

ARTICLE 2 - LAND USE DISTRICTS

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ARTICLE 2 - LAND USE DISTRICTS

Chapters:

- 2.1. Classification and Applicability of Land Use Districts
- 2.2. Residential (R) Districts
- 2.3. Commercial (C) Districts
- 2.4. Industrial (I) Districts
- 2.5. Open Space (OS) District
- 2.6. Mixed Use Master Plan (MP) Districts
- 2.7. Flood Hazard Regulations
- 2.8. Riparian Corridor and Wetlands Regulations
- 2.9. Manufactured Dwelling Parks Regulations
- 2.10. Historic Preservation Regulations

Chapter 2.1 - Classification and Applicability of Land Use Districts

Sections:

- 2.1.010** **Classification of Land Use Districts**
2.1.020 **Land Use District Map**
2.1.030 **Determination of Land Use District Boundaries**

2.1.010 **Classification of Land Use Districts**

Every parcel, lot, and tract of land within the City of Dallas is designated with a land use (zoning) district. The use of land is limited to the uses allowed by the applicable land use district and subject to applicable land use regulations. The applicable land use districts and regulations are determined based on the Land Use District Map and the provisions of this Chapter, which shall be consistent with the City of Dallas Comprehensive Plan, as indicated in Table 2.1.010.

Table 2.1.020

Comprehensive Plan Designation	Applicable Land Use Districts/Regulations
Traditional Residential (<i>was SF</i>)	RL; CN (limited); POS; or MP
Mixed Residential (<i>was MF</i>)	RM or RH; CN (limited); POS; or MP
Central Business District	CBD
Commercial	CG, CN, or MP
Industrial	IL or IH; or MP (Business Park Master Plan)
Creek Trail	POS
Park/Open Space (<i>new plan designation</i>)	POS
Mixed Use Node (<i>for Barberry, LaCreole, Wyatt and any future nodes</i>)	MP
Flood Hazard Areas; Riparian Corridors and Wetlands	Flood Hazard Regulations; Riparian Corridor and Wetland Regulations
Manufactured Dwelling Parks	Manufactured Dwelling Park Regulations
Historic Landmark	Historic Preservation Regulations

2.1.020 Land Use District Map

- A. **Consistency with Land Use District Map.** The boundaries of the land use districts contained within this chapter shall coincide with the land use district boundaries identified on the City’s official zoning map, retained by the City Recorder. Said map by this reference is made a part of this Development Code. The official zoning map, and any map amendments, shall be maintained by the City.
- B. **Applicability of land use standards.** Each lot, tract, and parcel of land or portion thereof within the land use district boundaries designated and marked on the zoning map, is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use district.

2.1.030 Determination of Land Use District Boundaries

Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the Community Development Director in accordance with all of the following criteria:

- A. **Rights-of-way.** Boundaries indicated as approximately following the centerlines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a land use district boundary, the lands within the right-of-way now vacated shall be allocated proportionately among the subject land use districts;
- B. **Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;
- C. **Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and
- D. **Natural features.** Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature, except that the location may be corrected administratively through a Type II (Code Interpretation) procedure, in accordance with Chapter 4.8.

Chapter 2.2 - Residential Districts

Sections

2.2.010	Purpose and Applicability
2.2.020	Allowed Land Uses and Building Types
2.2.030	General Development Standards
2.2.040	Adjustments and Exceptions to General Development Standards
2.2.050	Housing Density
2.2.060	Lot Coverage and Impervious Surfaces
2.2.070	Building Orientation Standards
2.2.080	Housing Variety Standards
2.2.090	Low-Impact Development Incentives
2.2.100	Building Design Standards
2.2.110	Building and Structure Height; Mixed-Use Bonus
2.2.120	Special Use Standards

2.2.010 Purpose and Applicability

- A. **Purpose.** The Residential Districts are intended to promote the livability, stability and improvement of the City’s neighborhoods, while accommodating development of needed housing types at a range of densities, including attached and detached housing, multiple family housing, senior housing, manufactured and site-built housing, group housing, and other special needs housing. The Residential Districts also accommodate parks, schools, places of worship, and other services that are necessary to serve and create complete neighborhoods.
- B. **Applicability.** Residential land use districts or zones are applied in accordance with the policies and Land Use Map contained in the City of Dallas Comprehensive Plan. See Table 2.2.010A. The district standards are based on the following principles:
1. Promote the orderly development and improvement of Dallas’s neighborhoods, while maintaining and enhancing the community’s historic character and traditional neighborhood development patterns.
 2. Make efficient use of land and public services and implement the Comprehensive Plan.
 3. Designate land for the range of housing types and densities needed by the community, including owner-occupied, rental housing, and special needs housing.
 4. Provide flexible lot standards that encourage a mixture of compatible land uses, efficiency in site design, and environmental compatibility.
 5. Provide for compatible building and site design at an appropriate scale; provide standards that are in character with the built and natural environment of Dallas.
 6. Apply the minimum amount of regulation necessary to ensure compatibility with existing

2.2 – Residential (R) Land Use Districts – Purpose and Applicability

- residences, schools, parks, transportation facilities, and neighborhood services.
7. Reduce reliance on the automobile for neighborhood travel and provide options for multiple modes of travel, including walking, bicycling and transit.
 8. Provide direct and convenient access to schools, parks, trails, and neighborhood services.

C. Residential Districts.

Residential Low. The Residential Low (RL) district accommodates a residential density of between 4 and 7 dwelling units per acre under the base development standards of the district, and up to 9 dwelling units per acre where Low-Impact Development Incentives are met. The predominant uses are single family dwellings, duplexes and accessory uses; however, other housing is allowed with specific limitations. Parks, schools, and other civic and institutional uses are also allowed.

Residential Medium. The Residential Medium (RM) district accommodates detached single family homes on small lots and small-scale multi-family housing, such as duplexes and townhomes, at densities between 6 and 12 dwelling units per acre under the base development standards of the district, and up to 16 dwelling units per acre where Low-Impact Development Incentives are met. Parks, schools, and other civic and institutional uses are also allowed.

Residential High. The Residential High (RH) district accommodates a mix of housing types at densities between 10 and 25 dwelling units per acre. Parks, schools and other civic and institutional uses are also allowed.

2.2.020 Allowed Land Uses and Building Types

Table 2.2.020 identifies the land uses and building types that are allowed in the Residential Districts. The specific land use categories are described and uses are defined, respectively, in Articles 1 and 6.

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>RL</u>	<u>RM</u>	<u>RH</u>	
Residential Categories				
Household Living				
Single Family-not attached	P	P	P	
Accessory Dwelling	S	S	S	Section 2.2.120A
Duplex (2 dwellings sharing a common wall on one lot)	S	S	S	Section 2.2.120B
- One duplex on a corner lot	S	S	S	
- One duplex on an interior lot	N	S	S	
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot	N	S	S	Section 2.2.120B
Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing less than 1,200 square feet of floor area)	S	S	S	Section 2.2.120H
Manufactured Home on a Lot	S	S	N	Section 2.2.120F
Manufactured Dwelling Park				Chapter 2.9
- Equal to or less than 3 acres	N	S	S	
- Greater than 3 acres	N	N	S	
Modular Home on a Lot	S	S	S	Section 2.2.120M
Multifamily (3 or more dwellings on lot); includes Senior Housing, some types of Assisted Living and Single Room Occupancy Uses, but not Group Living)	N	S	S	Section 2.2.120H
Zero Lot Line Courtyard Housing (not common wall)	N	S	S	Section 2.2.120J

Key:

- P = Permitted, subject to site/development review
- S = Permitted with standards (Section 2.2.120)
- CU = CU permit required (Chapter 4.3)
- N = Not permitted

2.2 – Residential (R) Land Use District – Allowed Land Uses and Building Types

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>RL</u>	<u>RM</u>	<u>RH</u>	
Group Living				
Residential Home	S	S	N	Section 2.2.120D
Residential Facility	CU+S	S	S	Section 2.2.120D
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM’s, similar uses/facilities)	N	N	CU+S	Section 2.3.100
Bed and Breakfast Inn	CU+S	CU+S	CU+S	Section 2.2.120C
Educational Services, Commercial (e.g., tutoring or similar services); not a home occupation	N	CU+S	CU+S	Limited to 1,200 square feet of floor area
Entertainment, Major Event	N	N	N	
Home Occupation	S	S	S	Per standards of Section 2.2.120E and procedures in Chapter 4.9.
Office, not a home occupation; fully enclosed in primary and/or accessory building	N	CU+S	CU+S	Limited to 1,200 square feet of floor area
Outdoor Recreation, Commercial	N	N	N	
Quick Vehicle Servicing or Vehicle Repair	N	N	N	
Recreational Vehicle Park	N	N	N	
Retail Sales and Service, excluding Eating and Drinking Establishments as primary use	N	N	N	
Self-Service Storage, when not accessory to a permitted use	N	N	CU	
Short-Term Vacation Rental, primary dwelling or accessory dwelling; not a recreational vehicle or mobile home	CU+S	CU+S	CU+S	Section 2.2.120I

Key:

- P = Permitted, subject to site/development review*
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2.2 – Residential (R) Land Use District – Allowed Land Uses and Building Types

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<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>RL</u>	<u>RM</u>	<u>RH</u>	
Industrial Categories				
Industrial Service, enclosed in primary building	N	N	N	
Manufacturing and Production, fully enclosed in primary and/or accessory building	N	N	N	
Warehouse and Freight Movement	N	N	N	
Waste-Related when not accessory to a primary permitted use (e.g., trash and recycling storage and sorting, garden composting)	N	N	N	
Wholesale Sales when accessory to a primary permitted use	N	N	N	
Institutional Categories				
Basic Utilities when not accessory to a primary permitted use	CU	CU	CU	Wireless Communication Facilities Subject to CU
Community Service; Government, except drive-up facilities or uses (includes clubs and lodges, public and quasi-public buildings where public is received, other community Services)	CU	CU	CU	
Daycare, adult or child care; except:	CU+S	CU+S	CU+S	Provide City with evidence of compliance with ORS 657A.250 & 657A.440(4)
Family Childcare (16 or fewer children)	P	P	N	
Hospitals and Medical Clinics	N	N	N	
Parks, Open Space, and Common Areas	P	P	P	
Religious Institution, House of Worship	CU	CU	CU	Conditional Use Permit required, except where City codes preempted by Federal or State law.

Key:

- P = Permitted, subject to site/development review*
- S = Permitted with standards (Section 2.2.120)*
- CU = CU permit required (Chapter 4.3)*
- N = Not permitted*

2.2 – Residential (R) Land Use District – Allowed Land Uses and Building Types

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
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<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>RL</u>	<u>RM</u>	<u>RH</u>	
Schools	P/CU	P/CU	P/CU	Permitted (P) when part of a Master Plan; otherwise CU
Park and Ride	N	P/CU	P/CU	Permitted (P) when part of a Master Plan; otherwise CU
Accessory Structures, total of all accessory structures on site - Not taller than 15 ft. and not longer than 50% of length of primary building footprint - Taller than 15 ft. or longer than 50% of length of primary of building footprint	P CU	P CU	P CU	
Agriculture – Animals	S	N	N	Section 2.2.120 L
Agriculture – Crops and Nurseries	S	N	N	
Mining	N	N	N	
Radio Frequency Transmission Facilities, Wind Turbines, and Similar Structures	CU	CU	CU	Chapter 4.3 Conditional Use Permit, except Ham and Similar Amateur Radio exempt when height limits are met
Utility Corridors (e.g., regional gas pipelines, electrical transmission lines, etc.), except those existing prior to <u>January 22, 2010</u> , are permitted.	CU	CU	CU	
Temporary Uses	P/CU			Temporary uses subject to Section 4.9.010.

Key:

- P = Permitted, subject to site/development review*
- S = Permitted with standards (Section 2.2.120)*
- CU = CU permit required (Chapter 4.3)*
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2.2 – Residential (R) Land Use District – Allowed Land Uses and Building Types

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>RL</u>	<u>RM</u>	<u>RH</u>	
<p>Transportation Facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit and are subject to review and approval by the applicable road authority.</p>				
<p>Non-Conforming Uses. Uses and structures lawfully established prior to <i>January 22, 2010</i> may continue pursuant to Chapter 5.2 Non-Conforming Situations. The City may require upon annexation rezoning that uses conform to the current code requirements for the zone in which they are located.</p>				
<p>Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws</p>				

2.2.030 General Development Standards

The development standards in Table 2.2.030 apply to all uses, structures, buildings, and development, and major remodels, in the Residential Districts.

