or organization that has contributed significantly to the history of the community, state, or nation.

3.10.50 HISTORIC DESIGNATION DECISION OPTIONS.

After the public hearing, the Commission may designate the property as a landmark, refuse to designate the property as a historic site, or continue the matter for additional consideration.

3.10.60 EXTERIOR REMODELING OR ALTERATION.

All building permit requests for exterior alteration to an historic site or structure shall be reviewed under the Type I procedure, to determine whether alteration may adversely affect any of the guidelines identified in Sections 3.10.70-80, below. If the alteration materially affects compliance with any of these guidelines, the city shall notify the applicant of the need to delay the building permit, pending the Type III procedure.

3.10.70 GUIDELINES FOR EXTERIOR ALTERATION.

The Commission shall approve an application if the alteration is determined to be compatible with the appearance and character of the historic building. The Commission shall disapprove an application if the proposed change is found detrimental as unsightly, grotesque, or otherwise adversely affecting the architectural significance, the integrity of historical appearance, and the educational and historical value of the building.

- (2) **Economic Feasibility.** In determining whether to approve an application, the Commission shall also consider the economic feasibility of requiring exterior alteration to be harmonious and compatible with the appearance and character of the historic building.
- (2) **Exterior Preserved.** So far as practicable, all original exterior materials and details shall be preserved.
- (3) **Height Additions.** Additional stories may be added to historic buildings provided that:
 - (a) The added height complies with requirements of the building and zoning codes.
 - (b) The added height does not exceed that which was traditional for the style of the building.
 - (c) The added height does not alter the traditional scale and proportions of the building style.
 - (d) The added height is visually compatible with adjacent historic buildings.
- (4) **Width Additions.** Horizontal additions may be added to historic buildings provided that:
 - (a) The bulk of the addition does not exceed that which was traditional for the building style.
 - (b) The addition maintains the traditional scale and proportion of the building style.
 - (c) The addition is visually compatible with adjacent historic buildings.
- (5) **Structural Elements.** The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
- (6) **Building Scale.** The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.
- (7) **Visual Compatibility.** The materials and textures used in the alteration or addition shall be visually compatible to the extent possible with the traditional architectural character of the historic building.
- (8) **Appurtenances.** Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.

3.10.80 DEMOLITION REVIEW.

Demolition requests shall be reviewed by the Commission under the Type III procedure. No permit for the demolition of a structure identified in the inventory shall be issued by the City without review by the Commission.

3.10.90 HEARING BY PLANNING COMMISSION.

The Commission's decision at the hearing for demolition of a structure shall address the following findings:

- (1) The degree of historic significance in terms of persons or events in Dallas' history.
- (2) The degree of architectural uniqueness or representation of an important building style.
- (3) The availability of a Federal or State programs to assist in the preservation of the building.
- (4) The economic feasibility of preservation.
- (5) The extent to which preservation will deprive the owner of the ability to sell the property.

3.10.100 DECISION OPTIONS.

- (1) Based on the considerations in 3.10.90, the Commission shall either:
 - (a) Allow the alteration, change, or demolition to occur;
 - (b) Allow the alteration, change, or demolition to occur subject to conditions protecting the resource; or
 - (c) Require a delay, not to exceed 90 days, for the applicant or interested parties to develop and examine alternatives that protect the historic resource and present those alternatives to the Commission.
- (2) An interested party who desires to present an alternative proposal shall deliver the proposal in writing before the end of the delay period. The Commission, the applicant, parties who have participated, and any other person who has requested, in writing, shall be served with a copy of an alternative proposal.
- (3) The Commission shall set a further public hearing at a date not more than 30 days after the end of the period of delay. If no alternatives are presented or if all alternatives presented are demonstrated to be unreasonable under the criteria of 3.10.90, the Commission shall approve the application. If the Commission determines that a reasonable alternative has been presented it shall order that the alternative proposal be implemented and the original application shall be denied.

3.10.110 MAINTENANCE AND REPAIR OF ARCHITECTURAL FEATURES.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features that:

- (1) Does not involve a material change in design or outward appearance, as determined by the Development Official; nor
- (2) Prevents the construction, reconstruction, alteration, or demolition of a feature that the Development Official certifies is required to comply with the Building Codes.

3.10.120 HISTORIC RESOURCES INVENTORY.

Building Name: Greenwood Stationary Building **Date:** 1889
Address: 887 Main Street
Present Owner: Jack Greenwood

Building Name: Brown Building (Haas Drug, Mode O'Day) **Date:** c. 1889

Address:	861, 865 Main Street	
Present Owner:	Jack and Keith Sanders and Ray Thomas	
Building Name:	Ben Franklin Building	Date: N.A.
Address:	811 Main Street	
Present Owner:	Jack and Keith Sanders	
Building Name:	Uglow Building	Date: N.A.
Address:	807 Main Street	
Present Owner:	Jack and Keith Sanders	
Building Name:	I.O.O.F. Lodge, Brixius Jewelers	Date: N.A.
Address:	837 Main Street	
Present Owner:	Don Brixius	
Building Name:	Evangelical Church	Date: N.A.
Address:	785 SW Church St.	
Present Owner:	Evangelical Church	
Building Name:	Williams House	Date: 1870
Address:	848 SW Levens Street	
Present Owner:	Gary and Sandy Banowetz	
Building Name:	I.O.O.F. Building	Date: 1890
Address:	115 SE Court Street	
Present Owner:	Loren Faxon, Dave Newton, Bill Dalton	
Building Name:	First Presbyterian Church	Date: 1892
Address:	879 SW Levens Street	
Present Owner:	Presbyterian Church	
Building Name:	First Christian Church	Date: 1932
Address:	1079 SE Jefferson Street	
Present Owner:	First Christian Church	
Building Name:	L.J. Soehren House	Date: c. 1903
Address:	1121 SW Main Street	
Present Owner:	Dan Drieszus	
Building Name:	Muir and McDonald Corp. Tannery	Date: Original 1863, Reconstructed 1903
Address:	505 SW Levens Street	
Present Owner:	Eldon E. Bevens, President	
Note:	This property is on the National Register	
Building Name:	Polk County Courthouse	Date: 1900
Address:	850 Main Street	
Present Owner:	Polk County	

CHAPTER 3.11 – FLOOD PLAIN MANAGEMENT

3.11.10 PURPOSE.

The purpose of this chapter is to retain floodplains and designated riparian corridors in their natural condition, and to enhance the functions and values of floodplains and riparian corridors where reasonably possible. This chapter:

- (1) Ensures City compliance with Statewide Planning Goal 7 (Natural Disasters and Hazards), and minimizes potential damage to life, property and water quality.
- (2) Promotes public health, safety, and general welfare; and minimizes public and private losses due to flood conditions in specific areas.
- (3) In order to accomplish these purposes, this Chapter includes methods and provisions for:
 - (a) Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or that can result in damaging increases in erosion or in flood heights or velocities.
 - (b) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
 - (c) Controlling the alteration of natural floodplains, stream channels, and stream corridors that help accommodate or channel flood waters and protect fish and wildlife habitat.
 - (d) Control filling, grading, dredging, and other development that may increase flood damage or reduce the functions and values provided by stream corridors and wetlands.
 - (e) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards in other areas; and
 - (f) Establishing variance criteria.

3.11.20 APPLICABILITY.

This chapter applies to the 100-Year floodplain and floodway. The 100-year floodplain and floodway are areas of special flood hazard identified in "The Flood Insurance Study, Polk County, Oregon, and Incorporated Areas," dated December 19, 2006 (or as subsequently amended), with accompanying Flood Insurance Maps. The Flood Insurance Study is on file at the Department of Community Development.

- (1) **Disclaimer.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee of the City for any flood damages that result from reliance on this chapter or any administrative decision lawfully made under them.
- (2) **Interpretations.** The Development Official shall administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The Development Official shall make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards. A person contesting the location of the boundary shall bear the burden of demonstrating why the official floodplain map is in error.

3.11.30 DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

APPEAL means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

BASEMENT means any area of the building having its floor subgrade (below ground level) on all sides.

CRITICAL FACILITY means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

ELEVATED BUILDING means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR

SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters *and/or*
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1 (2)

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of the property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

WATER DEPENDENT means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

3.11.40 REVIEW PROCEDURES.

- (1) **Floodplain Development.** Applications for development within the 100-year floodplain shall be reviewed by the Development Official under Type I procedure.
 - (a) All floodplain applications shall be subject to the Type I Development Review.
 - (b) Adjustments to floodplain regulations shall not be permitted.
 - (c) Variance applications shall be reviewed by the Commission under the Type III procedure. Property owners entitled to notice shall be notified in writing, prior to the public hearing, that such a variance may have the cumulative effect of:
 - i) Increasing premium rates for insurance.
 - ii) Increasing risks to life and property.
 - iii) If a variance is approved by the City, documentation of the reasons for the variance shall be reported to the Federal Insurance Administration of the Department of Housing and Urban Development.
- (2) **Floodway development prohibited.** Except for public utilities and transportation facilities, development within the floodway is prohibited. For public utilities and transportation facilities, the city will prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrological and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood. If the no-rise requirement is satisfied then public utilities and transportation facilities shall comply with all applicable flood hazard reduction provisions of this Chapter.

3.11.50 INFORMATION REQUIRED FOR FLOODPLAIN OR RIPARIAN DEVELOPMENT PROPOSALS.

Floodplain Development. In addition to meeting the informational requirements specified in Chapter 3.2, Development Review, the required site plan shall indicate the location of the designated floodplain and floodway. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
- (2) Elevation in relation to mean sea level to which a structure has been flood-proofed;

- (3) Certification by a registered professional engineer, surveyor, or architect that the flood-proofing methods for a nonresidential structure meet the flood-proofing criteria in Section 3.11.60(7); and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

3.11.60 FLOODPLAIN REVIEW CRITERIA.

Vegetation removal, grading, construction, reconstruction, alteration, or placement of a manufactured dwelling on any lot or parcel of land within the 100-year floodplain shall be avoided. If considered to be approved, such development shall:

- (1) Be designed and anchored to prevent flotation, collapse or lateral movement due to flooding and constructed of materials and utility equipment that are resistant to flood damage.
- (2) Be constructed utilizing methods and practices that will minimize flood damage and be provided adequate drainage in order to reduce exposure to flood hazards.
- (3) Be located to completely avoid the floodway.
- (4) Be located so that public utilities and facilities on the site are constructed to minimize or eliminate flood damage including sewer, gas, electrical and water systems.
- (5) Result in no net loss in flood storage capacity. Proposed development will not, if inundated, create flood hazards to the health, safety, or welfare of area inhabitants or associated property.
- (6) Not alter the flow or depth of surface water so as to endanger the health, safety or welfare of neighboring residents.
- (7) Not endanger existing or proposed water supply and sewage disposal systems during periods of inundation.
- (8) Be designed such that the lowest floor of any permanent structure shall be at least one foot above the 100-year flood for that area.
- (9) Avoid alteration of stream courses.