Table 2.2.030 – Development Standards for Residential District			
Standard <i>General Development Standards may be adjusted through Chapter 4.5 Master Planned Development</i>	Land Use Districts		
	<u>RL</u>	<u>RM</u>	<u>RH</u>
Minimum and Maximum Residential Density <i>(dwelling units per net acre after subtracting required right-of-way)</i> <i>* Density increase only as allowed pursuant to Low-Impact Development performance standards in Section 2.2.090</i>	4-7 9*	6-12 16*	10-40 subject to Section 2.2.050
Minimum Average Lot Area* Single Family, non-attached Single Family, attached (interior lot) Single Family, attached (corner lot) Single Family with Accessory Dwelling Unit Duplex Multiple-Family or Cottage Cluster, per allowable density *Minimum lot area in new land divisions platted is the average area for all lots, categorized by above lot type, in the land division, provided that no lot shall be smaller than 80% of the area shown at right, and the subdivision shall conform to the above Density standards and requirements for Lot Size Averaging in Chapter 4.3 **Attached housing in RL zone allowed only with Master Plan approval pursuant to Chapter 4.5.	5,000 sf 2,500 sf** 3,000 sf** 6,000 sf 7,000 sf 15,000 sf	4,000 sf 2,000 sf 2,500 sf 5,000 sf 6,000 sf 12,000 sf	3,000 sf 1,500 sf 2,000 sf 4,000 sf 5,000 sf 10,000 sf

2.2 – Residential (R) Land Use District – General Development Standards

Table 2.2.030 – Development Standards for Residential District			
Standard <i>General Development Standards may be adjusted through Chapter 4.5 Master Planned Development</i>	Land Use Districts		
	<u>RL</u>	<u>RM</u>	<u>RH</u>
<p>Minimum Lot Width/Depth (feet), per minimum lot size, density, setbacks, and lot coverage</p> <p>Single Family, non-attached Single Family, attached (interior lot) Single Family, attached (corner lot) Single Family with Accessory Dwelling Duplex Multiple-Family or Cottage Cluster</p> <p>*Flag lots subject to Chapter 4.3.</p>	<p>50’/75’ 25’/62’ 30’/45’ 60’/80’ 70’/100’ 100’/100’</p>	<p>40’/60’ 20’/30’ 25’/37’ 50’/75’ 60’/90’ 100’/100’</p>	<p>30’/45’ 15’/22’ 20’/30’ 40’/60’ 50’/75’ 100’/100’</p>
<p>Building/Structure Height Except Fences, Garden Walls and Other non-Building Structures are subject Section 3.2.050, Fences and Walls.</p> <p>Primary buildings</p> <p>Accessory buildings (except accessory dwellings are subject to the height limitations and setback requirements for primary structures)</p> <p>Buildings exceeding above standards, with Conditional Use Permit</p>	<p>28 ft 15 ft + 5 ft</p>	<p>40 ft 15 ft + 8 ft</p>	<p>48 ft 15 ft + 8 ft</p>
<p>Lot Coverage (Impervious Surfaces): Max. Lot Coverage by Impervious Surfaces draining into a public right-of-way or draining off-site. Areas covered with non-pervious surfaces (e.g., planted areas, porous paving systems, etc.) and allowing on-site retention of stormwater, are not counted toward lot coverage, provided such areas are designed to City standards. Adjustments are limited to 10% (e.g., up to 55% in RL), except as approved through a Master Plan under Chapter 4.5.</p>	<p>50%</p>	<p>65%</p>	<p>75%</p>

Table 2.2.030 – Development Standards for Residential District			
Standard <i>General Development Standards may be adjusted through Chapter 4.5 Master Planned Development</i>	Land Use Districts		
	<u>RL</u>	<u>RM</u>	<u>RH</u>
<p>Min. Open Space Area (% site area); <i>except</i> does not apply to Single Family detached dwelling lots, only the subdivision as a whole. Where a subdivision site does not contain suitable land for open space, the City may accept a fee equal to 6% of the site’s Real Market Value, per the current Assessor’s file, in lieu of open space. The landscaped portion of common area or green roof, when approved by Community Development Director, may count toward meeting landscape area requirement under Section 3.2.030.D.</p> <p>Required Children’s Play Area, <i>see Section 2.2.120H Multifamily Housing</i></p>	6% per residential subdiv.; 15% for cottage clusters and other uses where open space is required	6% per residential subdiv.; 15% for cottage clusters and other uses where open space is required	15%
<p>Minimum Setbacks (feet), <i>except</i> as otherwise required for Clear Vision areas and per Section 3.2.060, Fences and Walls. Other standards may preclude building at a minimum setback. Structures shall not encroach into easements for utilities, access ways, etc. See also, Clear Vision Area requirements and special setbacks for planned street improvements, respectively, in Chapter 3.2 and Chapter 3.4.</p>			
Front/Street Side Yard, Primary Structures, Fronting Local Street with Standard ROW	15 ft	12 ft	12 ft
Front Yards and Street Side Yards, Primary Structures, Fronting a Collector or Arterial Street with Standard ROW	20 ft	20 ft	20 ft
Front Yards and Street Side Yards, Primary Structures, Fronting Any Street Without Standard ROW (measured from designated street centerline)	½-width standard ROW, plus setback		
Garage or Carport Opening Facing a Street, as determined by Community Development Dept.	20 ft	20 ft	20 ft

2.2 – Residential (R) Land Use District – General Development Standards

Table 2.2.030 – Development Standards for Residential District			
Standard <i>General Development Standards may be adjusted through Chapter 4.5 Master Planned Development</i>	Land Use Districts		
	<u>RL</u>	<u>RM</u>	<u>RH</u>
Front/Street Side Yard, Accessory Structures	Where an accessory structure is visible from a street, it shall be setback behind the front/side building elevation adjacent to the subject street. The street side yard setback for an accessory structure may be reduced to 5 ft, if the structure is screened with a 6 ft high sight-obscuring fence, wall or hedge.		
Interior Side Yards, Primary Structure, Not Abutting Alley. Note additional setbacks may be required pursuant to building codes and other Development Code provisions.	5 ft	3 ft	3 ft
Interior Side Yards, where common wall or zero-lot line is allowed. See also, Section 2.2.120.B & J	0 ft	0 ft	0 ft
Interior Side Yard, Accessory Structure	3 ft for structures <14 ft in height; other structures shall conform to Primary Structure setbacks		
Yard Abutting Alley; Allowed Only Where Alley is Improved to City Standards	3 ft	3 ft	3 ft
RM or RH Yard Abutting RL Yard	10 ft	10 ft	15 ft
Parking Lot (e.g., multifamily, commercial, or institutional use) abutting RL District; see Chapter 3.2 Landscaping	10 ft	10 ft	10 ft
Rear Yard, Primary Structure	10 ft	10 ft	15 ft
Rear Yard, Accessory Structure	3 ft for structures <14 ft in height; other structures shall conform to Primary Structure setbacks		
Reduced Setback for Covered Front Porch	8 ft Reduction in front and street side setbacks allowed where structure does not conflict with any easement		

2.2 – Residential (R) Land Use District – General Development Standards

Table 2.2.030 – Development Standards for Residential District			
<i>Standard</i> <i>General Development Standards may be adjusted through Chapter 4.5 Master Planned Development</i>	<i>Land Use Districts</i>		
	<u>RL</u>	<u>RM</u>	<u>RH</u>
Special Setback for Development on Oversized Lot	Where a lot is more than twice the minimum lot size of the zone, the dwelling shall be placed to allow for future land division in accordance with the minimum dimensional standards of this Chapter and requirements of the Land Division criteria of Chapter 4.3.		

2.2.040 Adjustments and Exceptions to General Development Standards

A. **Adjustments.** The City may approve modifications to the dimensional standards of Section 2.2.030 through the Adjustment procedure (Type II), provided the adjustment is not more than 20% of the standard and the modification is consistent with the following criteria:

1. There is sufficient space for private yards and building separation is maintained for fire protection, security, building maintenance, sunlight and air circulation.
2. The adjustment does not diminish street visibility from dwellings for public safety and neighborhood security.
3. The adjustment maintains compatibility between the proposed structure and existing structures.
4. The adjustment does not increase the visual presence of vehicle storage areas or garages along any public way.
5. The adjustment does not result in residential densities exceeding the densities allowed by the Comprehensive Plan and applicable land use district.

B. **Setback Yards – Exceptions.** Exceptions to the standard setback yards follow:

1. Where existing lawfully established buildings have yard setbacks that are less than the minimum standards of this Code, they are allowed to remain as legal, non-conforming structures subject to the provisions of Chapter 5.2.
2. The special setback requirement for oversized lots does not apply where future division of oversized lots is not practical due steep slopes, natural features, or other physical site characteristics.
3. The following architectural features may encroach into the setback yards by no more than 36 inches, provided that a setback of not less than thirty-six (36) inches is preserved, all applicable building and fire codes are met, and the clear vision standards in Section 3.1.020 are met. Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than 36 inches. Porches, decks and similar unenclosed structures may extend into front yard setbacks by eight (8) feet as provided in Table 2.2.030. Walls and fences built on property lines are subject to the height standards in Table 2.2.030 and the provisions of Sections 3.1.020, Vision Clearance, and 3.2.050, Fences and Walls.

C. **Setback Yards – Reverse Frontage Lots.** On reverse-frontage lots (through lots), the front yard setback standard shall apply to all yards abutting a street, except where the City decision-making body approves a reduced setback to accommodate a landscape buffer adjacent to a sidewalk. Reverse frontage lots are subject to the fence height and setback requirements in Section 2.2.030 and the landscape buffer requirements in Chapter 3.2.030.

- D. **Setback Yards – Flag Lots.** The front yard of a flag lot may orient to an abutting street or the driveway (flagpole) from which access is taken. The City Community Development Director shall specify one or the other based on which one provides for the greatest compatibility between residences on abutting lots with respect to building orientation, setbacks, and privacy between residences. See also, Chapter 4.3.

2.2.050 Housing Density

- A. The total number of dwelling units in single family subdivisions is calculated by multiplying the total parcel or lot area in acres (including fractions to 0.01) after subtracting required right-of-way by the applicable density standard of the zone. The result is the allowable number of dwelling units, subject to compliance with applicable development standards.

- B. The total number of dwelling units allowed in mixed housing developments (i.e., those that contain units other than single family dwellings) is calculated in the same manner as under subsection ‘A’, except that dwelling units have the following values with respect to calculating the actual density of a development proposal:
 - 1. Group Living: 0.25 dwelling unit per full-time resident
 - 2. Apartment: 0.50 dwelling unit per 1-bedroom apartment; 0.75 dwelling unit per 2-bedroom apartment; 1.0 dwelling unit per 3-bedroom or larger apartment
 - 3. Duplex: 2 dwelling units per duplex
 - 4. Single Family: 1 dwelling unit per single family dwelling (attached or non-attached)
 - 5. Accessory Dwelling: 0.50 dwelling unit per accessory dwelling
 - 6. Other Dwelling Types: Determined by Community Development Director through Type II Code Interpretation (Section 4.8) based on data and comparison to listed housing types

- C. Areas reserved for private access, stormwater treatment, and open space are counted for the purpose of calculating allowable density.

- D. Areas conveyed or dedicated to the public for stormwater treatment or open space, exclusive of public street rights-of-way, are counted for the purpose of calculating allowable density.

- E. Areas reserved for flag lot access (flag poles) are counted for the purpose of calculating allowable density but are not included in calculating minimum lot area for subject flag lots.

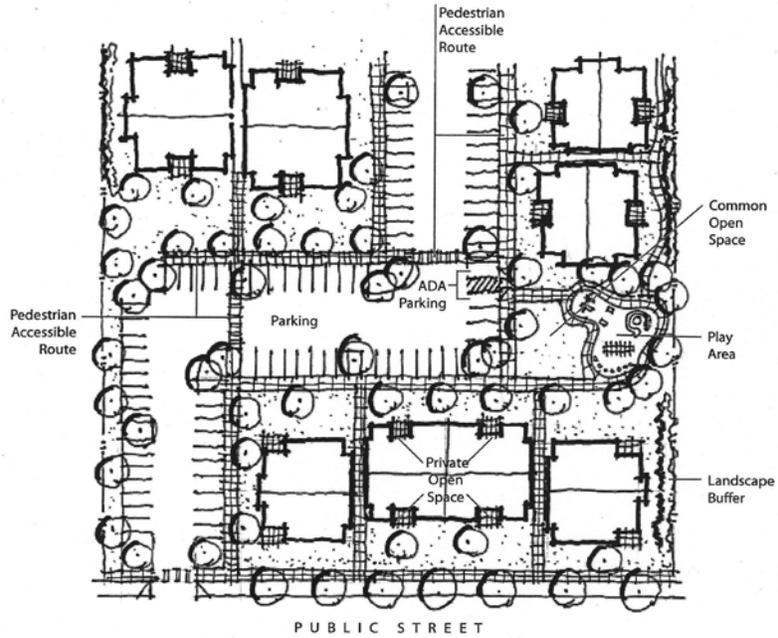
2.2.060 Lot Coverage and Impervious Surfaces

The maximum allowable lot coverage shall be as provided in Table 2.2.030. The purpose of the lot coverage standard is to provide flexibility in development design while encouraging developments that minimize stormwater runoff and incorporate water quality treatment. Therefore, lot coverage is calculated as the percentage of a lot or parcel covered by impervious surfaces (e.g., asphalt, concrete, and similar non-porous paving). It does not include areas that function as water quality treatment facilities and those allowing retention or infiltration of treated surface water; such exempt areas may include porous paving systems, swales, landscape areas and other water quality treatment facilities conforming to City standards and as approved by the Community Development Director.

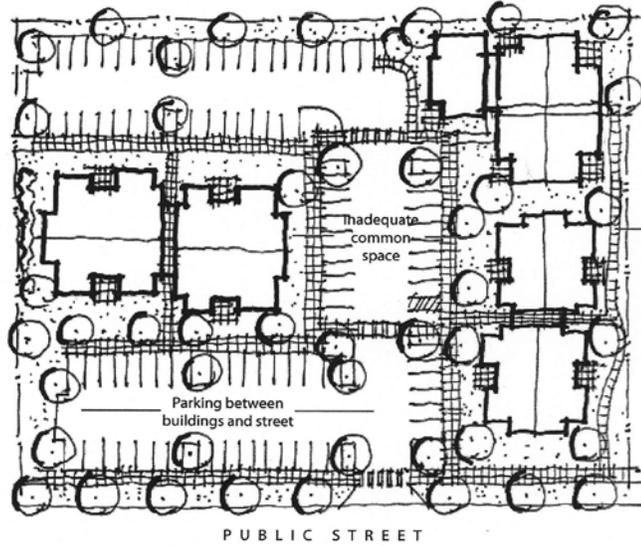
2.2.070 Building Orientation Standards

- A. **Purpose.** The following standards are intended to orient building entrances toward streets to allow for safe and effective use of multiple modes of transportation, including walking, bicycling and transit. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance and security of public and private property, and overall neighborhood safety and livability by having more eyes-on-the-street.
- B. **Applicability.** Section 2.2.070 applies to buildings and developments that are subject to Site Design Review under Chapter 4.2. See also, Chapter 3.1 Access and Circulation. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.
- C. **Building Orientation Standards.** All dwelling units shall have their primary entrance oriented to a public street sidewalk, as generally illustrated in this Section. Where no adjacent public street sidewalk exists or it is not practical to orient an entrance to a public street due to topographic or other physical site constraints, dwelling entrances may orient to a walkway, courtyard, or common lobby or breezeway (i.e., for multiple family buildings) meeting the standards of Section 3.1.030. Where a site contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, open space, plaza, or courtyard (e.g., Cottage Cluster). When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street, and all primary building entrances shall be connected to one another, by pedestrian walkway(s) meeting the standards in Section 3.1.030. See example in Figure 2.2.070C(1) “acceptable site plan.”

Figure 2.2.070.C(1) – Residential District Building Orientation



Multifamily Site Plan – Preferred (above)



Multifamily Site Plan - Unacceptable (above)

2.2 – Residential (R) Land Use Districts – Building Orientation

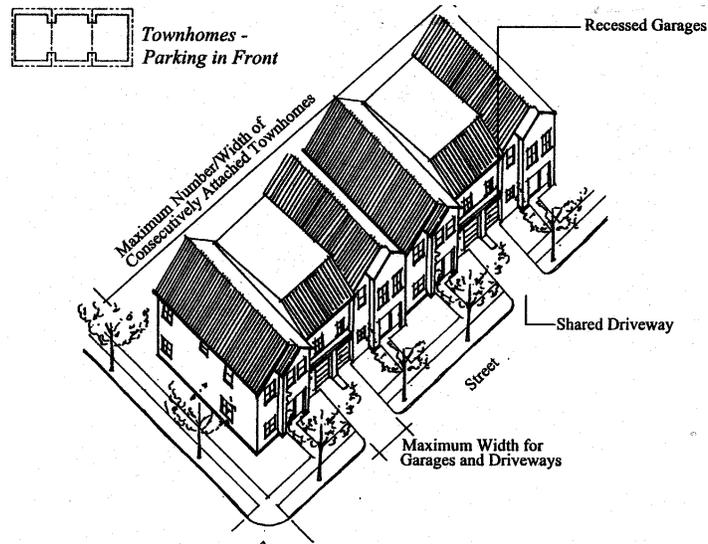
1. Where a proposed development abuts a City-approved alley or shared access drive that has been created for purposes of accessing the subject site, off-street parking for the development shall be accessed primarily from the alley or shared driveway and direct access to abutting streets shall be minimized.
2. Off-street parking, driveways, and other vehicle areas shall not be placed between primary building entrances and the street(s) to which they are oriented, except the vehicle areas described in subsections 3-5 below are allowed where the decision making body finds that they will not adversely affect pedestrian safety and convenience:
3. Nursing homes, assisted living facilities, schools, places of public assembly or religious worship, and similar institutional uses may have one driveway located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent street by a raised pedestrian walkway, as required by Section 3.1.030. The intent of this exception is to provide for one drop-off/loading zone while maintaining a direct, convenient and safe pedestrian access to a primary building entrance;
4. Single-family and duplex dwellings may have off-street parking between building entrances and the street, provided that garage openings shall be setback at least twenty (20) feet from the street right-of-way; the Community Development Director may require that duplex buildings on corner lots have separate driveways for each dwelling unit, one driveway on each abutting street for compatibility with adjacent single family dwellings and/or to comply with driveway-intersection setback requirements.
5. Attached single family dwellings (townhomes) that contain street-facing garage openings shall have not more than one (1) driveway access located between the street and the primary building entrance for every two (2) attached dwelling units; except that this requirement does not apply where the width of townhome lots is 50 feet or greater. Where a shared driveway is required, it shall meet the following criteria, as generally shown in Figure 2.2.070C(2):
 - a. Where two abutting townhomes are required to share one driveway, the driveway access shall not exceed 16 feet in width where it crosses the sidewalk and where it intersects the street (excluding driveway apron);
 - b. All primary building entrances shall be connected to the driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;
 - c. All street-facing garage openings and carport openings shall be setback at least 20 feet from the back of sidewalk and shall be recessed at least six (6) feet behind the front building elevation; a front porch projecting at least six (6) feet beyond the

2.2 – Residential (R) Land Use Districts – Building Orientation

garage opening meets the “recess” requirement;

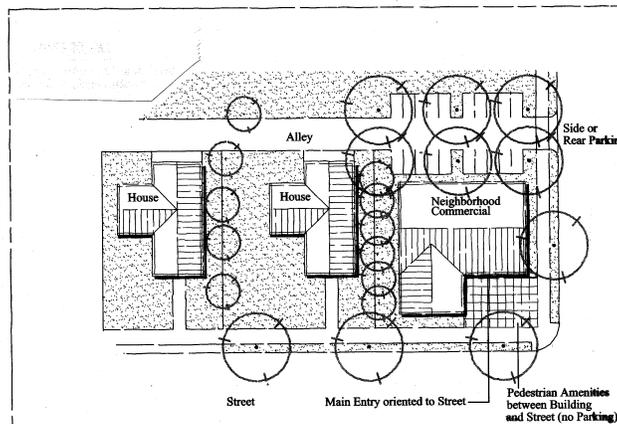
- d. The width of all street-facing garage openings on a townhome building shall not exceed fifty percent (50%) of the overall width of the building façade or street-facing elevation, as generally illustrated in Figure 2.2.070.C(2).

Figure 2.2.070.C(2) – Townhome Building Orientation



- e. Commercial buildings and uses (e.g., neighborhood commercial or mixed-use), where permitted in a Residential District, shall have their off-street parking areas located behind or to the side of such buildings and uses and screened from abutting properties in accordance with Chapter 3.2, as generally shown in Figure 2.2.070.C(3). Off-street parking shall not be located between any building and any street.

Figure 2.2.070.C(3) – Commercial Building Orientation in a Residential District



2.2.080 Housing Variety Standards

- A. **Purpose.** Require new neighborhoods and large subdivisions to contain a variety of housing types. Housing variety is in the public interest because it supports housing at price ranges and rent levels that are commensurate to local incomes, promotes livability by offering housing choices, and contributes to the development of complete neighborhoods, consistent with the Comprehensive Plan.

- B. **Applicability.** Section 2.2.080 applies to land divisions creating or having the potential to create twenty (20) or more lots on any parcel or contiguous parcels in the RL and RM zones. For the purpose of this Section, “project proposal” means the sum total of all proposed development (acres and dwellings) and potential future development on contiguous land under the same ownership that could occur under existing zoning. “Same ownership” means ownership by the same individual, group, organization, corporation or other legal entity; or such entity holds a majority interest. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.

- C. **Housing Variety Standards.** Project proposals shall achieve a minimum of twelve (12) points based on the following criteria.
 - 1. **Minimum Density (required).** Projects are required to meet the minimum density standard, per Table 2.2.030, except as allowed elsewhere in this code. No points are awarded for compliance with the minimum density standard.

 - 2. **Option 1: Lot Size Variety.** Choose one of the following options:

Criteria	Points
a) At least 10% of lots in the project are at least 20% smaller than the project’s median lot size	3
b) At least 20% of lots in the project are at least 20% smaller than the project’s median lot size	6
c) At least 30% of lots in the project are at least 20% smaller than the project’s median lot size	9

* Percentages are rounded to closest whole percent (1%); fractional points are not awarded.

2.2 – Residential (R) Land Use Districts – Housing Variety Standards

3. **Option 2: Housing choices.** Choose one of the following options:

Criteria	Points
a) At least 10% of the dwelling units in the project consist of “small housing types*”	3
b) At least 20% of the dwelling units in the project consist of “small housing types*”	6
c) At least 30% of the dwelling units in the project consist of “small housing types*”	9

* Small housing types are dwelling units that individually contain less than 1,600 square feet of enclosed floor area excluding garages. Percentages are rounded to closest whole percent (1%); fractional points are not awarded.

4. **Affordable housing.** Choose one of the following options:

Criteria	Points
a) At least 15% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below Polk County area median income.*	6
b) At least 10% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below 80% of Polk County area median income.*	6
c) At least 5% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below 60% of Polk County area median income.*	6

*Income levels determined based on household size and other factors, in accordance with U.S. Department of Housing and Urban Development criteria. Housing must ensure housing affordability through deed-restrictions for a period not less than **15 years**. Percentages are rounded to closest whole percent (1%); fractional points are not awarded. A development agreement is required.

2.2.090 Low-Impact Development Incentives

- A. **Purpose.** The Dallas Development Code promotes low-impact development through a combination of requirements and incentives for compact urban growth, mixed-use development, pedestrian oriented design, and protection of natural features. Section 2.2.090

2.2 – Residential (R) Land Use Districts – Low-Impact Development

provides additional incentives for reducing development impacts associated with storm water runoff, loss of open space, energy consumption, and water use. The intent is to:

1. Further reduce pollution from construction activities, such as soil erosion, waterway sedimentation and airborne dust generation, by conserving additional land as open space.
2. Further conserve existing natural areas and restore damaged areas to provide habitat and promote biodiversity
3. Limit disruption of natural hydrology by reducing impervious cover, increasing on-site infiltration, and managing stormwater runoff.
4. Reduce heat island effects, and thereby conserve energy during summer months, in large multiple family and commercial developments with appropriate paving and roofing materials.
5. Reduce light pollution, including excessive light and glare spilling over onto adjacent properties and excessive illumination of the night sky.
6. Promote water use efficiency in buildings and landscapes.
7. Promote the development and use of small-scale (e.g., household- and community-scale) renewable energy
8. Divert construction and demolition debris from the waste stream and conserve natural resources by encouraging recycling and/or reuse of building materials.

B. Applicability. The incentives under Section 2.2.090 are available to new subdivisions and projects requiring site design review approval or master plan approval. The provisions of this Section are voluntary; they consist of a set of performance standards and incentives for exemplary design. They are not subject to modification through an Adjustment or Variance.

C. Low-Impact Development Incentives. Section 2.2.090 authorizes two types of incentives: (1) System Development Charge Credits and (2) Residential Density Bonuses, as described in subsections D and E.

D. System Development Charge (SDC) Credits. SDC credit may be granted for projects that reduce the volume of stormwater runoff draining into the public storm sewer system. For eligible projects, the City grants SDC credits at a ratio of 1:1, not to exceed 50% of a project's total SDC assessment. Applicants may propose on-site retention facilities, regional retention facilities, or a combination of methods. The applicant's proposal will be evaluated during the land use review phase of development for consistency with the City of Dallas Stormwater Master Plan and the City's criteria for SDC credits.

E. **Residential Density Bonus.** Project proposals meeting the criteria for Low-Impact Development and achieving a minimum of twelve (12) density bonus points, as specified by Section 2.2.090.F, are entitled to a density bonus, pursuant to the criteria in Table 2.2.090.E. Density bonus approvals shall be contingent upon the applicant meeting all applicable criteria under Section 2.2.090, including conditions of approval and performance guarantee, and may be binding under a development agreement; density bonus awards may be revoked, and/or other permits or approvals may be withheld if at any time a project is out of compliance with any one of those requirements and the applicant fails to correct the violation as specified by the City. Density bonus points are not transferable to other projects.

Table 2.1.090.E – Density Bonus Point Conversion Table	
<i>Density Bonus Points</i>	<i>Increase in Allowable Density (per base zone)</i>
12	5%
20	10%
30	20%
35+	25%

F. **Low-Impact Development Incentives.** Compliance with the following minimum standards is required. Projects that achieve twelve (12) or more points based on the following criteria are eligible for a density bonus and/or an increase in allowable building height as specified by Section 2.2.030 and subsection 2.2.090.C (Low-Impact Density Bonus).

1. **Compliance with Article 3 Community Design Standards.** Compliance with the base requirements of Article 3 is required; no density bonus points are awarded for compliance with Article 3. Where the applicant has requested an adjustment to any provision of that Article, the City decision-making body shall consider whether the adjustment is consistent with the purpose and intent of Section 2.2.090 in deciding whether to grant a density bonus.
2. **Construction activity pollution prevention.** An Erosion and Sediment Control (ESC) Plan is required. The ESC Plan shall conform to the erosion and sedimentation requirements of the applicable erosion and sedimentation control standards and codes. No density bonus points are awarded for compliance with the minimum erosion and sediment control requirements.
3. **Green technology.** Density bonus points may be awarded for projects incorporating green building technology where such technology exceeds the minimum requirements of this Code. Density bonuses are awarded based on the point matrix in subsection 2.2.090.C (“points” do not translate to units per acre):

2.2 – Residential (R) Land Use Districts – Low-Impact Development

- a. *Certified Green Buildings/Green Developments.* Green building certification supports sustainability through objective, third party review of building designs. Project proposals that meet the certification criteria (any level) under an ANSI-approved green building rating system (e.g., LEED-Homes, LEED-New Construction, LEED-Neighborhood Development; or National Green Building Standard for single family homes or Earth Advantage certified) for at least twenty percent (20%) of the dwellings in the development shall receive two (2) density bonus points in addition to points awarded under subsections b-q, below. While the applicant shall provide evidence that the project substantially conforms to the criteria for green certification through Site Design Review, however, certification is not required.
- b. *Energy efficiency in buildings.* Increased energy efficiency in buildings supports sustainability by conserving natural resources and reducing greenhouse emissions, which contribute to global warming. All residential buildings must comply with the minimum requirements of the Oregon Residential Energy Code. Project proposals that achieve increasing levels of energy performance above the baseline building performance rating in all dwellings in the development are eligible for density bonus points pursuant to Table 2.2.090.F.3.b.

% Efficiency above baseline	Points (not cumulative)
0%	0
10.5%	1
14%	2
21%+	3

- c. *Reduced water use.* Projects that reduce water use beyond that required by the Oregon Plumbing Specialty Code may be eligible for bonus points. Water conservation supports sustainability and benefits the public by extending the capacity of local water sources, reducing energy consumption associated treatment and distribution of potable water, and helping to maintain in stream water flows for endangered fish species, among other public benefits. Developments that meet one or more of the criteria in Table 2.2.090.F.3.c for reduced water use in all dwellings and/or landscapes, as applicable, are eligible for density bonus points.

Table 2.1.090.D.3.c – Reduced Water Use Bonus Points	
<i>Option</i>	<i>Points (cumulative)</i>
<i>Landscaping</i> : rainwater harvest for all irrigation; <u>or</u> drip-irrigation with climate-based controllers for all landscaping; <u>or</u> no potable water used for irrigation	1
<i>Buildings</i> : use of innovative wastewater technologies (high efficiency fixtures and/or grey water systems) reduces potable water use for sewage conveyance by at least 50%; <u>or</u> provides on-site wastewater treatment and aquifer recharge (wastewater must be treated on-site to tertiary standards).	1
<i>Buildings</i> : use of high-efficiency plumbing fixtures results in at least 20% less water use than under baseline for same building(s) after meeting Oregon Plumbing Specialty Code	1
<i>Maximum Potential Points</i>	3

- d. *Reuse of historic landmark.* Historic landmarks serve as important cultural reference points in the landscape; landmarks provide opportunities for public education and contribute to the area’s unique sense of place. Where a project contains an existing designated historic landmark, conformance to the applicable Historic Landmark regulations under Chapter 2.7 is required. Projects that preserve one or more designated historic landmark and integrate the landmark(s) into the overall site design are eligible for one (1) density bonus point. Projects that dedicate a historic landmark to the public or otherwise make such landmark available for public use through a conservation easement or similar legal agreement between the owner and a public agency are eligible for two (2) density bonus points.