3.11.70 FLOODPLAIN DEVELOPMENT STANDARDS.

- (1) **Anchoring.**
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (b) All manufactured homes must be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- (2) **Construction Materials and Methods.**
 - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) **Utilities.**
 - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) **Land Division Proposals.**
- (a) All land division proposals shall be consistent with the need to minimize flood damage.
 - (b) All land division proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - (c) All land division proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - (d) If base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for land division proposals and other proposed developments that contain at least 50 lots or five acres, whichever is less.
- (5) **Review of Building Permits.**
- (a) If elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- (6) **Residential Standards.** New construction and substantial improvement of a residential structure shall:
- (a) Have the lowest floor, including basement, elevated one foot above the base flood elevation.
 - (b) Prohibit fully enclosed areas below the lowest floor that are subject to flooding, unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii) The bottom of all openings shall be no higher than one foot above grade.
 - iii) Openings may be equipped with screens, louvres, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - iv) Below-grade crawlspaces are allowed subject to the standards in FEMA Technical Bulletin 11-02.
- (7) **Nonresidential Construction.** New construction and substantial improvement of a commercial, industrial, or other nonresidential structure shall either:
- (a) Have the lowest floor, including basement, elevated one foot above the base flood elevation, below-grade crawlspaces are allowed subject to the standards in FEMA Technical Bulletin 11-02; or,
 - (b) Together with attendant utility and sanitary facilities, shall:
 - i) Be flood-proofed so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water.
 - ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; or

- iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.
 - (c) The certifications shall be provided to the official as set forth in Section 3.11.40(3).
 - (d) Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 3.11.60(6)(b).
 - (e) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level, e.g., a building constructed to the base flood level will be rated as one foot below that level.
- (8) **Manufactured Homes.** All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 3.11.60(1).
- (9) **Recreational vehicles.** Recreational vehicles placed within the floodplain are required to either: (a) Be on the site for fewer than 180 consecutive days, (b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or (c) meet the elevation and anchoring requirements for manufactured homes.
- (10) **Encroachments.** A proposed development shall be analyzed to determine effects on the flood carrying capacity of the areas of special flood hazard as set forth in Section 3.11.50.

3.11.80 VARIANCES WITHIN A FLOODPLAIN.

Any variance from the floodplain standards of this Code shall be discouraged. On rare occasions, unusual hardship may exist which leads the Commission to consider a variance application.

- (1) **Floodway Variances.** Variances shall not be issued within a designated floodway if an increase in flood levels during the base flood discharge would result.
- (2) **Variance Process.** Variances shall be processed under Type III procedure and must also meet the criteria stated in Chapter 3.5 of this Code.
- (3) **Specific Floodplain Criteria.** The following additional variance approval criteria must be satisfied:
 - (a) No Increase in Flood Elevation. The applicant's engineer shall certify that the variance will not result in increased flood elevations, increased flood hazard to the public or decreased water quality in affected streams.
 - (b) Mitigation. The applicant shall agree in writing to perform such mitigation measures as may be required by the City.
 - (c) Other Factors. In determining whether to approve a variance, the Commission shall consider all technical evaluations, relevant factors, standards specified in other sections, and may also consider:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;

- (e) The necessity to the facility of a waterfront location and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - (f) The compatibility of the proposed use with existing and anticipated development;
 - (g) The relation of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (h) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (5) **Conditions.** The Commission may attach conditions to any approved variance where necessary to ensure compliance with variance approval criteria.

3.11.90 DATA.

- (1) **Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 3.11.20, the Development Official shall obtain, review, and reasonably use any base flood elevation and floodway data available from a Federal, State, or other source in order to administer this chapter.
- (2) **Information to be Obtained and Maintained.**
- (a) The applicant shall be responsible for obtaining and providing the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures, whether or not the structure contains a basement.
 - (b) For all new or substantially improved flood-proofed structures, the Development Official shall:
 - i) Verify and record the actual elevation, in relation to mean sea level.
 - ii) Maintain the flood-proofing certifications; and
 - iii) Maintain for public inspection all records pertaining to the provisions of this Code.
- (3) **Appeal Records.** The Development Official shall maintain the records of appeals and report variances to the Federal Insurance Administration upon request. An applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

3.11.100 ALTERATION OF WATER COURSES.

Alteration of water courses (streams) shall be prohibited, except in emergency situations. Should such an alteration occur, the Development Official shall:

- (1) Notify the Department of Land Conservation and Development, Polk County, and adjacent communities prior to any alteration or relocation of a watercourse and submit evidence of the notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

CHAPTER 3.12 – RIPARIAN CORRIDORS AND WETLANDS

3.12.10 PURPOSE.

The purpose of this chapter is to retain designated riparian corridors and wetlands in their natural condition, and to enhance the functions and values of riparian corridors and wetlands where reasonably possible. This chapter:

- (1) Ensures City compliance with Statewide Planning Goals 5 (related to Stream Corridor Protection) and assists in compliance with Goal 6 (Air, Land and Water Resources Quality) and 7 (Natural Disasters and Hazards).
- (2) In order to accomplish these purposes, this Chapter includes methods and provisions for:
 - (a) Controlling the alteration of natural floodplains, stream channels, and stream corridors that help accommodate or channel flood waters and protect fish and wildlife habitat and native vegetation; and
 - (b) Controlling filling, grading, dredging, and other development that may increase flood damage or reduce the functions and values provided by stream corridors and wetlands.

3.12.20 APPLICABILITY.

This chapter applies to undeveloped areas of the City and to:

- (1) **Riparian Corridors.** Riparian corridors, including associated wetlands, as mapped on the City Zoning Map, based on Oregon Department of Fish & Wildlife maps of “fish-bearing streams” as defined in OAR Chapter 660, Division 23.
- (2) **Wetlands.** Wetlands identified on the local wetland inventory.

3.12.30 REVIEW PROCEDURES.

Riparian Corridors. Permitted uses within the riparian setback area shall be reviewed under Type I procedure.

- (1) All riparian corridor applications shall be subject to Development Review.
- (2) Adjustments to riparian corridor regulations shall not be permitted.
- (3) Variances from riparian corridor standards shall be reviewed by the Commission under the Type III procedure. Property owners entitled to notice shall be notified in writing, prior to the public hearing, that such a variance may have the cumulative effect of decreasing:
 - (a) Water quality (especially as a result of vegetation removal or grading); and
 - (b) Fish and wildlife habitat values.
- (4) If a variance is approved by the City, documentation of the reasons for the variance shall be reported to the Division of State Lands and Oregon Fish and Wildlife Department.

3.12.40 INFORMATION REQUIRED FOR RIPARIAN OR WETLAND DEVELOPMENT PROPOSALS.

Riparian Development. All applications for Development Review, siting of individual homes, grading, and land divisions shall indicate the precise location of sloughs, creeks, wetlands and the riparian corridor on preliminary plans. The Development Official may require the following additional studies if deemed necessary to protect the functions and values of the riparian corridor, especially if an adjustment or variance is proposed:

- (1) hydrological study;

- (2) fish and wildlife habitat study;
- (3) native vegetation study;
- (4) geotechnical study.

3.12.50 RIPARIAN CORRIDOR REVIEW AREA.

In order to maintain and improve water quality and vegetative cover within riparian corridors, development shall not occur within ten feet of the top of the stream bank or associated wetland area, except as authorized by this Chapter.

- (1) **Delineation Required.** All applications for Development Review, siting of individual homes, grading, and land divisions shall indicate the precise location of sloughs, creeks, wetlands and the riparian buffer zone on preliminary plans.
- (2) **Agency Coordination.** The Division of State Lands shall review and approve all stream corridor and wetland delineation maps. If no slough, stream or wetland exists, then the riparian buffer zone shall not apply at that location.
- (3) **Riparian Corridor.** Native vegetation, trees and shrubs within the riparian corridor shall be maintained. If disturbed, the developer or property owner shall be responsible for preparing and implementing a restoration plan acceptable to the City. The width of the riparian corridor may be varied in consideration of the actual location of riparian vegetation, provided that the average width of the riparian corridor is not reduced below ten feet from the top of stream bank.
- (4) **Permitted Uses.**
 - (a) Trails, public utilities and passive recreation areas may be located within the riparian corridor area.
 - (b) Streets may be located in the riparian corridor area if there is no other reasonable alternative.
 - (c) Other buildings and structures are not permitted.

CHAPTER 3.13 – MANUFACTURED DWELLING PARKS

3.13.10 PURPOSE.

This chapter is intended to ensure:

- (1) A safe and healthful living environment for residents of manufactured dwelling parks.
- (2) That a manufactured dwelling park can provide affordable quality housing compatible with adjacent land uses.
- (3) Compliance with State regulations governing the review of manufactured dwelling park developments.

3.13.20 APPLICABILITY.

Manufactured dwelling parks are a “needed housing type” according to ORS 197.303, and are therefore permitted in the RSL, RHD and RMD zoning districts, subject to the provisions of this Chapter. These zones are the only residential zoning districts that allow development in the sixteen dwelling unit per acre range appropriate for manufactured dwelling parks.

3.13.30 REVIEW PROCEDURE.

Manufactured dwelling parks, and additions to such parks, are reviewed under the Type II procedure.

- (1) **Development Review.** Manufactured dwelling parks are also subject to Chapter 3.2, Development Review, and applicable provisions of the underlying zoning district.
- (2) **ORS Chapter 446.** The Development Official is responsible for ensuring compliance with applicable State statutes and administrative rules, consistent with local land use approvals.