- e. *Minimize site disturbance and conserve open space.* Site disturbance through grading and construction, if not properly controlled, can cause increased erosion, risk of landslides, diminished air and water quality, and degraded wildlife habitat. All projects shall minimize site disturbance by conforming to the requirements of this code, including requirements for Flood Hazard Areas, Riparian Corridors, and Wetlands, and other city standards (e.g., grading, erosion and sediment control) as applicable. Project proposals must provide open space in accordance with the minimum standards in Table 2.2.030A. Project proposals setting aside increasing levels of open space (>6%) may be eligible for bonus points pursuant to Table 2.1.090.F.3.e. Proposals requesting bonus points under this subsection shall provide a cluster development design where open space is aggregated in areas with the highest value open space. For example, open spaces functioning as usable park area, or those contiguous to designated stream corridors, jurisdictional wetlands, or other significant natural features, have higher value than areas without such functions. Open space

plans shall conform to the City of Dallas Comprehensive Plan and be subject to City review and approval:

Table 2.1.090.F.3.e – Open Space Bonus Points	
<i>Option</i>	<i>Points (cumulative)</i>
<i>Open Space Option #1:</i> At least 10% of site is reserved as open space, where open space is oriented to protecting and buffering significant natural features; or where such features are not present, open space area is oriented to providing usable recreation areas for residents of the development.	1
<i>Open Space Option #2:</i> At least 10% of site is reserved as open space, consistent with Option 1, and public access is provided by a trail, park, or similar amenity.	1
<i>Open Space Option #3 (>10%):</i> one (1) additional point may be awarded for every additional 5% of net site area that is set aside as private open space, and two (2) additional points may be awarded for every 5% of net site area set aside as public open space, not to exceed a total of six (6) points for all open space areas. “Net site area” is the project area after subtracting required right-of-way.	1-4
<i>Transfer of Development Rights Option:</i> where a project or a portion of a project is located in the POS district, Riparian Corridor, Wetland, or Flood Hazard area, up to six (6) points may be awarded, at the City’s discretion, for transferring density out of such districts and onto an eligible receiving area, as approved by the City and subject to deed restrictions. Master Plan approval (Chapter 4.5) is required, and bonus points shall be applied to the receiving area property only and are not transferable.	1-6
<i>Maximum Potential Points</i>	6

- f. *Stormwater management.* Residential subdivision proposals that retain stormwater, reducing stormwater runoff into the public storm sewer system by at least 50% over conventional methods and do not apply for SDC credit under subsection 2.1.090.E (SDC Credit), are eligible for two (2) density bonus points.
- g. *Heat island reduction.* Excessive paving and use of dark roofing and paving materials can cause local increases in air temperature. This “heat island” effect detracts from pedestrian comfort (e.g., in parking lots) and can lead to increased energy use in summer months for air conditioning in buildings and vehicles. Projects that use light colored roofing materials and light colored paving systems are eligible for two (2) density bonus points. Such materials must be used over all paved areas and all roof elevations, as applicable, for points to be awarded. Light colored materials must have a Solar Reflectance Index (SRI) of at least 50. Rooftop areas covered by rooftop gardens, green roofs, solar water heating systems, or photovoltaic cells, and areas paved with grass-planted pavers or similar green paving system are eligible.

- h. *Solar orientation.* Solar orientation in site design and building placement conserves resources, reduces energy costs and greenhouse emissions, and mitigates global warming by allowing for passive heating of buildings in winter months and the opportunity for the use of solar water heating systems or photovoltaic cells. Subdivision proposals providing solar access easements over at least 50% of all lots in the development are eligible for two (2) density bonus points. Solar access easements shall provide for sun exposure to south-facing walls at an elevation of ten (10) feet above grade when the sun is at an altitude of 21.3 ° and an azimuth ranging between 22.7° east and west of true south.

- i. *On-site renewable energy and electric vehicles.* The use of on-site renewable energy such as wind, solar and geothermal, and the provision of on-site electric vehicle fueling stations, is intended to conserve resources, reduce energy costs and greenhouse gas emissions, and mitigate global warming. Projects that self-supply energy through renewable energy or provide electric vehicle fueling stations on-site are eligible for density bonus points pursuant to Table 2.1.090.F.3.i, provided the system is shown to be technically feasible, the applicant has provided acceptable performance guarantee, and the system complies with the requirements of the electric utility service provider and meets all other applicable codes and standards.

Table 2.1.090.F.3.i – On-Site Renewable Energy & Electric Vehicle Fueling Station Bonus Points	
<i>Renewable Energy (as % of annual energy cost*)</i>	<i>Points (not cumulative)</i>
2.5%	1
7.5%	2
12.5%	3
On-site electric vehicle fueling station (1 point per vehicle-station)	1-3

* Modeling of the annual building energy cost with and without on-site renewable energy, shall provide the basis for review; energy costs are calculated using the US Department of Energy (DOE) Commercial Buildings Energy Consumption Survey (CBECS) database or equivalent Oregon reference as determined by the City of Dallas Building Official and Community Development Director.

- j. *District heating and cooling.* District heating and cooling systems are intended to improve energy efficiency and conserve resources by providing centralized heating and/or cooling for multiple buildings or developments. Project proposals that provide such systems are eligible for two (2) density bonus points, provided the system is shown to be technically feasible, the applicant has provided acceptable performance guarantee, and the system complies with all applicable codes and standards as determined by the City of Dallas Building Official and Community Development Director.
- k. *Wastewater management.* The City of Dallas has adopted standards for wastewater treatment that are intended to provide urban development at planned densities. Projects shall comply with the standards of Article 3 and other applicable city standards and codes. Projects providing innovative design solutions that improve upon the above requirements (e.g., water quality treatment, aquifer recharge, reclaimed water for agricultural use, etc.) are eligible for one (1) density bonus point, provided the proposal is shown to be technically feasible, the applicant has provided acceptable performance guarantee, and the system complies with all applicable codes and standards, as determined by the City Engineer and Community Development Director.
- l. *Recycled content in infrastructure.* Projects shall comply with the public facility standards of Article 3 and other applicable city standards and codes. Projects providing innovative design solutions that incorporate recycled materials (e.g., recycled asphalt for streets, transplanted vegetation for water quality facilities, etc.) and improve upon the above requirements are eligible for one (1) density bonus point, provided the system is shown to be technically feasible, the applicant has provided acceptable performance guarantee, and the system complies with all applicable codes and standards, as determined by the City Engineer and Community Development Director. Recycled materials must be from the local area (transported less than 10 miles) in order to be eligible.
- m. *Light pollution prevention.* Excessive lighting and misdirected or unshielded lighting can have an adverse impact on livability in residential areas and can degrade wildlife habitat. Projects providing dark-sky friendly lighting for all outdoor areas, as recommended by the International Dark Sky Association, are eligible for one (1) density bonus point provided the proposal is shown to be technically feasible, the applicant has provided acceptable performance guarantee, and the system complies with all applicable codes and standards, as determined by the Community Development Director.

- n. *Alternative transportation.* The City of Dallas has adopted standards that are intended to support multimodal transportation. Projects shall comply with the standards of Article 3, the City of Dallas Transportation System Plan, and other applicable city standards and codes. Projects that exceed the city’s minimum requirements and provide for enhanced multimodal transportation options are eligible for density bonus points. This standard can be met by implementing one or more of the following options:

Table 2.1.090.D.3.o – Alternative Transportation Bonus Points	
<i>Option</i>	<i>Points (cumulative)</i>
Build off-site pedestrian connection (e.g., sidewalk extension, trail, mid-block access way) exceeding minimum standards under Article 3 (one point for every 500 lineal feet of improvement)	1-4
Provision of transit park and ride facility, per transit service provider standards	2
<i>Maximum Potential Points</i>	<i>4</i>

- o. *Innovative design.* Projects proposed as Master Planned Developments are eligible for up to four (4) density bonus points for innovative or exemplary design solutions that exceed the thresholds in subsections 3(a) through 3(n), above, or that employ other low-impact development methods not specified in subsections 3(a) through 3(n), where the City decision making body finds the proposal is consistent with the purpose under Section 2.2.090.A and it advances the state of green technology and sustainable development in Dallas.

2.2.100 Building Design Standards

A. **Purpose.** Establish clear and objective standards for building design in Residential Districts to promote land use compatibility and livability while protecting property values and ensuring predictability in the development process. The intent is to:

1. Reinforce Dallas' sense of place and respect the local architectural vernacular of Dallas.
2. Reduce the visual dominance of garage openings as viewed for abutting streets, parks, and other public use areas
3. Encourage a diversity of building facades and rooflines at an appropriate neighborhood scale.
4. Promote compatible building-to-building relationships, and to create a sense of street enclosure at a pedestrian-scale in urban neighborhoods.

B. **Applicability.** Section 2.2.100 applies to new dwellings, including multifamily buildings, single family (not attached) dwellings, attached single family (townhome) dwellings, duplexes, and cottage cluster developments. The standards are applied through building plan review for single family (not attached) dwellings and Site Design Review and/or Planned Unit Development Review, as applicable, for other building types. In addition, other building design standards may apply for certain types of land use and development, as provided under Section 2.2.120 Special Use Standards. The standards of Section 2.2.100 may be adjusted through the Adjustment (Type II) procedure provided the Adjustment is consistent with the above purpose and the applicant demonstrates that the proposed design meets the intent of the standard for which an Adjustment is sought.

C. Standards.

1. *Garage Orientation and Design*

a. *Purpose.* The following requirements for garage design are intended to balance residents’ desire for convenient vehicle access to their homes with the community’s desire to have safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and aesthetic concerns associated with garages, while allowing garages that do not detract from the appearance and walkability of Dallas’ neighborhoods.

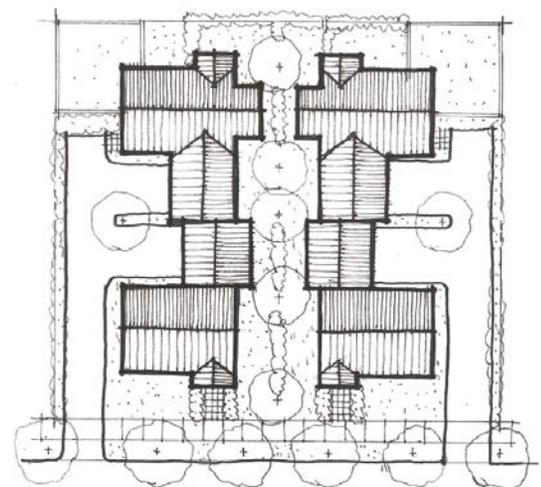
b. *Alleys.* Where alleys or shared driveways exist or are proposed (Option A), all garages and off-street parking areas shall orient to the alley/driveway.

c. *Garage Setback.* Where street-loaded garages are proposed (Options B or C), all garage openings shall be setback from the street property line by at least twenty (20) feet.

d. *Garage Openings.* Garage openings shall not exceed fifty percent(50%) of the width of the front building elevation, except where at least one of the following criteria is met: (1) The garage is side-loaded and does not have any openings facing a street (e.g., garage oriented to a driveway or parking court); such side-loaded garages shall have windows on at least a portion of the street-facing elevation; or (2) The garage opening(s) are recessed or offset at least three (3) feet behind the front elevation of dwelling as viewed from the street. Projections may include arbors, porticos and/or similar architectural feature extending for the width of all garage openings. See also, requirements for three-car and wider garages under subsection 2.2.100.C.1.h.



Alley or Parking Court



Street or Alley

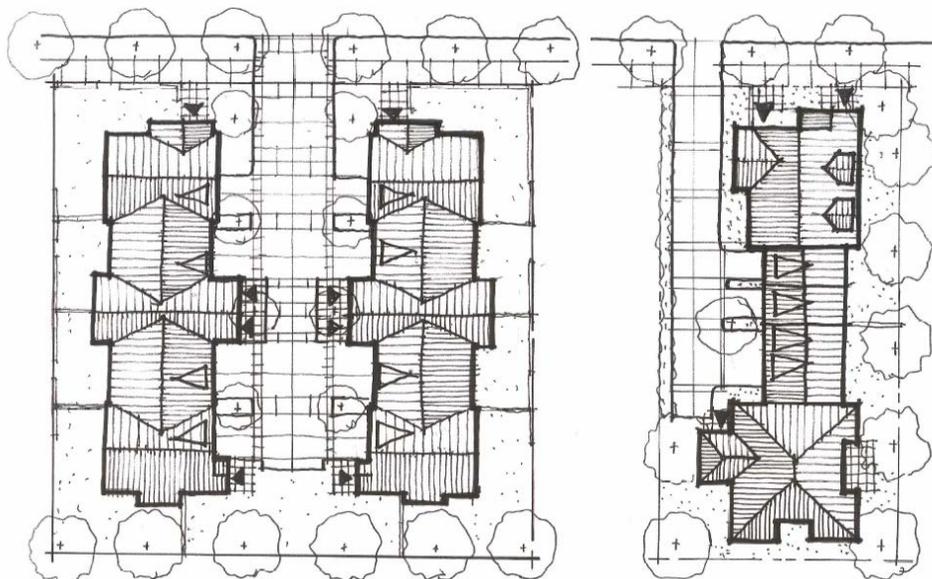
- e. Driveway Approaches. Driveways shall not exceed the following widths (not including wings):

<i>Lot frontage</i>	<i>Driveway width</i>
<55'	22'
56'-70'	26'
>70'	32'

Driveways may *expand* to a width greater than the maximum width where they are located behind the property line.

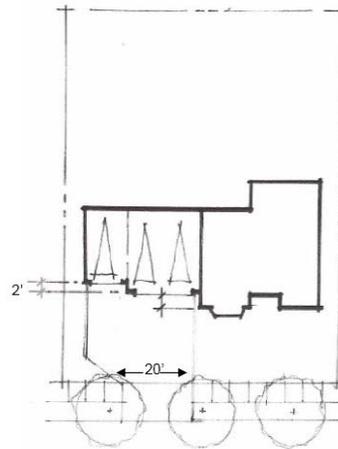
- f. *Recreational Vehicles and Outdoor Vehicle Storage*. All RVs, boats, trailers, and similar vehicles and equipment shall be setback from the street property line by at least twenty (20) feet and/or screened behind a fence (e.g., wood, chain-link with slats, or similar screening).
- g. *Driveway Spacing and On-Street Parking*. To the extent practicable, subdivision lots and dwelling plans should be oriented to provide for on-street parking (e.g., by staggering driveways on opposite sides of a street). Driveway curb openings shall be spaced at least eighteen (18) feet apart from one another to provide space for on-street parking between them; alternatively, where closer spacing results in more efficient on-street parking, driveways may be paired together. Where driveways are paired, a four (4) minimum foot landscape strip beginning ten (10) feet back from the sidewalk or right-of-way is required between them for surface water runoff, i.e., two (2) foot landscape strip on each lot between driveway and common property line.

Vehicle Access from Street or Alley with Primary Entrance Facing Street



Examples of multifamily modules with 2-8 dwelling units per building (one or two story), and parking in shared parking courts. Building orientation promotes compatibility with single family dwellings across the street. Note landscape buffering may be required in side and rear yards.

- h. *Three-Car and Wider Garages.* Where three (3) or more contiguous garage parking bays on the same structure are proposed facing the street, the garage opening closest to a side property line shall be recessed at least two (2) feet behind the adjacent bays to break up the appearance of the garage elevation. Note: Side-loaded garages where the garage openings do not face a street are exempt from this requirement.



2. *Front/Street Facade Variation*

- a. *Purpose.* The following requirements for façade variation promote variety in housing design to improve the appearance and aesthetics of new subdivisions and multifamily developments. The standards are intended to promote architecturally varied neighborhoods, avoiding homogeneous street frontages that detract from a neighborhood’s appearance.
- b. *Standards.* No two directly adjacent or opposite dwelling units may possess the same front or street-facing elevation. This standard is met when front or street-facing elevations differ from one another by at least 5 of the 8 following elements:
- 1) *Mix of Materials* – Different mix of materials in compliance with subsection 2e below.
 - 2) *Articulation* – Different offsets or articulation of front building elevation in compliance with subsection 3 below.
 - 3) *Variation in Roof Elevation* – Different roof form or changes in roof elevation and orientation of roof line (e.g., cross-gable) or use of projections such as gables and dormers over at least ten percent (10%) of roof elevation.
 - 4) *Entry/Porch* – Different configuration or design of front porch or covered primary entrance.
 - 5) *Fenestration* – Different placement or pattern of windows and doors (must comprise at least 30 percent of front/street facing elevation).
 - 6) *Architectural Style* – Different architectural style, provided such styles borrow

2.2 – Residential (R) Land Use Districts – Architectural Design Standards

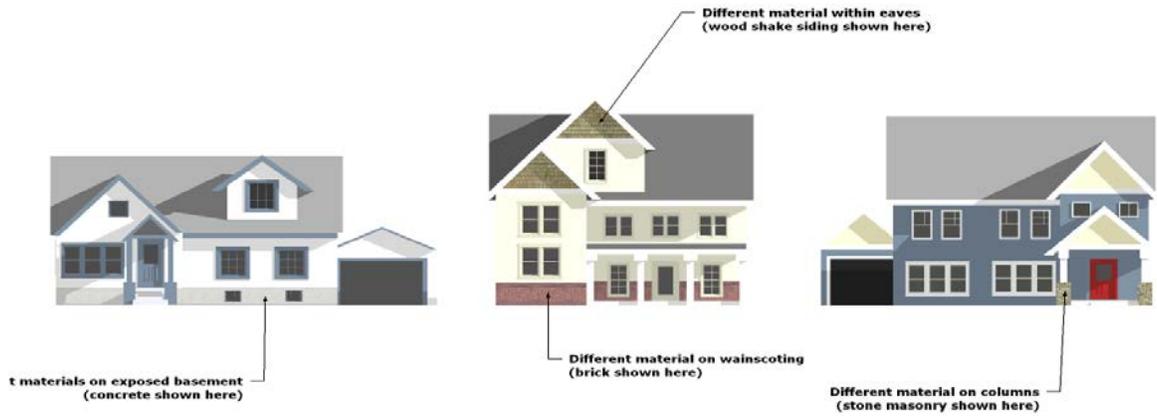
from the vocabulary of at least one of the following: *Craftsman, Prairie, Four Square, Northwest Contemporary, Ranch, Victorian, Colonial, English Arts and Crafts*, or other Dallas Style as determined by the Community Development Director (traditional or contemporary adaptations are acceptable).

- 7) Height – Change in elevation of primary roof line (along the axis of the longest roofline) by not less than two (2) feet; requires variation from building to building, or dwelling unit to dwelling unit (e.g., townhome units), as applicable.
 - 8) Color Palette – Complementary variation in color palette; no metallic, day-glow, or similar loud, bright colors.
- c. *Repeated facades.* Buildings not differentiated by at least 5 of the criteria listed above shall be considered a group of similar buildings for purpose of this subsection; individually such groups shall not comprise more than 25% of the dwelling units on any block. No single façade shall repeat more than once on the same block face. See Standards for façade variation under subsection 2.2.100.C.2.b.
- d. *Neighborhood variety.* When facades repeat on the same block face, they must have at least three intervening lots between them that meet the façade variation criteria. On any one block face, a mirrored façade (one that repeats but appears reversed as in a mirror) may count as two separate facades only once, so long as there is at least one intervening lot containing a different façade between the mirrored facades.
- e. *Mix of materials.* When a mix of building materials is selected to satisfy the façade variation standards of this Section, the following materials (i.e., when used in combination) meet the standard: wood or wood fiber cement (lap, panel, board and batten, timber, shingle or similar siding), brick, stucco, stone and/or similar masonry. See illustrations below for suggested ways to mix building materials. For example, stone, heavy timbers, or brick may be used as detailing material in combination with different siding materials to meet the standard. Stone or brick may be incorporated in the facade in several ways, such as on the whole facade, trim, wainscoting, or on a partial building story. Varying dimensions or spacing of siding and detailing may be used to create an appropriate building scale. For example, use of heavy timbers, or closer spacing or smaller dimensions of lap siding may be used around building entrances, dormers, gables and other elements, to accent those elements, while applying wider spacing or larger dimensions elsewhere.
- f. *Façade Includes Building Corners.* The material(s) used on the front facade must turn the corner and appear on at least a portion of the side elevations; at least some of the same combinations of materials used on the front façade must be used on the sides and rear of the house; however, the same patterns and proportions of materials used

2.2 – Residential (R) Land Use Districts – Architectural Design Standards

on the front façade need not be used on the sides and rear elevations.

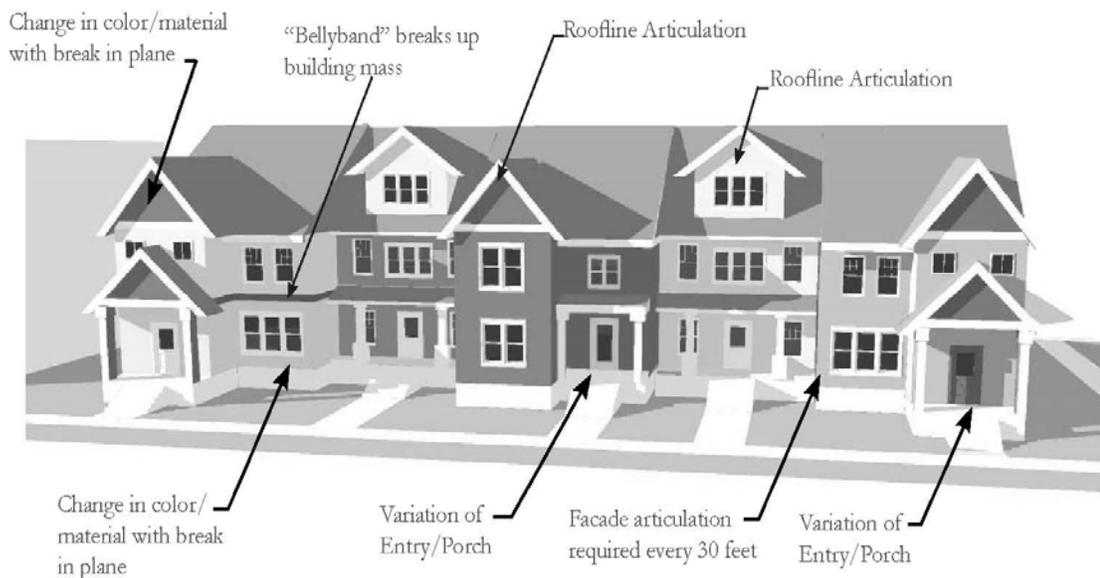
Examples of Ways to Mix Building Materials on any one Structure



2.2 – Residential (R) Land Use Districts – Architectural Design Standards

3. **Articulation** When the front, side, or rear elevation of any residential structure is more than 500 square feet in area, that elevation must be divided into distinct planes of not more than 500 square feet. For the purpose of this standard, areas of wall planes that are entirely separated from other wall planes are those that are separated by windows or doors, or by a recess or projecting section of the structure that projects or recedes at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. Building offsets, bellybands, bays, dormers, porch canopies and other secondary roof forms are examples of acceptable changes in plane. The vertical mass of buildings shall be broken up through the use of architectural features such as horizontal cornices, pediments, beltcourses, canopies (e.g., covered porches) and/or bellybands at least 12” in width across the length of the elevation. Roofs must provide offsets or breaks in roof line, with at least one break of at least one (1) foot for every ninety (90) lineal feet of roof line. Roof offsets, cross gables, and similar interruptions are examples of acceptable breaks in roofline on sloped roofs. On flat roofs, stepped parapets or cornices proportioned to the building elevation may be used to meet this standard.

Facade Variation & Articulation on Multifamily and Townhouse Structures



2.2.110 Building and Structure Height; Mixed-Use Bonus

Building and structure heights shall conform to the standards in Table 2.2.030A. Additional height may be approved for mixed-use buildings through the Master Planned Development procedure and pursuant to the density bonus provisions of Section 2.2.090 Low-Impact Development.

2.2.120 Special Use Standards

Section 2.2.120 provides standards for the land uses and building types identified as Special Uses ('S') in Table 2.2.020A. The standards are intended to control the scale and compatibility of those uses within the Residential District. The standards in Section 2.2.120 are in addition to and do not replace the general development standards in Section 2.2.030A. This Section applies to the following uses and building types:

- A. Accessory Dwelling
- B. Attached Single Family Dwellings (Townhomes)
- C. Bed and Breakfast Inns
- D. Group Living (Residential Homes and Residential Facilities)
- E. Home Occupations
- F. Manufactured Homes on Individual Lots
- G. Manufactured Dwelling Parks
- H. Multiple Family Housing
- I. Short-Term Vacation Rentals
- J. Zero-Lot Line Housing (not common wall)
- K. Temporary Medical Hardship Dwellings
- L. Agricultural Uses in Residential Low Density Zone
- M. Modular Home Special Use Standards

A. **Accessory Dwelling (attached, separate cottage, or above detached garage).** Accessory dwellings shall conform to all of the following standards:

1. **Floor Area.** Accessory dwellings shall not exceed 800 square feet of floor area, or 40% of the primary dwelling unit floor area, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The floor area of the primary dwelling unit's garage is not included in the calculation;
2. **Housing Density.** Accessory dwellings equal 0.5 dwelling unit for purposes of calculating allowable density. See Table 2.2.030;
3. **Oregon Structural Specialty Code.** The accessory dwelling shall comply with applicable building code;
4. **One Unit.** A maximum of one (1) accessory dwelling unit is allowed per legal lot;
5. **Building Height.** The building height of a detached accessory dwelling (e.g., separate cottage) shall not exceed the height of the primary dwelling;
6. **Buffering.** The decision making body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single family dwelling for the purposes of visual screening and privacy between uses.

B. Attached Single Family (Townhome) Dwellings. Single family attached dwellings shall comply with the standards in sub-sections 1 and 2, below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of any common areas.

1. ***Alley Access Required for Subdivisions Principally Containing Townhomes or Duplexes.*** Subdivisions, or phases of subdivisions, proposed to contain four (4) or more consecutively attached single family dwellings on any block, and developments with two (2) or more consecutively attached duplexes (4 or more dwelling units) on any block, shall provide vehicle access to all such lots and units from an alley or interior parking court, except that this requirement does not apply where the width of townhome lots is 50 feet or greater. Alleys and parking courts shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Section 3.4.020, Transportation Standards, and Chapter 4.3, Land Divisions. Exceptions may be granted to this standard for physically constrained sites, or when an alternative form of grouped access results in no more than one access for every four units.

2. ***Common Areas.*** Any common areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas with split interest ownership) shall be owned and maintained by a homeowners association or other legal entity as approved by the City. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

C. **Bed and Breakfast Inns.** Where Bed and Breakfast Inns are allowed in the Residential District, they shall comply with all of the following standards. (See also, Vacation Rentals, which are different than Bed and Breakfast Inns, under Section 2.2.120.I).

1. **Accessory Use.** The use must be accessory to a household already occupying the structure as a residence.
2. **Maximum Size.** Not more than four (4) bedrooms for guests, and a maximum of eight (8) guests are permitted per night. A bed and breakfast use may occupy the primary dwelling and/or not more than one lawfully established guest cottage or accessory dwelling unit.
3. **Length of Stay.** Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging.
4. **Employees.** Up to two (2) non-resident employees. There is no limit on residential employees.
5. **Food Service.** May be provided only to overnight guests of the business, except where a restaurant uses is permitted as accessory to the bed and breakfast use (requires Conditional Use Permit in Residential Districts).
6. **Owner-Occupied.** The primary dwelling shall be owner-occupied.
7. **Signs.** Signs shall comply with the City of Dallas sign regulations.