3.13.40 PERMITTED STRUCTURES.

- (1) **Manufactured Homes.** Manufactured Homes, as defined in Chapter 1.2, Definitions, subject to the provisions of this Chapter and the underlying zoning district.
- (2) **Accessory Structures.** Structures customarily incidental to the primary manufactured dwelling park use, as defined in Chapter 1.2, Definitions.
- (3) **Mobile Homes.** Mobile homes, as defined in Chapter 1.2, Definitions, shall not be permitted in new manufactured dwelling parks, but may be used to replace existing mobile homes (but not manufactured homes) in manufactured dwelling parks.
- (4) **Recreational Facilities.** Common areas, playgrounds and recreational buildings for use by residents of the park.

3.13.50 SEPARATION FOR THE PARK PERIMETER.

The following standards apply to new and expanding manufactured dwelling parks.

- (1) **Setbacks Between Park Structures and Abutting Properties.** The minimum separation between abutting property and any dwelling, accessory park structure, or park road shall be a minimum of 25 feet.
- (2) **Setbacks Between Park Structures and a Public Street Right-of-Way.** The minimum separation between any public right-of-way and any dwelling or accessory structure shall be 20 feet.

3.13.60 PERIMETER WITHIN MIXED USE NODES.

The following design standards shall apply to manufactured dwelling parks in the RSL and RMD districts:

- (1) **Minimum Space Size.** Manufactured home spaces within Master Planned Mixed Use Nodes shall meet the minimum lot size applicable to zero lot line dwellings, as stated in Chapter 2.2.50.
- (2) **Design Standard.** Manufactured homes within Mixed Use Nodes shall meet the front porch and access standards applicable to zero lot line dwellings.

3.13.70 PERIMETER OUTSIDE MIXED USE NODES.

Manufactured dwelling parks outside of designated Mixed Use Nodes shall provide a six-foot high site-obscuring screen.

- (1) **Fencing.**
 - (a) Fencing closer than 15 feet to the public right-of-way shall be subject to the zoning district's restrictions on front and side yard fencing and shall meet vision clearance requirements.
 - (b) Fences or walls greater than 150 feet in length along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.
- (2) **Earth Sculpting.** Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 feet in 2 years. This combination is subject to the following standards:
 - (a) The earth sculpting, at a minimum, shall include a berm whose form does not have a slope over 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
 - (b) At least one row of deciduous and/or evergreen shrubs spaced not more than five feet apart shall be placed on this berm.
 - (c) Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

3.13.80 DRIVEWAY AND PRIVATE STREET ACCESS.

Except for frontage roads and alleys, driveway access from individual spaces to public streets shall be prohibited.

- (1) Within Mixed Use Nodes, vehicle access to individual spaces may occur from public or private alleys, or from frontage roads.
- (2) Outside of Mixed Use Nodes, vehicle access shall be limited to private streets within a minimum of 200 foot intersection spacing.

3.13.90 DIMENSIONAL STANDARDS.

- (1) Minimum Size for Manufactured Dwelling Park - 1 acre.
- (2) Minimum Size for Manufactured Lot Space - 3,000 square feet.
- (3) New manufactured dwelling spaces shall be at least 40 feet wide and 75 feet long.
- (4) A dwelling and any other attached or detached structures shall not occupy more than 50 percent of a manufactured dwelling space used in conjunction with such dwelling.
- (5) Staggering of Units. Manufactured homes abutting a public street shall have staggered setbacks and a variety of living unit orientations.

- (a) The required offsets between adjacent dwellings shall be at least four feet, as measured perpendicular from the street; or
- (b) Have a more uniform setback but provide a substantial acute or obtuse angle from the street; or
- (c) Establish a four foot minimum building offset with attached garages or triple-wide expansions.

3.13.100 SITE DEVELOPMENT & DESIGN STANDARDS.

- (1) **Parking.** Off-street parking facilities shall be provided on-site in accordance with Chapter 4.5, Parking.
- (2) **Private Street Standards.**
 - (a) Where on-street parking is not permitted:
 - i) The minimum width for manufactured home park streets shall be 20 feet.
 - ii) Streets serving more than 12 dwelling spaces shall be a minimum of 24 feet in width.
 - iii) Streets serving more than 30 dwelling spaces shall be a minimum of 28 feet in width.
 - (b) If on-street parking is permitted, the minimum pavement width shall be 32 feet.
 - (c) Street identification signs shall be provided according to applicable City requirements
 - (d) Cul-de-sacs shall not exceed 400 feet in length and shall have a standard cul-de-sac bulb with a 40-foot curbside radius.
 - (e) Private streets shall be paved and maintained to standards adopted by the Director of Public Works.
- (3) **Walkways.** Paved walkways at least five feet wide and accessible to wheelchairs shall be provided to connect dwellings with park buildings, park streets and public streets.
 - (a) Public sidewalks shall be constructed along all street frontages.
 - (b) Access from the internal walkway system to the public sidewalk system shall be provided at regular intervals of not less than 600 feet.
- (4) **Safety.**
 - (a) Lighting. Private park roadways shall be lighted and maintained at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.
 - (b) Fire Access. Access for fire protection services shall permit fire apparatus to approach within 100 feet of each dwelling. In addition, each manufactured dwelling space shall have direct access to a street to permit emergency escape. This access shall be an unobstructed area not less than 14 feet wide.
- (5) **Common Areas and Center.** Every new or expanded manufactured dwelling park shall have a landscaped and centrally located common area of at least ½ acre.
 - (a) Common Area Standards. This common area shall include:
 - i) A recreational building which includes active recreational facilities acceptable to the Development Official; and
 - ii) At least 5,000 square feet of gross floor area for use by residents of the park.
 - (b) Children's Play Areas. Play areas separate from manufactured dwelling spaces shall be provided in all manufactured dwelling parks with the appropriate equipment to accommodate children under 14 years of age.
 - i) The minimum required play area shall be at least 2,500 square feet in area with no dimension less than 30 feet.
 - ii) There shall be at least 100 square feet of play area provided for each manufactured dwelling space occupied by children.
 - iii) In the case of a large development, two or more play areas may be developed, provided that no individual play area is less than 2,500 square feet.

- iv) The children's play area shall be located so as to enable adults to supervise children's activities from the recreational building.
- (6) **Landscape Plan.** A landscape plan is required prior to issuance of the building permit for the manufactured home park. In addition to the standards below, the required landscape plan shall also meet the standards of Chapter 4.4, Landscaping and Screening.
- (a) Plant Coverage and Maintenance. Required landscape areas shall be covered by living plant material capable of attaining 90 percent ground coverage within three years and shall be continuously maintained and irrigated with permanent facilities sufficient to maintain the plant material.
- (b) Street Trees. Street trees shall be provided in accordance with Chapter 4.4, Landscaping and Buffering.
- (c) Planting Continuity. Similar street trees shall be repeated to provide continuity for street plantings. Repetition of landscape elements such as lighting fixtures, consistent fencing styles, or similar carports shall complement this street tree pattern.
- (d) Street Focal Points. The real or apparent end of a street provides a focused view, which shall be heavily vegetated either with foreground plants or (as below) with background plants.
- (e) Planting for Energy Efficiency. Appropriate plant materials shall be utilized to cool dwellings in the summer and help insulate them in the winter.
- (7) **Public and Private Facilities.** Each manufactured dwelling park space shall be provided with water, sanitary sewer, storm drainage, street facilities, natural gas services, underground electrical power, telecommunication, and cable television in accordance with the requirements of Chapter 3.2.
- (8) **Floodplains and Riparian Corridors.** Applications for manufactured dwelling parks that would adjoin an open, natural drainageway or would be located in a floodplain, stream corridor or wetland shall be reviewed in accordance with Chapters 3.11 and 3.12, Flood Plain Management and Riparian Corridors, respectively.

CHAPTER 3.14 – ANNEXATIONS

3.14.10 PURPOSE.

This Chapter is intended to ensure that annexations to the City of Dallas are staged in a manner consistent with the Dallas Comprehensive Plan and in compliance with State Statutes governing annexations.

3.14.20 APPLICABILITY.

This Chapter applies to all land outside the Dallas City Limits but within the Dallas Urban Growth Boundary (the “urbanizable area”) – but only when annexation to the City is proposed by a property owner(s) or by the City, in accordance with ORS Chapter 222, Annexations.

3.14.30 REVIEW PROCEDURE.

Annexation requests are reviewed by the Commission (recommendation) and the City Council (decision) under Type IV procedure.

3.14.40 REVIEW CRITERIA.

The City Council may approve annexation requests when the following annexation criteria are satisfied:

- (1) **Dallas Comprehensive Plan.** The proposal is consistent with the Dallas Comprehensive Plan, Volume I, Goals and Policies, Policy 6.2.1, Conversion to Urban Uses.
- (2) **Mixed Use Nodes.** Within Mixed Use Nodes, the annexation shall comply with relevant provisions of Chapter 3.9.90, Adequate Public Facilities Requirements.
- (3) **Adequate Public Facilities & Level-of-Service Standards.** For all areas, the standards of the Comprehensive Plan shall be met, or can be met.
- (4) **Deficient Areas.** Public facilities deficiencies for specific areas, as described in the Dallas Comprehensive Plan, shall be resolved to the satisfaction of the Development Official. For guidance in this regard, see Chapter VII, Public Facilities Plan, Volume II, Background, of the Dallas Comprehensive Plan; and Map 9, Public Facilities Deficient Areas, of the Dallas Comprehensive Plan.

3.14.50 NOTICE CRITERIA.

The notice for annexations shall identify the subject property and legal owners of the property and be posted upon the official public bulletin board and mailed to property owners within 100 feet of the subject property not more than 15 days nor less than 5 days prior to the date specified in the notice for the public hearing. Notice shall be published in the local paper at least 15 days and the last publication at least 5 days prior to the date specified in the notice for the public hearing.

Article IV: Development Standards

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ARTICLE IV: DEVELOPMENT STANDARDS

CHAPTER 4.1 – GENERAL DEVELOPMENT STANDARDS

4.1.10 INTRODUCTION

These general standards apply on a City-wide basis.

4.1.20 FENCES

(1) **Fences –**

- (a) Fences on corner lots. Any fence or retaining wall, located in the vision clearance area at property line at a street or alley intersection, shall not exceed 3.5 feet in height measured from the adjacent street elevation.
- (b) Fences in a required front yard. The height of a fence or retaining wall in a required front yard other than the vision clearance area shall not exceed four feet in height measured from the street elevation.
- (c) Fences - side and rear yards. The height of a fence or retaining wall in a required side or rear yard shall not exceed six feet without a building permit.
- (d) Sight obscuring. A fence that is approved to obstruct light and sight.

(2) **Fence Regulations for Recreation Areas.** Except for public facilities, the maximum fence height for a recreational court shall be 12 feet, provided that:

- (a) No part of the court fence is within 20 feet of any street; and
- (b) the fence is constructed of wire-mesh (i.e., a chain link fence).

(3) **Wire Fences.**

- (a) Barbed wire fencing may be permitted for agricultural, community service, commercial or industrial uses when the wire is employed on the top of any other type of fencing, and when:
 - i) The barbed wire is a minimum of six feet above the finished ground surface; and
 - ii) does not extend over a public way; and
 - iii) does not exceed eight feet in height.
- (b) Electrically charged or sharp pointed fencing shall be limited within the City Limits as follows:
 - i) Razor wire shall be prohibited.
 - ii) Barbed wire fencing is permitted in the RA district.
 - iii) Not allowed along a property line shared by a different owner, sidewalk or public way.

(5) **Building Permit Required.**

- (a) Fences in excess of six feet in height require a building permit.
- (b) Retaining walls in excess of four feet in height require a building permit.

4.1.30 GENERAL HEIGHT EXCEPTIONS

(1) **Building Height Exceptions.**

- (a) Appurtenant structures, such as belfries, chimneys, church spires, conveyors, cupolas, derricks, domes, elevator shafts, flag poles, and smokestacks, shall be exempted from meeting the height standards of the underlying zoning district. Such appurtenant structures shall not exceed 35 feet from the abutting finished grade without a Type II adjustment.

- (b) Public and semi-public structures, such as fire and hose towers, monuments, observation towers, radio and television towers, transmission towers, water towers, windmills and the like may be exempt from the height requirements of the underlying zoning district, where approved through a Type III conditional use process.
- (c) Cellular towers are regulated separately under Chapter 4.1.70, Wireless Communication Facilities.

4.1.40 ACCESS

All lots shall abut an improved street for a total width of the lot but not less than 25 feet.

- (1) Access to a partially-improved street may be approved if the owner of the abutting parcel agrees to construct frontage improvements when requested to do so by the City.
- (2) Such written agreement shall be in a form approved by the Development Official.

4.1.50 VISION CLEARANCE

Vision Clearance Area: A triangular area on a lot at the intersection of two streets, a street, driveway, alley, or a street and a railroad; two sides of which are lot lines measured from the curb intersection to a minimum distance of 30 feet in a residential zone and 15 feet at other public right-of-way intersection, including an alley. Where the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet. The vision clearance area shall contain no planting, walls, structures, or temporary or permanent obstructions between three and one-half (3 ½) feet to seven (7) feet in height measured from the street elevation.

- (1) **Residential Zones.** In a residential zone at public right-of-way intersections, the minimum distance of the “leg” of the vision clearance triangle shall be:
 - (a) 30 feet from the curb line at intersections involving public streets;
 - (b) 15 feet from the curb line at intersections between driveways and alleys.
- (2) **Non-Residential Zones.** In all other zones except the CBD the minimum distance of the “leg” of the vision clearance triangle shall be:
 - (a) 15 feet in both directions at the curb line at the intersections involving public streets;
 - (b) 15 feet in both directions at the curb line at intersections between driveways and alleys.
 - (c) 30 feet in both directions at the curb line, when the angle of intersection between streets, other than an alley, is less than 30 degrees.

4.1.60 COMMON OPEN SPACE

Common open space may be provided in conjunction with a land development request or through other means. Dedication of common open space may also be a requirement or condition of development approval. Whenever land is proposed as common open space, the following standards shall be met:

- (1) **Common Open Space.** No open area may be accepted as common open space as part of a development proposal unless it meets the following requirements:
 - (a) The location, shape, size, and character of the common open space is suitable to meet the purposes of the development.
 - (b) The common open space is for amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the development, considering its size, density, expected population, topography, and the number and type of dwellings provided.
 - (c) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings,

structures, and improvements to be permitted in the common open space are appropriate to the uses authorized by the City.

- (d) The development schedule coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the development.
 - (e) If buildings, structures, or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance acceptable to the City Attorney that the buildings, structures, and improvements will be completed. The City shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.
- (2) **Conveyance.** Land shown on the final development plan as common open space shall be conveyed under one of the following options:
- (a) To either a public agency or to the City of Dallas, which agrees to maintain the common open space, including associated structures or other improvements.
 - (b) To a homeowners' or developers' association created as a nonprofit corporation under the laws of the state. Such association shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the review authority as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.
 - (c) No common open space shall be used in a manner inconsistent with a land use approval.
 - (d) No change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
 - (e) If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the City to enforce their provisions.

4.1.70 WIRELESS COMMUNICATION FACILITIES (WCF)

- (1) **Purpose.** The purpose of this section is to ensure that wireless communication facilities are appropriately sited so as to minimize visual impacts to the community.
- (2) **Review Procedure.** WCF applications:
 - (a) Shall be reviewed by the Planning Commission through a Type III conditional use process; and
 - (b) Shall be subject to development review.
- (3) **Visual Impact Area.** The visual impact shall be minimized to attempt to limit the visibility to a quarter mile radius from the proposed facility. The applicant shall demonstrate the efforts involved in limiting the visual impact.
- (4) **Application Requirements.** In addition to requirements for conditional use and development review applications, an application for a WCF shall include the following:
 - (a) Engineered and scaled drawings of all components of the WCF, including, but not limited to, the support structure, antenna, enclosures and related equipment.
 - (b) Documentation from a registered engineer establishing the structural integrity of the freestanding support structure, or in the case of a building-mounted WCF, of the capacity of the building to safely bear the WCF and of the structural integrity of any support structures.
 - (c) A visual study depicting where any portion of the WCF can be seen.
 - (d) Documentation that co-location of the facility of an existing or approved WCF, or an existing support structure – inside or outside the City Limits – is not feasible.

- (e) Documentation that the WCF has been designed to accommodate additional WCFs.
 - (f) A signed agreement to negotiate in good faith to accept additional WCFs when technically feasible.
- (5) **Location Restrictions.** No WCF shall be sited:
- (a) On public school grounds, in public parks, in dedicated common open space, or in the CBD.
 - (b) Within any Residential district.
 - (c) Within 300 feet of any Residential district.
- (6) **Development Standards.** A WCF shall be designed, constructed and maintained in accordance with the following standards:
- (a) The location and design of the WCF shall minimize the visual impacts to properties located within ¼ mile of the WCF, considering setbacks, lighting, height, bulk, color and landscaping.
 - (b) All support structures, antennas and associated equipment, including any enclosures and all exterior mechanical equipment, shall be colored and/or surfaced, so as to blend with the surrounding area.
 - (c) All surfaces shall be non-reflective.
 - (d) Exterior lighting shall not project onto adjacent properties.
 - (e) Free standing support structures shall:
 - i) Screen all mechanical and electrical equipment and the bottom six feet of the support structure with a six foot sight-obscuring fence, wall or hedge;
 - ii) Provide a minimum ten foot landscaped perimeter area around the fence, wall or hedge;
 - iii) Be located and designed to preserve the ability for co-location of at least two additional users.
 - (f) The height of the WCF shall be the minimum necessary to reasonably serve the operational requirements of the WCF.
- (7) **Operational Certificate Required.** Within 45 days after construction and/or installation of the WCF, the applicant shall submit an operational certificate from a registered engineer indicating compliance with the requirements of this section and all structural standards for antennas developed by the Electronic Industries Association.

CHAPTER 4.2 – STREET & ACCESSWAY DESIGN STANDARDS

4.2.10 PURPOSE.

The purpose of this Chapter is to ensure implementation of the multi-modal transportation system prescribed by the Dallas Comprehensive Plan.

4.2.20 COMPLIANCE WITH ADOPTED PLANS.

Streets, sidewalks, accessways and bikeways shall be installed where required to comply with:

- (1) The Dallas Comprehensive Plan, Volume II, Chapter VII;
- (2) The Dallas Transportation System Plan;
- (3) The Dallas Bicycle Plan; and
- (4) The Transportation Impact Study and Congestion Management Plan recommendations that support Mixed Use Node Master Plans.

4.2.30 STREETS.

Required public street improvements shall meet the following design standards:

- (1) **Streets and Highways.** Streets, roads, or highways shall be in alignment with existing streets in the vicinity of the proposed land division, either by continuing the existing center lines or by connection with the suitable curves.
 - (a) Streets shall conform to the location, alignment, and width as indicated by the Development Official.
 - (b) All streets or roads shall intersect at or as near to right angles as practicable.
 - (c) The minimum street frontage for cul-de-sac lots is 50 feet.
- (2) **Dedication of a Right-of-Way.** Right-of-way dedication shall be required of land divisions or development where:
 - (a) Indicated on adopted plans or there is a clearly defined public purpose; and
 - (b) There is a roughly-proportional relationship between the impact of the development and the dedication requirement.
- (3) **Continuation of Dead-End Streets.** When it appears necessary to continue a street into a future land division or adjacent acreage, streets shall be platted to the boundary of the land division without a turnaround.
- (4) **Street & Residential Driveway Grades.**
 - (a) Street grades shall not exceed twelve percent, unless the Commission (through a Type III process and after considering engineering and lot layout alternatives) finds that topographic conditions require a steeper grade and that no reasonable design alternative exists.
 - (b) Driveway grades shall not exceed fifteen (15) percent, unless approved by the Development Official through a Type II process, in which case the Development Official shall find that topographic conditions require a steeper grade and that no reasonable design alternative exists. Proposed driveways on submitted plans with a greater than 12% slope shall submit a cross section profile for review and approval by the Development Official.
- (5) **Radius at Street Intersection.** The property line radius at street intersections shall be approved by the Director of Public Works.

- (6) **Reserve Block.** Reserve blocks controlling the access to public ways, or which will not prove taxable for special improvements, may be required by the Commission. The land comprising such strips must be placed in the name of the City of Dallas.
- (7) **Minimum Street, Sidewalk and Bikeway Standards.** Table 4.2.1 specifies street, sidewalk and bikeway right-of-way, paving and design standards.