D. **Group Living (Residential Homes and Residential Facilities).** “Residential Home” is a residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. (See also, ORS 197.660.). “Residential Facility” is defined under ORS 430.010 (for alcohol and drug abuse programs); ORS 443.400 (for persons with disabilities); and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals (“facilities”) who need not be related. Staff persons required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. Residential homes and residential facilities shall comply with the following requirements unless otherwise preempted by State or Federal law:

1. **Licensing.** All residential care homes and facilities shall be duly licensed by the State of Oregon.
2. **Parking.** Parking shall be provided in accordance with Chapter 3.3.
3. **Site Development Review.** Site Development Review shall be required for new or remodeled structures to be used as residential homes or residential facilities, to ensure compliance with the licensing, parking, landscaping, and other requirements of this Code.
4. **Signs.** Signs shall comply with the City of Dallas sign regulations.

E. **Home Occupations.** The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations are allowed by this Code: 1) Home Occupations meeting the standards in subsections 1-8, below, are allowed by right, provided all uses and structures on the subject property are in conformance with the applicable zoning; and 2) Home Occupations exceeding any of the threshold standards in subsections 1-8 may receive approval through the Type III Home Occupation Permit procedure under Section 4.8.

Type I Standards for Home Occupations:

1. ***Appearance of Residence:***

- a. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
- d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. ***Storage:***

- a. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single family residence in the vicinity, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

3. ***Employees:***

2.2 – Residential (R) Land Use Districts – Special Uses: Home Occupations

- a. Other than members of a household residing within the dwelling located on the home occupation site, there shall be no other/not more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
 - b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
 - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.
4. **Advertising and Signs:** Signs are regulated the same as for a single-family dwelling and shall comply with the City of Dallas sign regulations.
5. **Vehicles, Parking and Traffic:**
- a. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
 - b. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily excluding regular US Mail service. There shall be no commercial vehicle deliveries during the hours of 9:00 p.m. to 7:00 a.m.
 - c. There shall be no more than one (1) client or customer vehicle at any one time and no more than eight (8) per day at the home occupation site.
6. **Business Hours.** There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7:00 a.m. to 9:00 p.m. only, subject to subsections 1 and 5, above.
7. **Prohibited Home Occupation Uses:**
- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.
 - b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are

2.2 – Residential (R) Land Use Districts – Special Uses: Home Occupations

incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to 1-6, above.

- c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:
 - 1) Ambulance service;
 - 2) Animal hospital, veterinary services, kennels or animal boarding;
 - 3) Auto and other vehicle repair, including auto painting; and
 - 4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
8. **Enforcement:** The Code Enforcement Officer, with due cause, may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Dallas Municipal Code.

- F. **Manufactured Homes on Individual Lots.** Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exceptions: 1) The standards in subsection 1-8, below, do not apply to units that lawfully existed within the City prior to *[effective date of code]*; except that when a unit is removed and/or relocated to another lot or parcel, then its replacement shall conform to Section 2.2.120F; New or replacement units in a manufactured home park need not conform to subsections 1-8, but changes or additions to non-conforming manufactured home parks shall conform to Chapter 5.2.
1. **Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;
 2. **Roof.** The manufactured home shall have a pitched roof with a slope not less than three (3) feet in height for each 12 feet in width;
 3. **Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences. For purposes of this subsection, horizontal wood, vinyl, or similar wood-appearance siding is considered “superior” to metal siding and roofing;
 4. **Garages and Carports.** If the majority of single family dwellings within 200 feet of the proposed manufactured dwelling and abutting the same street as the proposed manufactured dwelling have a garage, the manufactured home shall have a garage. If the majority single family dwellings within 200 feet have a carport, the proposed manufactured home shall have a garage or carport. Manufactured home garages and carports shall be constructed of materials like those used on the proposed dwelling;
 5. **Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single family dwelling constructed under the State Building Code. Evidence from a qualified expert demonstrating that the manufactured home meets Northwest Energy Efficiency Manufactured Housing (NEEM) standards, or equivalent standards, is deemed to satisfy the exterior thermal envelope certification requirement; manufacturer certification may be required;
 6. **Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be

2.2 – Residential (R) Land Use Districts – Special Uses: Manufactured Homes on Individual Lots

exposed on the uphill side of the home;

7. **Foundation Skirt.** The foundation area of the manufactured home shall be fully skirted with concrete block or similar materials that resemble a concrete foundation;
8. **Prohibited.** The manufactured home shall not be located in a designated historic district.

G. **Manufactured/Mobile Home Parks.** Manufactured Dwelling Parks shall conform to the provisions of Chapter 2.9.

H. **Multiple Family Housing (including Cottage Cluster Housing).** Where multiple family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. The standards of subsection 2.2.120.H may be adjusted through Site Design Review pursuant to Chapter 4.1. Figure 2.2.120.H provides a conceptual illustration of the requirements listed below.

1. **Density.** The residential density of multiple family developments is calculated pursuant to Section 2.2.050.
2. **Building Mass.** The maximum width or length of a multiple family building shall not exceed 120 feet from end-wall to end-wall, not including outdoor living areas. (e.g., porches, balconies, patios, and similar unenclosed spaces). Buildings shall avoid monolithic facades by including architectural elements such as bay windows, recessed entrances, changes in materials, or other articulation so as to provide pedestrian scale to the ground floor at no more than 30-foot intervals.
3. **Common Open Space.** Open space shall be provided with all multiple family developments in accordance with Table 2.2.030 and all of the following criteria:
 - a. The multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents. The decision making body shall have discretion to determine the appropriate type of open space based on the characteristics of the site and impacts of the proposed use. For example, multiple family developments that are not age-restricted (senior housing) are presumed to require a child play area with appropriate play equipment.
 - b. Historic buildings or landmarks that are to be preserved in accordance with the requirements of the State Historic Preservation Office may count toward meeting the common open space requirements.
 - c. To receive credit under Section 2.2.120.H3, the common open space shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet. The City decision making body may require additional open space if some portions of a proposed open space area are unsuitable for the intended use;
 - d. Where the development contains pedestrian amenities located between primary

2.2 – Residential (R) Land Use Districts – Special Uses: Multiple Family Housing

- building entrance(s) and adjoining streets (e.g., parkway, plaza, transit stop, or similar amenity with appropriate landscaping and furnishings), such area may count toward fulfilling up to 50 percent of required common open space; however, parking areas and required landscaping buffers are not counted toward meeting the required open space standard;
- e. The decision making body may waive the common open space requirement for a multiple family project containing fewer than twenty-four (24) dwellings that is located within 1,320 feet (measured walking distance) of a public park, where there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted walkway connecting the site to the park. If the park is not developed, or only partially developed, the decision making body may accept improvements to park land in an amount comparable to that which would otherwise be required and waive the on-site common open space requirement.
 - f. Up to 50 percent of the required common open space area may be in a rooftop garden, where the proposal involves a density bonus or increase in building height pursuant to Section 2.2.090 Low-Impact Development Incentives.
4. **Private Open Space.** Private open space areas shall be provided, in addition to common open space, as follows:
- a. All housing units shall have private open space consisting of front or rear patios or decks, or balconies (upper stories) measuring at least 48 square feet; or
 - b. Additional common open space shall be provided in an area equivalent to the private open space that is not provided (48 square feet per dwelling unit) and that common area shall be accessible to all dwelling units that do not have private open space.
5. **Trash Receptacles.** Trash receptacles, including sorting and storage of trash and recyclables, shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid enclosure of not less than six (6) feet in height. Receptacles shall be accessible to trash pick-up trucks.

- I. **Short-Term Vacation Rentals.** Where short-term vacation rentals are allowed, they shall conform to all of the following criteria:
1. Vacation rentals allowed under this subsection are those with twenty eight (28) or fewer days continuous occupancy by the same tenant.
 2. A Conditional Use Permit is required;
 - a. The vacation rental unit shall provide two (2) off-street parking spaces (not in addition to those otherwise required for a single family dwelling;
 - b. All required parking shall be provided on the same lot as the vacation home rental unit;
 - c. All vacation home rentals shall have a maximum occupancy of one person per 200 square feet or not more than 16 people, whichever is more restrictive; and
 - d. All other requirements of the code as applicable to single family dwellings shall apply.
 - e. The property owner must provide receptacles for the deposit of garbage and subscribe to solid waste collection service for the vacation rental dwelling.
 - f. All vacation rentals are subject to the Transient Lodging Tax (Dallas City Code Chapter 7).
 - g. The property owner shall designate a local representative who permanently resides within the Dallas Urban Growth Boundary or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the Dallas Urban Growth Boundary. The owner may be the designated representative where the owner resides in the Dallas Urban Growth Boundary. The local representative must be authorized by the owner of the dwelling to respond to the tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for vacation rental purposes. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for vacation rental dwellings and other city ordinances pertaining to noise, disturbances, nuisances, as well as state laws pertaining to the consumption of alcohol, or the use of illegal drugs.

J. **Zero-Lot Line Housing.** Zero-lot line houses are subject to the same standards as other non-attached single-family housing, except that a side yard setback is not required on one side of the lot. The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. All zero-lot line houses shall conform to all of the criteria in subsections 1-4, below:

1. **Site Design Review Required.** Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Master Planned Development, or other application, the Site Design Review may be combined with the other application(s).
2. **Setbacks for Primary and Accessory Structures.** The allowance of a zero (0) side yard setback is for one single family dwelling on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone;
3. **Setbacks Adjacent to Non-Zero Lot Line Development.** When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from that common property line by not less than 10 feet;
4. **Building Orientation and Design.** Placement and design of zero lot line dwellings shall encourage privacy for the occupants of abutting lots. For example, this standard can be met by staggering foundation plans, by placing windows (along the zero lot line) above sight lines with direct views into adjacent yards, by using frosted/non-see-through windows, by avoiding placement of windows on the zero lot line, or other designs approved by the decision making body through Site Design Review. (Note building code fire wall requirements for zero lot line dwellings); and
5. **Construction and Maintenance Easement.** Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not preclude the adjoining owner from landscaping the easement area with turf or other ground cover plants.

K. Temporary Medical Hardship Dwellings.

1. A temporary medical hardship dwelling must meet the following requirements:
 - a. The temporary hardship dwelling must either be occupied by someone who will care for the resident of the subject property, or it may be occupied by a relative of the resident when the relative has the medical hardship and the resident of the property will be the caregiver. (Relative is defined as a parent, child, grandparent, grandchild, brother, or sister of the existing resident.)
 - b. The temporary hardship dwelling must use the same subsurface sewage disposal system as the existing dwelling, provided that the system is adequate to accommodate the additional dwelling. If on an existing septic system, the system will need to be inspected and approved by a County Sanitarian. Once the hardship has ended, the system must be abandoned in accordance with DEQ requirements.
 - c. The application must include a written statement from the patient’s primary care medical doctor (MD) or osteopath (DO). The statements must be on the doctor’s stationery or stamped by their office. The statement must indicate that for health or age-related reasons the patient is unable to maintain a residence on a separate property and is dependent upon someone being close by for assistance.
 - d. The permit authorizing the temporary hardship dwelling must be renewed every two years. In order to renew the temporary hardship permit, a letter from a doctor stating that the hardship still exists must be submitted to the Department, along with the renewal fee. If the hardship dwelling is connected to the same septic system as the existing dwelling, the septic system may also need to be re-inspected.
 - e. Within three (3) months of the end of the hardship, the manufactured dwelling, recreational vehicle, or travel trailer must be removed from the property or demolished. In the case of an existing building, which has been converted for temporary residential use, the building must be removed, demolished or returned to an allowed use.
 - f. The temporary dwelling must comply with applicable fire safety standards.
 - g. A Temporary Medical Hardship Dwelling permit is obtained through a Type I Land Use Review, in accordance with Section 4.1. The application must include the following information:
 - 1) The aforementioned letter from a medical doctor or osteopath confirming that the

2.2 – Residential (R) Land Use Districts – Modular Homes on Individual Lots

person with the hardship is unable to maintain their own separate residence because of a health or age related condition or infirmity; and

- 2) A site plan, drawn to scale on 8½ “ by 11” paper, showing property lines, existing streets and driveways, existing and proposed buildings, including distances to property lines, location of any existing wells and/or septic systems, location of any physical features on the parcel such as streams, irrigation ditches, steep slopes, etc. must be submitted with the application.
- h. The Community Development Director will review the application to determine whether it conforms to the approval criteria listed above. If approved, a manufactured dwelling installation permit must be obtained from Polk County. If the hardship dwelling is to be a recreational vehicle or travel trailer, applicable sewage disposal requirements shall be met.

L. Agricultural Uses in RL District

1. The following agricultural uses are permitted in the RL District:
 - a. Gardens, accessory to residential use
 - b. Community Gardens
 - c. Raising of not more than five (5) chickens – hens only – for personal, family or household use only, provided area is fenced and chicken coop is setback at least ten (10) feet from property line; no roosters allowed
 - d. Raising of rabbits and similar small animals, excluding swine
 - e. Raising of cattle, lamas, sheep, and similar livestock within a fenced area, with a minimum lot size of one (1) acre for the first animal and provided one-half acre for every additional head of livestock
2. The following agricultural uses are not allowed:
 - a. Raising of livestock or other animals for commercial purposes
 - b. Veterinary clinics, animal boarding, kennels and similar uses
 - c. Animal cemeteries, crematoria, and similar uses
3. Agricultural uses may be subject to state and federal requirements. Property owners are responsible for complying with applicable regulations, including nuisance laws.

M. Modular Home on Individual Lots Modular homes are permitted on individual lots, subject to all of the design standards. Exceptions: 1) The standards below do not apply to units that lawfully existed within the City prior to January 19, 2016; except that when a unit is removed and/or relocated to another lot or parcel, then its replacement shall conform to the standards listed below.

2.2 – Residential (R) Land Use Districts – Modular Homes on Individual Lots

1. ***Floor and Lot Area.*** The modular home shall have an enclosed floor area of not less than the following:
 - a. Lot area 4,000 square feet or less in size-600 square feet,
 - b. Lot area 4,001-5,000 square feet in size-800 square feet,
 - c. Lot are 5,001 or larger-1,000 square feet

2. ***Residential Building Materials.*** The modular home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences. For purposes of this subsection, horizontal wood, vinyl, or similar wood-appearance siding is considered “superior” to metal siding and roofing;

3. ***Garages and Carports.*** If the majority of single family dwellings within 200 feet of the proposed modular home and abutting the same street as the proposed modular home have a garage or carport, the modular home shall have a garage or carport. Modular home garages and carports shall be constructed of materials like those used on the proposed dwelling.

Chapter 2.3 - Commercial Districts

Sections:

2.3.010	Purpose and Applicability
2.3.020	Allowed Land Uses and Building Types
2.3.030	General Development Standards
2.3.040	Setback Yards and Build-To Line
2.3.050	Lot Coverage and Impervious Surface
2.3.060	Building Orientation; Large-Format Commercial; Commercial Blocks
2.3.070	Building and Structure Height: Mixed-Use Bonus
2.3.080	Building Design Standards
2.3.090	Civic Space and Pedestrian Amenities
2.3.100	Drive-up and Drive-through Uses and Facilities

2.3.010 Purpose and Applicability

This Chapter provides three commercial districts to accommodate the range of commercial land uses in the community.

A. Overall Intent

1. Promote efficient use of land and urban services;
2. Create a mixture of land uses that encourages employment and housing options in close proximity to one another;
3. Provide formal and informal community gathering places and opportunities for socialization (*i.e.*, along an active street front);
4. Integrate land use, urban design, and transportation to create places that accommodate multiple modes of transportation, including walking, bicycling, and transit; support pedestrian-oriented development with appropriate building and site design standards;
5. Create a distinct storefront character that is scaled to the applicable land use district;
6. Provide connections to and appropriate transitions between neighborhoods and commercial employment centers;
7. Provide for visitor accommodations and tourist amenities;
8. Manage off-street parking supply and demand to promote compact development patterns and to reduce reliance on the automobile; and
9. Maintain and improve the livability and aesthetics of Dallas’s commercial areas by establishing design standards for open space (civic space), landscaping, and architecture.

B. Purpose of Individual Districts

- a. The Central Business District (CBD) serves as the commercial and civic core of the community. It is the location of city and county offices, downtown commercial uses, and

2.3 – Commercial (C) Land Use Districts – Purpose

tourism oriented uses. The CBD provides opportunities for mixed-use development, with a variety of commercial retail and services, office uses, high-density housing, and civic facilities.

- b. The Commercial General (CG) District applies to commercial areas outside or adjacent to the central business area. It provides opportunities for a mix of community-oriented businesses such as grocery stores, and restaurants, highway oriented commercial uses, and other services adjacent to medium- and high-density housing areas.
 - c. The Commercial Neighborhood (CN) District applies to limited commercial areas that primarily serve the immediate, surrounding neighborhood. It provides neighborhood goods and services at a smaller scale than the Commercial General District and is focused at designated arterial crossroads locations.
- C. **Applicability.** The land use districts (zones) are as designated on the City of Dallas Zoning Map. Changes to the Zoning Map are applied in accordance with the policies and Land Use Map contained in the City of Dallas Comprehensive Plan. See Table 2.3.020A Allowed Land Uses and Building Types. The specific land use categories are described and uses are defined in Chapter 1.3

2.3.020 Allowed Land Uses and Building Types

Table 2.3.020A – Building Types Allowed in Commercial Districts				
<i>Building Types</i>	<i>Status of Building Type in District</i>			
<i>(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>CBD</u>	<u>CG</u>	<u>CN</u>	Special Standards
<i>Building Types</i>				
Store/Shop/Dining	P	P	P	Drive-up and drive-thru facilities, where allowed, are subject to Section 2.3.100.
Office Building	P	P	P	
Mixed-Use Building	P	P	P	For buildings with floor plate >50,000 square feet, see Section 2.3.060
Automotive Services Building	CU+S	CU+S	CU+S	
Large-Format Commercial: floor plate exceeds 50,000 square feet	CU	CU	N	See also, Chapter 2.6 Mixed Use Master Plan provisions, and Chapter 4.5 Master Planned Developments.
Neighborhood Commercial: total floor plate of building <20,000 square feet; and total leasable floor area of building < 50,000 square feet	P	P	P	
Parking Structures, public parking structures; and other parking structures when accessory to a primary permitted use	P	P	P	

Key:

- P = Permitted, subject to site/development review*
- S = Permitted with standards (Section 2.3.030)*
- CU = CU permit required (Chapter 4.3)*
- N = Not permitted*

2.3 – Commercial Land Use Districts – Land Uses and Building Types

Table 2.3.020B – Land Uses Allowed in Commercial Districts				
<i>Land Uses</i>	<i>Status of Use in District</i>			
<i>(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>CBD</u>	<u>CG</u>	<u>CN</u>	Special Use Standards
Residential Categories				
Residential (Household Living and Group Living):				
Dwelling lawfully existing in its current location as of January 22, 2010 (may be rebuilt in the event of involuntary damage or destruction due to fire or other event beyond owner’s control)	P	P	P	
New dwelling built in conjunction with a permitted commercial use, above ground floor commercial space	P	P	P	
New dwelling on the ground floor or not in conjunction with a permitted commercial use: 24 or more units/acre	N	CU+S	N	New residential buildings (not in conjunction with ground floor commercial use) must conform to the Architectural Standards contained in Section 2.2.070 and 2.2.100.
New dwelling not in conjunction with a permitted commercial use: <24 units/acre	N	N	CU+S	
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM’s, similar uses/facilities)	CU+S	CU+S	CU+S	Section 2.3.100
Transient Lodging, including hotel, motel, bed and breakfast inn, and similar uses; excluding recreational vehicle park	P	P	P	
Educational Services, Commercial	P	P	P	
Entertainment, Major Event	CU	CU	N	
Offices	P	P	P	

Key:

- P = Permitted, subject to site/development review
- S = Permitted with standards (Section 2.3.030)
- CU = CU permit required (Chapter 4.3)
- N = Not permitted

2.3 – Commercial Land Use Districts – Land Uses and Building Types

Table 2.3.020B – Land Uses Allowed in Commercial Districts				
<i>Land Uses</i>	<i>Status of Use in District</i>			
<i>(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>CBD</u>	<u>CG</u>	<u>CN</u>	Special Use Standards
Outdoor Recreation, Commercial	CU	CU	CU	
Parking Lot (when not an accessory use and not a recreational vehicle park)	CU	CU	CU	
Automobile Service: Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)				Section 2.3.100 applies to uses with drive-up/drive-in/drive-through facilities
- Fully enclosed in a building	CU	P	CU	
- Not fully enclosed in a building	N	CU+S	N	
- Automobile fueling	N	CU+S	CU+S	
Retail Sales and Service				Section 2.3.100 applies to uses with drive-up/drive-in/drive-through facilities.
Primary use enclosed in building (allows 10% of sales/service area outside)	P	P	P	
More than >10% of use not enclosed in building	CU	CU	CU	
Outdoor retail sales of Agricultural goods produced within 25 miles of site	P	P	P	
Recreational Vehicle Park (3 or more RVs)	N	CU	N	
<i>Industrial Categories</i>				
Industrial Service				Industrial uses, where allowed, are subject to Industrial Performance Standards in Chapter 2.4.
- Fully enclosed (e.g., similar to office)	S	S	CU+S	
- Not fully enclosed (e.g., with some outdoor storage or activity)	N	CU+S	N	
Manufacturing and Production				
Fully enclosed	S	S	S	
Not fully enclosed and not accessory to Retail Sales	N	N	N	
Self-Service Storage not accessory to a primary permitted use	N	N	N	

2.3 – Commercial Land Use Districts – Land Uses and Building Types

Table 2.3.020B – Land Uses Allowed in Commercial Districts				
<i>Land Uses</i>	<i>Status of Use in District</i>			
<i>(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>CBD</u>	<u>CG</u>	<u>CN</u>	Special Use Standards
Warehouse and Freight Movement when not accessory to a primary permitted use	CU+S	CU+S	N	
Waste-Related, when not accessory to a primary permitted use	N	N	N	
Wholesale Sales				
- Primary use enclosed in building (allows 10% of sales area outside)	P	P	P	
- More than 10% of use not enclosed in building	CU	CU	CU	
- Outdoor sales of Agricultural goods, the majority of which are produced within 100 miles of site	P	P	P	
<i>Institutional Categories</i>				
Basic Utilities when not accessory to a primary permitted use	CU	CU	CU	Wireless Communication Facilities Subject to CU and Chapter 3.5.
Community Service; Government, except drive-up facilities or uses				
Clubs and lodges	CU	CU	CU	
Public and quasi-public buildings where public is received	P	P	P	
Other Community Services	CU	CU	CU	
Daycare, adult or child day care; not Family Daycare under ORS 657A.250	CU	CU	CU	
Parks, Open Space, and Common Areas: pedestrian amenities (e.g., plaza or outdoor seating, parks and recreation facilities, and other open space uses	P	P	P	
Religious Institutions and Houses of Worship	CU	CU	CU	
Schools, primary or secondary	CU	CU	CU	

2.3 – Commercial Land Use Districts – Land Uses and Building Types

Table 2.3.020B – Land Uses Allowed in Commercial Districts				
<i>Land Uses</i>	<i>Status of Use in District</i>			
<i>(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<u>CBD</u>	<u>CG</u>	<u>CN</u>	Special Use Standards
Other Use Categories				
Accessory Structures (with a permitted use)	P	P	P	
Buildings and Structures exceeding height standards. See Table 2.3.030	CU	CU	CU	Height/density bonus subject to performance standards in Section 2.3.070B
Radio Frequency Transmission Facilities, Wind Turbines and Similar Structures when not accessory to a primary permitted use	CU	CU	CU	These facilities are Permitted when height limits of district area met. See also, Chapter 3.5 for Wireless Communication Facilities
Utility Corridors when not accessory to a permitted use	CU	CU	CU	
Temporary Uses when not accessory to a permitted use	P/CU			Only those uses designated as “P” or “CU”, are allowed and may be permitted, per Section 4.8.010.
<p>Non-Conforming Uses. Uses and structures lawfully established prior to <i>[effective date of code]</i> may continue pursuant to Chapter 5.2 Non-Conforming Situations. Upon annexation or rezoning, uses shall conform to the current code requirements for the zone in which they are located.</p>				
<p>Transportation Facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit</p>				
<p>Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws</p>				

2.3.030 Development Standards

The development standards in Table 2.3.030 apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

Table 2.3.030 – Development Standards for Commercial Districts				
<i>Standard</i>	<u>CBD</u>	<u>CG</u>	<u>CN</u>	<i>[Reserved]</i>
Minimum Lot Area* (<i>square feet</i>) *Development must conform to lot width, depth, yard setback, landscaping, and coverage standards.	5,000 sf minimum			
Minimum Lot Width/Depth	20 ft			
<i>Building/Structure Height</i>				
Minimum Building Height	2 Stories 22 ft	NA	NA	
Maximum Building Height	5 Stories 64 ft	3 Stories 40 ft	3 Stories 40 ft	
Maximum Building Height for mixed-use projects (residential above commercial) See Section 2.3.070B	8 Stories 100 ft	5 Stories 64 ft	NA	
<i>Fences and Screening Walls</i> See also, Sections 3.1.020N, Vision Clearance; and 3.2.050, Fences and Walls	Allowed for screening and security only. Some fences and walls may be subject to Site Design Review when they exceed the height standards that are prescribed in Section 3.2.050.			
<i>Lot Coverage/Impervious Surface:</i> Max. Lot Coverage by All Impervious Surfaces (Building Foundation, Pavement, etc.) subject to civic space, landscaping, parking, and other code requirements, as applicable	90%	80%	80%	
<i>Min. Landscape Area Requirement</i> (<i>% site area</i>), may include portion of required Civic Space, per Section 2.3.090. See also, Section 3.2.030C.	5%	10%	10%	

2.3 – Commercial Land Use Districts – Building Orientation and Commercial Block Layout

Table 2.3.030 – Development Standards for Commercial Districts

<i>Standard</i>	<u>CBD</u>	<u>CG</u>	<u>CN</u>	<i>[Reserved]</i>
<p>Minimum Setbacks (feet):</p> <p>Front, Street, Side, and Rear property lines</p> <p>Garage Opening, setback from public right of way</p> <p>Alley Setback</p>	<p>0 ft except as otherwise required for Civic Space, for future street improvement (per Transportation System Plan), for utilities or clear vision at street intersection, or as required by other applicable codes; and a minimum setback of 10 ft is required abutting a Residential District</p> <p style="text-align: center;">10 ft (no parking/backing movement by vehicles)</p> <p style="text-align: center;">7 ft</p>			
<p>Build-To Line (feet):</p> <p>New Buildings Only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.090.)</p>	<p>0 ft; may be increased when civic space is provided between a primary building entrance and street</p>	<p>10 ft; may be increased in the following situations:</p> <p>Increase setback to provide Civic Space and pedestrian amenities between primary building entrance and street.</p> <p>Project abuts a Residential District and the increase is to provide a transition to abutting residential yards</p> <p>Commercial center has multiple buildings oriented to a shopping street, per Section 2.2.060.D</p>		

2.3.040 Exceptions to General Development Standards

- A. **Zero Setbacks and Build-To Line – Fire Code and Clear Vision.** Where no minimum setback is required, all structures and buildings shall conform to the vision clearance standards in Chapter 3.1.020.N and the applicable fire and building codes (e.g., for attached structures, fire walls, and related requirements).
- B. **Setback Yards – Reverse Frontage Lots.** Buildings on reverse-frontage lots (through lots) shall be required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the landscape buffer requirements in Chapter 3.2.030 Landscaping.
- C. **Setback Yards – Exceptions.** Where existing lawfully established buildings have yard setbacks that do not conform to this Code, they are allowed to remain as legal, non-conforming structures.

2.3.050 Lot Coverage and Impervious Surface

The maximum allowable lot coverage shall be as provided in Table 2.3.030. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings and impervious surfaces (e.g., asphalt, concrete, and similar impervious paving). It does not include planted areas, and other areas allowing water quality treatment and surface water retention/infiltration, as approved by the City Engineer.

2.3.060 Building Orientation; Large-Format Commercial; Commercial Blocks

- A. **Purpose.** Section 2.3.060 orients buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing commercial storefronts, residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”
- B. **Applicability.** Section 2.3.060 applies to all new primary structures in the CBD, CG and CN districts, and new primary commercial structures in Residential land use districts when allowed through a Master Plan. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.
- C. **Building Orientation Standards.** Developments subject to this Section shall have their buildings oriented to a street, as generally shown in Figure 2.3.060C(1). This standard is met when all of the following criteria are met:
1. Compliance with the setback and build-to line standards in Table 2.3.030, where applicable. The build-to line may be setback to provide pedestrian amenities between a building and its adjoining street;
 2. Except as provided in subsections 2.3.060.C(4) and (5), below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line), or if the building entrance is turned more than 45 degrees from the street (i.e., front door is on a side elevation), the primary entrance shall not be farther from a street sidewalk than the build-to line, except where pedestrian amenities are provided, in which case a walkway shall connect the primary entrance to the sidewalk.