Table 4.2.1: Minimum Street, Sidewalk and Bikeway Standards

Type of Street	Right-of-Way	Sidewalks/ Parkrows	Paved Roadway	Bicycle Lane
Arterial Street	80'-100' unless more is required by City Engineer	6' sidewalks on both sides;	50' or more per City Engineer	6' both sides if on adopted plan
Collector Street	60'-80'	6' sidewalks on both sides;	36' - 42'	5' both sides if on adopted plan
Local Street	60' if no alley; 50' if alley	5' sidewalks on both sides; 4' parkrows in Mixed Use Nodes	36' if no alley; 32' if alley	5' both sides if on adopted plan
Half Street	Min 40' *depends on street classification	5' sidewalk on development side	Min 28' *depends on street classification	6' shoulder on side of development
Private Street	Min 25'	5' sidewalk	Min 24'	Not Required
Cul-de-Sacs	50' street + 5' utility easements on both sides; 50' bulb radius + 10' utility easements	5' sidewalks on both sides	32' street	
Ped/Bike Connections	20' pedestrian connection	6' paved walkway with landscaping	Not Applicable	6' both sides if on adopted plan
Alleys	16' residential; 20' commercial	Not required except in Mixed Use Nodes	16' residential; 20' commercial	Not Applicable

- (a) Right-of-way and street width shall be determined by the Development Official and recommended to the Commission. When an area within a land division or development review is set aside for commercial uses, or where probable future conditions warrant, the Commission may require dedication of streets to a greater width than indicated by Table 4.2.1.
- (b) Wheelchair ramps and other facilities shall be provided as required by the Americans with Disabilities Act (ADA). The lower lip of the wheelchair ramp shall be flush with the roadway surface. Mailboxes and utility cabinets shall not infringe on public sidewalks or accessways.
- (c) Bikeways shall be designed and constructed consistent with the design standards in the 1992 Oregon Bicycle Plan, and AASHTO's "Guide for the Development of Bicycle Facilities, 1991."
- (d) Street trees of at least 10 feet in height and two inches in diameter shall be installed at not less than 30-foot intervals within all parkrows on arterial and collector streets. The Commission shall

- determine whether parkrows will be required for local streets. If parkrows are not present, the Commission may require street trees to be installed in the front yards of each lot.
- (e) Temporary dead-end streets which may be extended in the future shall have a right-of-way and pavement width that will conform to the development pattern when extended.
 - (f) Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional easements or rights of way shall be required to allow all cut and fill slopes to be within the easements or right-of-way. The Director of Public Works shall determine the required extra width.
- (8) **Two-Level Streets.** Where it is determined that two-level streets best serve hillside lots or parcels, the right-of-way shall be of sufficient width to provide on each level space for one sidewalk, and a minimum width of 20 feet for pavement, curbs, and drainage facilities. Between the two street levels and out to the right-of-way lines there shall be space for all cut and fill slopes.
 - (9) **Street Improvements.** All plans and specifications for street improvements – including pavement, curbs, sidewalks, utilities and surface drainage – shall be approved by the Director of Public Works prior to construction.
 - (10) **Subdivision Blocks.** Block lengths and widths shall be determined by the distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed land division and by topography, adequate lot size, need for, and direction of flow of through and local traffic.
 - (a) Blocks shall not exceed 600 feet between street lines unless the adjacent layout or special conditions justify greater length.
 - (b) Except where topographical or other physical features prohibit it, block widths shall be not less than 200 nor more than 300 feet.
 - (11) **Lot Size.** All lots shall conform to minimums and maximums established in the Development Code. In cul-de-sacs the minimum lot or parcel line fronting the turnaround shall be 50 feet. If topography, drainage, or other conditions justify, the Commission may require a greater area on any or all lots or parcels.
 - (12) **Curved Front Lot Lines.** When front or parcel lines are on a curve or arc, the front line distance shall be indicated on the final plat or plan by bearing and chord distance.
 - (13) **Lot Line.** Side lot or parcel lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lines shall be not less than one-half the width of the front lines.
 - (14) **Building Lines Along Streets.** Unless otherwise approved because of some unusual topographic or other conditions, minimum building lines shall be in accordance with setback requirements of the zone in which the land division is requested.
 - (15) **Yard Requirements.**
 - (a) Exceptions to the front yard requirement for a dwelling on a legal lot in any zone include:
 - i) If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lots need not exceed the average front yard of the abutting dwellings.
 - ii) If there is a dwelling on any abutting lot with a front yard less than the required depth for a zone, the front yard for the lot need not exceed a depth halfway between the depth of the abutting lot and the required front yard depth.
 - (b) The following public streets shall have an increase over the required yard dimension specified in the zone so that the minimum distance from the center line to the front of any structure shall be as listed, unless the appropriate right-of-way is dedicated to the city:
 - i) 25 feet plus yard requirements of the zone-Any street under 50 feet in width

- ii) 40 feet plus the yard requirements of the zone-Hankel Street, Jefferson from Clay to Rickreall Creek, LaCreole Drive, Levens Street, Miller Avenue, Orchard Drive, Uglow Avenue.
- iii) 50 feet plus the yard requirements of the zone-Coast Highway (Dallas-Kings Valley) north of Ellendale, Ellendale Avenue, Main Street north of Rickreall Creek, SE Monmouth Cutoff, SW Washington Street to Fairview Avenue, SW Fairview Avenue.

(16) **Private Streets.** Private streets in a commercial or industrial subdivision may be authorized through a Type III Conditional Use, subject to the following:

- (a) The streets must meet City public street standards set forth in Article 4, Chapter 4.2, and be maintained, at all times, in accordance with City of Dallas pavement management system program of a rating over 70.
- (b) The street names and numbers shall comply with applicable provisions of the Dallas City Code.
- (c) The distance between each lot with access on the private street, to the closest intersection with a public street, shall not exceed 300 feet.
- (d) A Street Maintenance Agreement providing for the maintenance and repair of the private streets, curbs, gutters, and sidewalks, which meets the following:
 - (i) Provides a proportionate allocation for each lot's responsibility for the maintenance and repair of the private street, curbs, gutters, and sidewalks.
 - (ii) Is a continuing covenant which is binding upon and runs with the title to each lot, and is enforceable against the owner of each and every lot which uses the private street for access.
 - (iii) The City shall be a party in the Street Maintenance Agreement, for enforcement purposes only. The City shall have the right, but not the obligation, to enforce the terms of the Street Maintenance Agreement. The City may do maintenance and/or repair work on any portion of the private street not meeting the standards set forth in (a) above, after 30 days advance written notice to the owner(s) responsible for that work of the City's intent to do so. An owner has the right to a hearing with the City Manager on the necessity of the proposed maintenance and/or repair work if a written request for a hearing is filed with the City Manager within 10 weekdays of the date such notice was mailed. The City shall have the authority to impose a municipal lien against any lot for that lot's share of the City's cost of doing the maintenance and/or repair work, if not paid within 30 days after a bill for the cost of such work is mailed to the owner.
 - (iv) The Street Maintenance Agreement must be approved by the City Attorney before it is recorded.
 - (v) The Street Maintenance Agreement shall be recorded at the Polk County Clerk's office, by and at the owner(s)' expense, and proof thereof filed with the office of the Director of Community Development.
- (e) The streets shall be "premises open to the public" as defined in the State Motor Vehicle Code, for purposes of enforcement of that Code, and shall be subject to all Dallas City Code regulations for public streets.
- (f) The City shall have sole and exclusive authority to authorize, install, and enforce traffic control devices within the subdivision

4.2.40 ACCESSWAYS.

Accessways shall be constructed in accordance with the following standards. Where topographical or other conditions such as cul-de-sacs make it necessary or desirable, the Commission may require a

walkway through a block on a public right-of-way consistent with Table 4.2.1 and this section. Accessways shall be provided in the following situations:

- (1) **In Residential Areas**, where:
 - (a) a street connection is not feasible, and
 - (b) the provision of a walkway or bikeway would reduce walking or cycling distance to a school, shopping center, or neighborhood park by 400 feet or more.
- (2) **For Schools and Commercial Uses**, where the addition of a walkway or bikeway would reduce walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by:
 - (a) 200 feet; and
 - (b) at least 50 percent over other available and clearly defined pedestrian routes.
- (3) **For Cul-de-Sacs or Dead-End Streets**. The Dallas Comprehensive Plan has already made the policy choice to develop a connecting trail system in association with its riparian corridors, especially Rickreall Creek, and to encourage pedestrian and bicycle connections through to existing streets. Recognizing that accessways are required in most instances, the following factors may be considered should the developer request an adjustment pursuant to Chapter 3.5 of this Code:
 - (a) Whether other Federal, State or local requirements prevent construction of an accessway; or
 - (b) Whether the nature of abutting existing development makes construction of an accessway impractical; or
 - (c) Whether the accessway would cross a designated riparian area and the City has determined that a connecting trail would be inappropriate at any time in the future; or
 - (d) Whether a cul-de-sac or dead-end street abuts rural resource land in farm or forest use at an urban growth boundary.
- (4) **To Adjacent Developments**. When public streets cannot be provided at appropriate intervals, accessways shall be provided to adjacent developments. In no case shall development patterns preclude eventual site-to-site connections, even if such a connection is not feasible at the time of development.
- (5) **Fencing**. Accessways shall be screened by a 6-foot fence.
- (6) **Pedestrian Circulation in New Business Parks and Commercial Development**. Internal pedestrian circulation in new office parks and new commercial developments shall be provided in development plans through clustering of buildings and construction of pedestrian ways as follows:
 - (a) Walkways shall connect building entrances to one another and from building entrances to public street entrances.
 - (b) On-site walkways shall connect with walkways, sidewalks, bike paths, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multi-family, institutional or park use.
 - (c) Walkways and driveways shall provide a direct connection to walkways and driveways on adjacent developments.
 - (d) Potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified.
 - (e) The development application shall designate these connections on the proposed site plan or evidence shall be submitted demonstrating that the connection is not feasible.
 - (f) Rights-of-way or public easements shall be provided for all required walkways which provide a direct connection to adjacent properties.
 - (g) Accessways shall be located to provide routes that minimize out-of-direction travel for most of the people likely to use the walkway/bikeway, considering terrain, safety and likely destinations.

- (h) Accessways shall be as short as possible (not more than 400 feet), and where possible, straight enough to allow one end of the accessway to be seen from the other.
- (i) Accessways shall be lighted either by street lights on adjacent streets or pedestrian lighting along the accessway. Lighting shall not shine into adjacent residences.
- (j) Pedestrian walkways shall be directly linked to entrances and the internal circulation of the building. The on-site pedestrian circulation system shall directly connect the street to the main entrance of the primary structure on the site.
- (k) Walkways shall be at least five feet in paved unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete bumpers, bollards, or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway.
- (l) Pedestrian scale lighting fixtures shall be provided along all walkways. On-site pedestrian walkways must be lighted to a level where the system can be used at night by employees, residents and customers.
- (m) Stairs or ramps shall be provided where necessary to provide a direct route. Walkways without stairs shall have a maximum slope of eight percent and a maximum cross slope of two percent. Where walkways provide principal access to building entrances, maximum slope shall conform to ADA (Americans with Disabilities Act) standards. Stairways and ramps shall be at least five feet wide with a handrail on both sides.
- (n) Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.
- (o) Walkways on private property that provide direct links between publicly-owned pedestrian routes shall be placed in public easements or be dedicated to the public.

CHAPTER 4.3 – RESERVED.

CHAPTER 4.4 – LANDSCAPING & SCREENING STANDARDS

4.4.10 PURPOSE.

These landscaping and screening standards are intended to:

- (1) Increase the aesthetic and economic value of property.
- (2) Maintain community character.
- (3) Buffer or screen unsightly features;
- (4) Soften and buffer large scale structures and parking lots.
- (5) Conserve energy by providing shade from the sun and shelter from the wind.
- (6) Minimize impervious surface areas.
- (7) Reduce the spread of weeds.
- (8) Provide safe play areas for children.

4.4.20 APPLICABILITY AND PROCEDURE.

- (1) **Development Review.** Landscaping is required for all land use applications that are subject to development review.
- (2) **Parking Lots.** New and expanded parking lots must provide landscaping as required by Chapter 4.5 Off-street Parking Standards. Parking lots constructed in the absence of buildings shall be reviewed under the Type II procedure.
- (3) **Detailed Landscaping Plans Required.** Where landscaping is required by this Code, detailed planting plans shall be submitted for review with development applications.
 - (a) No development may commence until the approval authority has determined that the plans comply with the purpose clause and specific standards in this Code.
 - (b) All required landscaping and irrigation and related improvements shall be completed or financially guaranteed in a manner acceptable to the City Attorney prior to the issuance of a Certificate of Occupancy.

4.4.30 GENERAL STANDARDS.

This chapter prescribes standards for landscaping, buffering, and screening. Detailed planting plans and irrigation system designs shall be consistent with the purpose section of this Chapter, and shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation. Landscaping must meet the following standards.

- (1) **Public Rights-of-Way.** Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons.
- (2) **Survival.** If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within six months.
- (3) **Existing Trees.** Trees of greater than 12 inches in diameter measured at 4-½ feet above grade shall be preserved where practicable and integrated into the design of a development.
 - (a) Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval.
 - (b) Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area five feet outside the tree's drip line.

- (c) Trees to be retained shall be protected from damage during construction by a construction fence located five feet outside the dripline.
- (4) **Planter Dimensions.** Planter and boundary areas used for required plantings shall have a minimum diameter of five feet. Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7½ feet.
- (5) **Vision Clearance.** In no case shall shrubs, trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the Development Official otherwise deems such plantings would endanger pedestrians and vehicles.
- (6) **Use of Landscape Features.** Landscaped planters and other landscaping features shall be used to define, soften or screen the appearance of off-street parking areas and other activity from the public street. Up to 25 percent of the total required landscaped area may be developed into pedestrian amenities, including, but not limited to sidewalk cafes, seating, water features, and plazas, as approved by the approval authority.
- (7) **Structures.** Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.
- (8) **Landscaping Required for Unpaved Areas.** All areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped.
- (9) **Maintenance.** All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing.

4.4.40 MINIMUM LANDSCAPED & BUFFER AREAS.

Minimum landscape and buffer areas are specified in the “dimensional standards” section of each underlying zoning district and in Chapter 4.5, Off-street Parking Standards.

4.4.50 REQUIRED TREE PLANTINGS.

- (1) **Trees Required.** Planting of trees is required for:
 - (a) All parking lots with four or more parking spaces, in which case one tree shall be required for every six parking spaces.
 - (b) Public street frontages.
 - (c) Along private drives more than 150 feet long.
- (2) **Location.** Trees shall be planted within the street right-of-way, unless the Development Official determines otherwise.
- (3) **Appropriate Trees.** Selection of tree species shall be made from the City-approved list, unless specifically authorized by the Development Official.
 - (a) The type of tree used shall determine frequency of trees in planting areas.
 - (b) Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.
- (4) **Location Restrictions.** Trees may not be planted:
 - (a) Within five feet of permanent hard surface paving or walkways, unless specific species, special planting techniques and specifications approved by the Development Official are used.
 - (b) Unless approved otherwise by the Development Official:
 - i) Within 10 feet of fire hydrants and utility poles;
 - ii) Within 10 feet of street light standards;
 - iii) Within five feet from an existing curb face;
 - iv) Within 10 feet of a public sanitary sewer, storm drainage or water line.

- (c) Where the Development Official determines the trees may be a hazard to the public interest or general welfare.
- (5) **Pruning.** Trees located on private property, within the vision clearance area or along private drives, shall be pruned to provide a minimum clearance of 8 feet.

4.4.60 IRRIGATION.

- (1) **Irrigation Required.** Required landscaping shall be irrigated with an automatic system, to sustain viable plant life and to minimize maintenance.
- (2) **Irrigation Plans Required.** Irrigation plans shall be provided and approved by the Development Official with required building permits.
- (3) **Building Permits.** Building permits shall not be issued in the absence of required landscape irrigation plans, except as authorized by the Development Official.

4.4.70 TYPES AND SIZES OF PLANT MATERIALS.

- (1) **Live Plantings Required.** At least 75 percent of the required landscaping area shall be planted with a suitable combination of trees, shrubs, or evergreen ground cover.
- (2) **Plant Materials.** Use of native plant materials or plants acclimatized to the Pacific Northwest shall be required within riparian corridors. Use of native plant materials is generally encouraged outside of riparian corridors.
- (3) **Tree Species.** Trees shall be species having an average mature spread of crown greater than 15 feet and having trunks which can be maintained in a clear condition with over five feet of clear wood (without branches). Trees having a mature spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread.
- (4) **Deciduous Trees.** Deciduous trees shall be balled and burlapped, and be a minimum of 7 feet in overall height or 1½ inches in caliper measured six inches above the ground, immediately after planting. Bare root trees are acceptable to plant during their dormant season.
- (5) **Coniferous Trees.** Coniferous trees shall be a minimum five feet in height above ground at time of planting.
- (6) **Shrubs.** Shrubs shall be a minimum of one gallon in size or two feet in height when measured immediately after planting.
- (7) **Hedges.** Hedges, where required to screen and buffer off-street parking from adjoining properties, shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within two years after planting.
- (8) **Vines.** Vines for screening purposes shall be a minimum of one gallon in size or 30 inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
- (9) **Groundcover.** Groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, ground covers shall be planted in such a manner as to provide complete coverage in one year.
- (10) **Grass.** Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryes and fescues used by the local landscape industry.
- (11) **Architectural Features.** Landscaped areas may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed 25 percent of the required landscaped area.

- (12) **Artificial Plants Prohibited.** Artificial plants do not meet the required landscape requirement.

4.4.80 RE-PLANTING OF DISTURBED AREAS.

- (1) **Replanting of Disturbed Areas Required.** Areas where natural vegetation has been removed or damaged through grading or construction activity – in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements – shall be replanted.
- (2) **Irrigation Required.** Plant material shall be watered at intervals sufficient to ensure survival and growth during and after project construction.

4.4.90 LANDSCAPING BETWEEN PUBLIC STREET AND PROPERTY LINES.

Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

4.4.100 SCREENING – HEDGES, FENCES, WALLS AND BERMS.

- (1) **Purpose.** Screening is required where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired.
- (2) **Materials.** Fences and walls used for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls shall be used where noise pollution requires mitigation.
- (3) **Height and Opacity.** Where landscaping is used for required screening, it shall be at least six feet in height and at least 80 percent opaque, as seen from a perpendicular line of sight, within two years following establishment of the primary use of the site.
- (4) **Chain Link Fencing.** A chain link fence with slats shall qualify for screening only if a landscape buffer is also provided.
- (5) **Height Measurement.**
 - (a) The height of hedges, fences, walls, and berm shall be measured from the lowest adjoining finished grade.
 - (b) Where used to comply with screening requirements for parking, loading, storage, and similar areas, height shall be measured from the finished grade of such improvements.
- (6) **Vision Clearance Areas.** Screening is not permitted within vision clearance areas.
- (7) **Berms.** Earthen berms up to six feet in height may be used to comply with screening requirements. Slope of berms may not exceed 2:1 and both faces of the slope shall be planted with ground cover, shrubs or trees.
- (8) **Long Walls and Fences.** Fences and walls of 100 feet or longer shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.

4.4.110 SCREENING OF SERVICE FACILITIES.

Where visible from residential, public or commercial areas, the following types of service facilities shall be screened with site-obscuring shrubbery, or a berm, wall or fence:

- (1) Trash and recycling areas.
- (2) Equipment storage areas.
- (3) Industrial or commercial outside storage areas.

4.4.120 PERFORMANCE BOND.

Landscaping and irrigation facilities shall be installed prior to building occupancy.

- (1) **Unavoidable Delay.** If weather or other circumstances beyond the control of the developer make completion of required landscaping and irrigation impracticable prior to desired occupancy, the Development Official may grant an extension of up to six months.
- (2) **Security Required.** In such circumstances, the Development Official shall require security equal to 100 percent of the cost of the landscaping, thus assuring installation within six months. "Security" may consist of a performance bond payable to the City, cash, certified check, time certificates of deposit, assignment of a saving account, letter of credit, or other such assurance of access to funds necessary for completion and shall meet the approval of the City Attorney.
- (3) **Maximum 120 Days.** Upon acceptance of the security, the developer or owner may be allowed occupancy for a period of up to 120 days.
- (4) **City Installation.** If the installation of the landscaping improvement is not completed within 180 days, the City shall have access to the security to complete the installation and/or revoke occupancy.
 - (a) Upon completion of the installation by the City, any portion of the remaining security, minus reasonable administrative charges (not to exceed 20 percent) shall be returned to the owner.
 - (b) Costs in excess of the posted security shall be assessed against the property and/or the developer and the City shall thereupon have a valid lien against the property, which will come due, and payable.

4.4.130 GUARANTEE.

All landscape materials and workmanship shall be guaranteed by the owner and/or developer for at least two years. This guarantee shall ensure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials.

CHAPTER 4.5 – OFF-STREET PARKING STANDARDS

4.5.10 PURPOSE.

The purpose of this Chapter is to ensure that new and expanding land uses have sufficient, functional and attractive off-street motor vehicle and bicycle parking areas to accommodate day-to-day parking demand from the use.

- (1) The standards of this Chapter recognize that public streets are available to help meet peak parking demand in most cases, and that off-street parking is necessarily limited in the Central Business District and in Neighborhood Commercial Centers.
- (2) This Chapter strikes a balance between the provision of adequate parking space and the need to use land efficiently and minimize impervious surface areas.

4.5.20 APPLICABILITY.

- (1) For new or existing buildings located within the Central Business District (CBD) off-street parking is not required when the same or similar use is proposed. However, where off-street parking is required, it shall comply with the design standards of this Chapter.
- (2) Off-street motor vehicle and bicycle parking areas, and off-street loading areas, shall be provided and maintained, as prescribed in this Chapter:
 - (a) For any new use or structure that will create demand for parking or loading.
 - (b) For any expanded use or structure that will increase demand for parking or loading; and
 - (c) For any change in the use of a property or structure that will increase the demand for parking or loading.

4.5.30 PARKING LOT PLAN REQUIRED.

This subsection applies to all developments that require or propose a parking lot serving more than three vehicles.

- (1) **Plans Required.** The elements of the required parking lot plan may be provided separately or as part of other required plans.
- (2) **Information.** The plan or plans shall be drawn to scale and shall include the following information:
 - (a) Location and dimensions of individual parking spaces;
 - (b) Circulation area necessary to serve spaces;
 - (c) Location and dimensions of access to streets, alleys and properties to be served;
 - (d) Proposed curb cuts;
 - (e) Proposed landscaping, fencing or other screening materials;
 - (f) Abutting land uses and driveways;
 - (g) Grading, drainage, surfacing and sub-grading details;
 - (h) Location of lighting fixtures;
 - (i) Delineation of all structures and obstacles to circulation on the site;
 - (j) Specifications related to signs and bumper guards;
 - (k) Proposed pedestrian walkways and bicycle parking area, and the
 - (l) Location and dimensions of any required loading berth.

4.5.40 GENERAL PROVISIONS.

- (1) **Occupancy.** All required parking spaces must be completed and landscaped prior to occupancy of any structure or use.
- (2) **Maintenance and Landscaping.** Except where specifically exempted by this Chapter, all parking spaces in commercial, industrial, public and multiple family zones, whether required or not, shall be paved, maintained and landscaped as a condition of use of the property.
- (3) **Location and Ownership.** Except in the CBD or CN zones, off-street parking and loading areas shall be provided on the same lot with the main structure or use.
 - (a) Within the CBD and CN zones, required off-street parking may be located within 500 feet of the property.
 - (b) The land to be provided for off-street parking and loading requirements shall be owned in fee title by the owner of the main building.
- (4) **Joint Use.** Joint use of required parking spaces may occur where two or more uses on the same or separate sites have complementary hours of operations; that is, when their parking demand occurs at different times.
 - (a) Where joint use parking is proposed, the following documentation is required:
 - i) The names and addresses of the owners or tenants that will share the parking;
 - ii) The location and number of parking spaces that will be shared;
 - iii) An analysis showing that the peak parking periods of the uses will occur at different times and that the parking area will be sufficient for the demands of both uses;
 - iv) A legal instrument (e.g., a deed restriction or easement) that guarantees access to the parking for both uses.
 - (b) Joint use parking areas must be located within 500 feet of the use it serves.
 - (c) All joint use parking areas must meet the development standards of this Chapter.
 - (d) A parking area may be used for a loading area during those times when the parking area is not needed or used.
 - (e) Commercial and industrial land uses may not rely on land in residential zones to meet parking needs, although the reverse may occur.
- (5) **City Discretion.** The approval authority has the right to increase or decrease the actual number of off-street parking spaces required for a single use or mixed use development, based on similar uses and/or a traffic study prepared by a traffic engineer licensed in the State of Oregon.
- (6) **Plans and Permits.** The Development Official shall review applications for parking area construction permits through the Type I procedure. Scaled plans for parking spaces, aisles, driveways and landscaping shall be provided for review prior to issuing a permit for a parking or loading area.

4.5.50 BUFFER PLANTING – PARKING, LOADING AND MANEUVERING AREAS.

- (1) **Purpose.** Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing.
- (2) **Buffering Required.** Buffering is required in conjunction with issuance of construction permits for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas.
 - (a) Where required, a mix of plant materials shall be used to achieve the desired buffering effect.
 - (b) Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way.

- (c) On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas.
 - (d) A balance of low-lying ground cover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities.
 - (e) Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements.
- (3) **Trees Required.** Planting of trees is required for:
- (d) All parking lots with four or more parking spaces, one tree shall be required for every six parking spaces thereafter.
- (4) **Exception:** Truck parking lots are exempt from parking bay buffer planting requirements.

4.5.60 OFF-STREET MOTOR VEHICLE PARKING REQUIREMENTS

Off-street motor vehicle parking shall be provided as indicated in Table 4.5.1, unless a parking study demonstrates that more or fewer parking spaces are required.

Table 4.5.1: Off-Street Motor Vehicle Parking Requirements

Land Use and Specific Land Use	PARKING SPACE PER UNIT OF MEASUREMENT
RESIDENTIAL	
Single Family and Duplex	1 per dwelling unit
Multiple Family 1 bedroom units 2 bedroom units 3 bedroom units 4 bedroom units	1.25 per unit 1.50 per unit 1.75 per unit 2 per unit
OTHER ACCOMMODATIONS	
PARKING SPACE PER UNIT OF MEASUREMENT	
Boarding Houses, Hotel (residential), Rooming Houses	4 per 5 guest accommodations, plus 2 for employees
Dormitories (off campus), Fraternities, Sororities, Student Housing	1 per 4 beds
Hotel, Motel	1 per room or suite, plus 2 per employees
Convalescent Hospital, Group Care (over 5), Home for the aged, Nursing home / rest home, Sanitarium	1 per 2 beds
Correctional Institution, Welfare Institution	1 per 5 beds
Hospital	3 per 2 beds
PUBLIC ASSEMBLY	
PARKING SPACE PER UNIT OF MEASUREMENT	
Arena, Auditorium, Church, Meeting Rooms, Mortuaries, Stadiums, Theater (with fixed seating)	1 per 4 seats or 8 feet of bench
Assembly Halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Dance Hall, Skating Rink	1 per 2 employees plus 1 per 100 sq. feet gross floor area
Library, Museum, Reading Room	1 per 2 employees plus 1 per 400 sq. feet gross floor area
Clubs, Lodges	Sufficient to meet combined requirement of daytime uses
Parks other than neighborhood parks or playgrounds	1 per 3 picnic tables plus 5 per ball diamond when on-street parking is not available
Schools Kindergarten, Nursery, Pre-school	2 per teacher plus loading spaces plus amount required for auditorium or gymnasium seating
Elementary, Junior High, Primary	2 per classroom plus loading spaces plus amount required for auditorium or gymnasium seating
High School	1/classroom + 1 per 6 students, plus amount required for auditorium or gymnasium seating
Adult Commercial Schools College	1/classroom + 1 per 4 students plus amount required for auditorium or gymnasium seating
Golf Course	1 per 2 employees plus 1 per 200 sq. feet gross floor area plus 4 per tee plus amount required other uses

COMMERCIAL	PARKING SPACE PER UNIT OF MEASUREMENT
Vehicle wash establishments (self service or automatic)	One (1) space for each five (5) stalls
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Restaurants - without drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island, plus one (1) space for each of the maximum number of employees on the premises at any one time
Personal service establishments not otherwise specified	One (1) space for each fifty (50) square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each one thousand (1000) square feet of usable floor area, plus one (1) space for each of the maximum number of employees on the premises at any one time
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Open air businesses	One (1) space for each two hundred (200) square feet of indoor usable floor area plus one (1) space for each one thousand (1000) square feet of outdoor display area
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet of usable floor area
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred (100) square feet of usable floor area plus one (1) space for the maximum number of employees on the premises at any one time
OFFICES	PARKING SPACE PER UNIT OF MEASUREMENT

Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty (150) square feet of usable floor area plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred (300) square feet of usable floor area
Medical and dental offices and clinics	One (1) space for each seventy five (75) square feet of waiting room area plus one (1) space for each examining room, dental chair, or similar use area
Municipal Building, Office Buildings, Retail stores handling exclusively bulky merchandise, Service or Repair Shop	One (1) space for each six hundred (600) square feet of usable space, plus one (1) space for the maximum number of employees on the premises at any one time
INDUSTRIAL	PARKING SPACE PER UNIT OF MEASUREMENT
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) space for each one thousand (1000) square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand (2000) square feet of gross floor area plus those spaces required for offices located on the premises

4.5.60 OFF-STREET LOADING REQUIREMENTS.

Off-street loading spaces shall be provided as indicated in Table 4.5.2:

Table 4.5.2: Off-Street Motor Vehicle Loading Requirements

Land Use	Loading Spaces Required	Loading Space Dimensions
Single Family Residential	1 space	12' X 20'
Multiple Family Uses (10 or more units)	1 per 40 units or portion thereof	12' Wide x 20' Long x 14' High
Office Uses (greater than 2,000 gross square feet)	1 per 40,000 gross square feet or portion thereof	12' Wide x 20' Long x 14' High
Commercial, Industrial, Public Uses (greater than 2,000 gross square feet)	1 per 40,000 gross square feet or portion thereof	12' Wide x 30' Long x 14' High

4.5.70 BICYCLE PARKING STANDARDS

In all commercial, public and multiple family residential zones, one bicycle parking space shall be required for every 10 motor vehicle parking spaces provided. However, no individual commercial, public or multi-family residential use may have fewer than two bicycle parking spaces. Bicycle spaces shall be located to facilitate bicycle use and shall meet the following design standards:

- (1) Bicycle parking shall be clearly marked and reserved exclusively for such parking. Bicycle parking shall be located within 50 feet of building entrances and shall be well-lighted for security. Each

bicycle space must be accessible without moving another bicycle or vehicle. Paved walkways shall be provided from bicycle parking spaces to building entrances.

- (2) Each space shall be paved and cover a minimum of six feet long and two feet wide, with at least seven feet of clearance and at least five feet between rows of bicycle spaces. However, vertical or upright bicycle parking is exempt from meeting these dimensional standards.
- (3) At least half of required employee, school and multi family residential parking shall be located within a secure cage or room to ensure against theft and vandalism.
- (4) Bicycle parking shall be separated parking lots to avoid damage to parked bicycles. Bicycle racks shall be securely anchored to prevent theft.
- (5) Signs may be required to direct traffic to bicycle parking areas.

4.5.80 MOTOR VEHICLE PARKING AND LOADING AREA STANDARDS.

All parking and loading areas – except those for single family dwellings – shall be developed and maintained as follows.

- (1) **City Standards.** All new parking spaces and driveways shall paved and designed to City standards.
- (2) **Screening.** Whenever a permanent or required parking lot serving three or more vehicles abuts a public street or residentially zoned or used land:
 - (a) A 10-foot landscaped area shall be required, including
 - i) A double-row of shrubbery planted at no more than five feet on center, and
 - ii) Deciduous trees planted at no more than 25 feet on center.
 - (b) The Development Official may also require installation of a fence or wall to serve as a visual and noise barrier:
 - i) The fence or wall shall be erected and maintained at a height of four-seven feet.
 - ii) Fences or walls shall meet setback and vision clearance standards applicable in the underlying zone.
 - iii) The fence or wall may be located on the interior side or rear property line.
- (3) **Paved and Striped.** All vehicle parking and driveway areas shall be paved and striped.
- (4) **Standard Parking Design.** Standard 90 degree parking spaces shall be a minimum of nine feet wide and 19 feet long, with a 24-foot aisle.
- (5) **Yards.**
 - (a) Except for single family residences and the Park & Open Space zone, required front and side setback areas shall not be used for parking or loading areas.
 - (b) No parking shall be allowed in the public right-of-way, between a curb and the front yard.
- (6) **Wheel Stops.** Bumper guards or wheel barriers shall be installed so that no portion of a vehicle will project into a public right of way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be paved or covered with evergreen ground cover. A maximum one foot overhang from the curb or front of the wheel stop is allowed as long as this area does not interfere with sidewalk requirements.
- (7) **Grade.** The maximum driveway grade shall be fifteen (15) percent. Proposed driveways on submitted plans with a greater than 10% slope shall submit a cross section profile for review and approval by the Development Official.
- (8) **Directional Signs.** Directional signs and pavement marking shall be used to control vehicle movement in the parking lot.
- (9) **Access.** All parking or loading areas shall be served with either separate ingress and egress driveways or with an unobstructed turnaround area.

- (a) All entrances and exits onto a public right of way shall first have the approval of the Director of Public Works and/or the State of Oregon, as appropriate.
 - (b) Driveway access shall be minimized, especially along arterial and collector streets.
 - (c) All parking areas shall have adequate turn-around and maneuvering areas, as determined by the Development Official.
- (10) **Lighting.** Lighting shall be so arranged as to be directed entirely onto the loading or parking area. All lighting shall be deflected away from any property with residential use, and shall not cast a glare or reflection onto moving vehicles on public right-of-way. Site improvements in the form of fencing or landscaping is required to obstruct vehicle lights from shining onto adjacent property.

Table 4.5.3: Parking Standards

Angle (A)	Type	Width (B)	Curb length (C)	One-way aisle width (D)	Two-way aisle width (D)	Stall Depth (E)
0° Parallel	Standard	9 ft.	22ft.	12 ft.	24 ft.	8 ft.
30°	Standard	9 ft.	18 ft.	14 ft.	24 ft.	17 ft. 3 in.
	ADA Van accessible	17 ft.	18 ft.			
45°	Standard	9 ft.	12 ft. 6 in.	14 ft.	24 ft.	19 ft. 6 in.
	ADA Van accessible	17 ft.	25 ft.			
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	21 ft.
	ADA Van accessible	17 ft.	21 ft.			
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	ADA Van accessible	17 ft.	18 ft.			

CHAPTER 4.6 – PUBLIC RIGHT-OF-WAY LANDSCAPING REQUIREMENTS

4.6.10 PURPOSE.

The purpose of regulating plantings in the public right-of-way is to protect the public's investment in infrastructure and to beautify the City.

4.6.20 APPLICABILITY.

The standards of this Chapter shall apply to all land within existing and proposed public rights-of-way.

4.6.30 REVIEW PROCEDURE.

The Development Official shall review proposals to plant or remove trees within the public right-of-way or on City property through a Type I procedure.

(1) Permit Required.

- (a) No person shall plant or cause to be planted a tree or shrub in a street, parking strip, parkway, or public way within the City unless a permit has been obtained from the Development Official.
- (b) No person shall remove or destroy or cause the removal or destruction of a tree planted or growing on a street, parking strip, parkway, or public way within the city, without first obtaining a permit from the Development Official.

(2) Application Requirements. An application for a tree planting or removal permit shall be obtained from the Development Official.

- (a) The application shall specify the location, number, and variety of trees and shrubs to be planted or set out and shall include a statement that the applicant is the owner of the real property abutting the street, parking strip, parkway, or other public way.
- (b) The application for the permit shall state the number and kind of trees to be removed or destroyed, the name of the applicant and the contractor, the location and time the proposed work is to be done, and any other information the Development Official considers pertinent.
- (c) Work done under the permit must be performed in accordance with the terms of the permit and the provisions of this Chapter.

(3) Grounds for Denial. A permit shall not be issued to set out or plant a tree or shrub that may cause damage to sidewalks, existing or proposed sewers, streets, public utilities, or other public property, or to pedestrian or vehicular traffic upon streets, sidewalks, and other public ways.

(4) City Maintenance and Removal. Only City employees, or their agents, may remove or trim trees located on City grounds or within public rights-of-way in the CBD District. In all other districts, no other person shall remove, destroy or injure a tree or shrub or cause the removal or destruction of any branch of a tree or shrub planted or growing within public rights-of-way, public park, or parkway within the City, unless a permit is issued.

4.6.40 PLANTING REGULATIONS.

In the planting of trees and shrubs for which a permit has been issued, the following regulations shall be followed:

(1) Commercial Zones. In commercial zones, trees and shrubs shall be planted in square or round sidewalk cutouts, unless otherwise approved by the Development Official.

- (a) The cutouts shall be of a size approved by the Development Official.
- (b) The edges of the cutouts shall be sawn into the concrete to provide smooth edges.
- (2) **All Zones.** In all zones, trees and shrubs shall be adequately staked until root development assures their stability.
 - (a) Trees or shrubs shall be set no closer than 30 feet to the intersection of the extended curblines at intersections and shall be spaced a minimum of 20 feet apart, depending on species, location of poles, driveways, and utility appurtenances.
 - (b) Trees and shrubs shall be trimmed so as to hang no lower than eight feet over sidewalks and 14 feet over streets or roadways.
- (3) **Residential Zones.** Trees or shrubs in residential districts will be planted in the center of the parking strip between sidewalk and curb. Trees or shrubs shall not be permitted in sidewalks in residential areas.

4.6.50 PROHIBITED TREES.

No person shall plant in any street, parking strip, parkway, or other public way the following trees:

- (1) poplar;
- (2) willow;
- (3) conifer;
- (4) fruit or nut bearing trees;
- (5) ailanthus (tree of heaven);
- (6) any other species of tree not approved for that location by the Development Official.

4.6.60 ACQUISITION AND MAINTENANCE RESPONSIBILITY.

- (1) **Property Owner Expense.** The acquisition, planting, maintenance, and removal of trees and shrubs shall be at the expense of the owner of the property abutting the area in which the trees or shrubs have been or are to be planted, unless otherwise approved by the City Council.
- (2) **Extension into the Public Right-of-Way.** It shall be the responsibility of all persons to maintain, at their expense, all trees and shrubs situated upon property owned by them that extend over a sidewalk, street, parking strip, or other public way in accordance with the regulations of this Chapter.

4.6.70 TREE REMOVAL CRITERIA.

The Development Official shall consider the following criteria in determining whether to issue the tree removal permit:

- (1) The type of tree involved, specifically whether it is one of the types of trees prohibited under Section 4.6.50; and
- (2) The condition of the tree with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference or damage to public utilities or sidewalks; and
- (3) The degree to which, if any, the tree interferes with or endangers vehicular or pedestrian traffic;
- (4) The adequacy of the applicant's proposal, if any, to plant new trees or vegetation to replace the trees to be removed; and
- (5) The effect of the removal of the tree on street beautification and improvement.
- (6) When trees are removed, the stump shall be removed to a depth of six inches below the surface of the ground or grade of the street, whichever is the greater depth.

4.6.80 TREE MAINTENANCE AND REMOVAL BY PROPERTY OWNER.

- (1) **Property Owner Notice.** The Development Official shall notify the property owner to maintain or remove the tree or shrub within 10 days from the date of notice, if the Development Official determines:
 - (a) That a tree or shrub located on a street, parking strip, parkway, or public way is not being maintained.
 - (b) That it is necessary to remove it because of its old, diseased, dead, unsightly, or dangerous condition.
 - (c) It becomes dangerous to vehicular or pedestrian traffic.
- (2) **Failure to Comply.** If the property owner fails to comply with the demand, the Development Official may cause the tree or shrub to be properly maintained or removed.
 - (a) Upon the completion of the maintenance or removal, the Development Official shall file an itemized statement of the expense incurred in maintaining or removing the tree or shrub.
 - (b) When the statement is filed, the Development Official shall enter the amount in the docket of City liens and the amount docketed shall be a lien upon the property.
 - (c) The lien shall be foreclosed in the same manner as other City liens are foreclosed and shall bear interest at the rate of nine percent per annum from the date it is docketed until paid.

Read for the first time: November 15, 1999;
Read for the second time: December 6, 1999;
Passed by the City Council: December 6, 1999;
Approved by the Mayor: December 6, 1999;
Effective date: January 5, 2000;
Revised: February 21, 2002;
Revised: May 7, 2007

Mayor

ATTEST:

City Manager