Figure 2.3.060(C)(1) - Building Orientation



3. Off-street parking, trash pick-up, and above ground utilities (e.g., utility vaults) shall not be placed between building entrances and the street(s) to which they are oriented, but shall be oriented internally to the block and accessed by alleys to the extent practicable. Off-street parking shall be oriented internally to the site to the extent practicable, and shall be divided by landscape areas into bays of not more than ten (10) parking spaces per bay; incidental breaks in the building wall to accommodate pedestrian and vehicle access into the block is permitted. Exceptions to alley access provision are allowed where no system of alleys exists and where extension of alleys is precluded by existing development.
4. The building orientation standard may be adjusted through a Type II review with vehicle areas allowed between the street right-of-way and a building's primary entrance when the decision making body finds that the following criteria are met:
 - a. Placing vehicle areas between the street right-of-way and building's primary entrance will not adversely affect pedestrian safety and convenience, based on the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, and available pedestrian walkways;
 - b. The proposed vehicle areas are limited to one driveway of not more than twenty four (24) feet in width with not more than one row of parking spaces on both sides of the drive aisle (including ADA accessible spaces), divided by landscape areas into bays of not more than eight (8) parking spaces each. The intent is to create a drive aisle that is street-like, and break up parking into small bays with landscaping; and

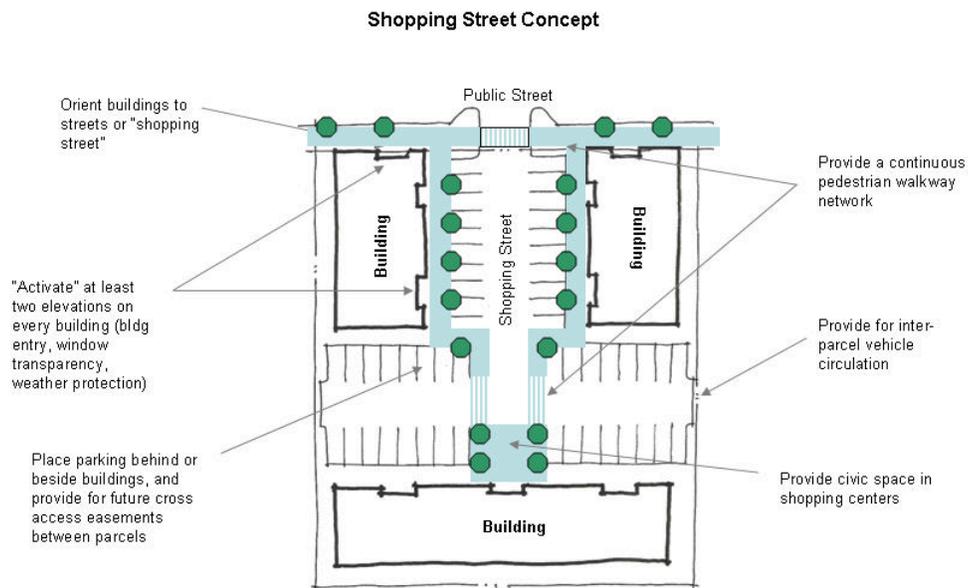
2.3 – Commercial Land Use Districts – Building Orientation and Commercial Block Layout

c. The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards for pedestrian walkways under Section 3.1.030.

5. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to plaza, courtyard, or similar pedestrian space containing pedestrian amenities, subject to Site Design Review. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway conforming to Section 3.1.030.

D. Block Layout Standard. Commercial developments (office, or retail/wholesale/service) containing more than one building, with the sum total of buildings equal to or greater than 20,000 square feet of floor plate, shall meet all of the following standards:

1. The site shall be configured into blocks that have frontage onto streets, interior parking courts, or "shopping streets" (as generally shown below). All shopping streets shall contain on-street parking (parallel or angled parking), sidewalks, street trees, and pedestrian lighting; and all buildings shall orient their primary entrances to a street, plaza or courtyard. Additionally, buildings placed at a street/block corner shall have a primary entrance within 40 feet of the street/block corner;



2. Where a subdivision or multi-building development is proposed (e.g., new commercial center), blocks shall be broken down into lengths of not more than 400 feet, and shall have a perimeter not exceeding 1,200 feet;
3. Walkways shall connect the street right-of-way to building entrances and the interior parking bays between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking;

2.3.070 Building and Structure Height; Mixed-Use Bonus

Building and structure heights shall conform to the standards in Table 2.3.030. A height bonus may be approved for residential uses above commercial uses (mixed-use building) pursuant to the requirements of this Chapter and subject to Type III Site Design Review approval. The City decision making body may limit the extent of height increases, or otherwise require modifications to the proposed building, including the number of stories, height, or location, configuration, and design of primary or secondary roof forms, for compatibility with adjacent historic landmarks and to prevent adverse impacts on adjacent residential uses due to shade or diminished privacy.

2.3.080 Building Design Standards

A. **Purpose.** Section 2.3.080 is intended to support the development of traditional downtown, village commercial, and mixed use commercial areas with architecture that responds to and reconciles Dallas’s historical context and its existing built environment. Because much of Dallas’s historic downtown is intact, the following standards draw on the available architectural vocabulary while allowing a contemporary interpretation of rural building forms and styles scaled to each land use district. It is not the City’s intent to create an architectural theme, but rather to ensure that new buildings and remodels fit within the context of their surroundings and contribute toward the development of compact, walkable districts. The key elements of mixed use district building design are summarized as follows:

1. Draw upon the local vocabulary of building styles and elements, including compatibility with locally significant historic structures where applicable
2. Create a sense of street enclosure with appropriate building heights and detailing that express a pedestrian-scale
3. Address differences in scale between the Central Business District, Commercial General, and Commercial Neighborhood districts
4. Transition building height between Commercial districts and adjacent residential neighborhoods
5. Require the use of contextually appropriate materials, textures and colors
6. Promote a storefront character (windows, pedestrian shelter, furnishings, etc.)
7. Encourage a diversity of building facades and rooflines that fall into a consistent rhythm
8. Promote corner lots as focal points
9. Improve the streetscape with adequate civic space, street furnishings and public art
10. Encourage advances in building design technology that make Dallas more sustainable

B. **Applicability.** These standards apply to all new structures and exterior remodels of structures in the CBD, CG, and CN districts and where commercial and mixed-use structures are permitted in other districts. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.

C. Building Design Standards

1. **Height.** Minimum and maximum building height shall conform to the standards of the applicable zone district. Project proposals involving a building height increase under Section 2.3.070 are subject to Type III Site Design Review. See Section 4.2.040.
2. **Build-to Line.** Commercial buildings, including mixed-use buildings containing residential and commercial uses, shall conform to the Build-to Line standards in Section 2.3.030. The standard is met in the CG and CN districts when at least fifty (50) percent of the abutting street frontage has a building placed no farther from at least one street

property line than the required Build-to Line in Table 2.3.030. In the CBD, at least eighty (80) percent of the abutting street frontage shall have a building placed no farther from at least one street property line than the required Build-to-Line. An exception to the Build-to Line may be approved or required in the following situations:

- a. Where a proposed building is adjacent to a single-family dwelling, and an increased setback promotes compatibility with the adjacent dwelling.
- b. Where access limitations or other applicable transportation requirements preclude development at the build-to line, the building shall orient to an internal shopping street, as described under subsection 2.3.060D, where the build-to line shall apply.
- c. Where the sidewalk width is extended for public use, or a public plaza is proposed to be placed between the building and public right-of-way, subject to Site Design Review. Exceptions to the build-to line may also be made through Site Design Review for planter boxes and other non-permanent structures incorporated into the building wall, provided the planter box does not exceed a height of thirty (30) inches above sidewalk grade.
- d. Where a significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.
- e. Where a public utility easement or similar restricting legal conditions make conformance with the Build-to Line impracticable, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback in said location.
- f. Where an existing building was lawfully created but does not conform to the above standard, it shall be allowed to continue under the non-conforming use provisions of this Title.

D. **All Facades.** Architectural designs shall address all four sides of a building; building forms, detailing, materials, textures, and color shall to contribute to a unified design with architectural integrity. Materials used on the front façade must turn the building corners and include at least a portion of the side elevations, consistent with the building’s overall composition and design integrity.

E. **Storefront Character.** Buildings shall conform to the following standards which are intended to draw on the building forms, scale, and proportions, found on in Downtown Dallas, while allowing contemporary interpretations of downtown building styles.

1. **Transparency along Ground Level.** Except as approved for parking structures or accessory structures, buildings shall provide display windows, windowed doors and transom windows to express a storefront character. The ground floor, street-facing elevation(s) of all buildings shall comprise at least sixty percent (60%) transparent windows, measured as a section extending the width of the street-facing elevation

between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane seventy-two (72) inches above the sidewalk grade. Upper floors may have less window area, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are setback behind another building and those that are oriented to a civic space (e.g., internal plaza or court), shall meet the sixty percent (60%) transparency standard on all elevations abutting civic spaces(s) and on elevations containing a primary entrance. All side and rear elevations, except for zero-lot line/common wall elevations (where windows are not required), shall provide no less than thirty percent (30%) transparency. Exceptions to the elevations described above (30” – 72” above sidewalk) may be approved where existing topography makes compliance impractical. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale).

2. **Ground Floor Windows.** Ground floor elevations must contain windows that are framed, for example, by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base).
3. **Upper Floor Windows.** Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.
4. **Window Trim.** At a minimum, windows shall contain trim, reveals or recesses of not less than four (4) inches in width or depth as applicable. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.
5. **Projecting Windows, Display Cases.** Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed provided they do not encroach into the pedestrian through-zone.
6. **Pedestrian Entrances.** Ground level entrances shall be at least partly transparent to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.

7. **Corner Entrances.** Buildings on corner lots shall have corner entrances that open onto a concrete or paver landing (widened sidewalk or plaza) that extends from the adjacent sidewalk; the landing shall be at least 3 feet in width and depth. Such building entrances are not required to be recessed, but shall have an awning, recess or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with Section 2.3.090, below, and the building shall provide architectural features (e.g., alcove with seating or artwork) at the corner that emphasizes the corner as a civic space.
 8. **Remodels.** The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns and other features shall be visually compatible with the original architecture.
 9. **Street Level Entrances.** All primary building entrances shall open to the sidewalk and be ADA accessible. Primary entrances above or below grade may be allowed where ADA accessibility is provided.
 10. **Street Level/Upper Floors.** Building elevations shall contain detailing that visually defines street level building spaces (storefronts). The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration.
- F. **Upper Story Step-Back.** The purpose of the height step-back is to maintain a small town appearance and scale as viewed from the street and to provide for solar gain and light filtering down to the street. Upper-story step-back surfaces may be used as balconies. The following standards are in addition to required yards adjacent to Residential Districts. Exceptions: this standard does not apply to civic, intuitional, and houses of worship.
1. Central Business District: Buildings exceeding forty-eight (48) feet in height: where the building exceeds forty-five (48) feet in height, as applicable, it shall step-back at least eight (8) feet from the front plane of the building that is closest to the street.
 2. Commercial General District: Buildings exceeding thirty-five (35) feet in height: where the building exceeds thirty-five (35) feet in height, as applicable, it shall step-back at least eight (8) feet from the front plane of the building that is closest to the street.
 3. Commercial Neighborhood District: Buildings exceeding twenty-eight (28) feet in height and placed within twenty (20) feet of a street property line: where any portion of a building exceeds twenty-eight (28) feet in height, that portion shall be setback at least eight (8) feet from the front plane of the building that is closest to the street.

G. Horizontal Building Line and Rhythm

1. **Horizontal Rhythm.** All building elevations facing a street or civic space must incorporate rhythmic divisions. Front elevations should be articulated not less than once every twenty-five (25) feet. Articulation should be subtle. For example, slight offsets in a building elevation, roofline and/or the rhythmic placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and ornamentation are preferred. Changes in paint color do not satisfy this standard. Side and rear elevations may be articulated less frequently but should complement the overall building design. The City may require architectural detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls (i.e., until an abutting property develops).
2. **Horizontal Lines.** New buildings and exterior remodels shall follow prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line.

Exceptions: Where existing buildings do not meet the City’s current architectural standards, a new building may establish new horizontal lines.

3. **Ground Floor/Upper Floor Division.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awnings or canopies.
4. **Building Base.** Buildings shall have a foundation or base, typically from ground to the bottom of the lower window sills, with changes in volume or material, to give a sense of strength.

H. **Vertical Rhythms.** New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details.

I. **Materials and Color.** Building designs shall conform to the following standards:

1. **Primary Materials.** Exterior building materials shall predominately consist of brick, wood or fiber cement (lap, panel, board and batten, shingle or similar siding), stucco, stone and/or similar masonry. Pitched roof materials shall be wood or asphalt shingles, or standing rib seam sheet metal-matte finish. Roof colors must be non-reflective and light in color to reduce the heat island effect (e.g., light gray or ash, not black or charcoal). All windows and doors must have wood or vinyl trim that is at least four (4) inches deep, or masonry trim and sills with a similar depth. Rough-hewn wood, timbers and metals may

be used as accents but not as the primary exterior cladding. Metal may be used as an accent but not as a predominant siding material on any street-facing elevation. See also, Secondary Materials and Substitute Materials, below.

Exception: Rear and side elevations that are not visible from any public way or parking area are exempt. Textured concrete or split-face masonry block may be used.

2. ***Change in Materials.*** Elevations should incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability, provided that the design is consistent with the overall composition of the building.

Exception: Rear and side elevations that are not visible from any public way or parking area are exempt. A change in materials is not required.

3. ***Secondary Materials.*** Any of the materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, wainscoting, weather protection features, ornamentation, etc.) when non-reflective and compatible with the overall building design, subject to approval through Site Design Review.
4. ***Substitute Materials.*** Substitute materials that are equal in appearance and durability to those in subsection '1' may be approved through Site Design Review. The applicant will be required to provide specifications from the manufacturer.
5. ***Color.*** Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each twenty-five (25) foot horizontal dimension of the front elevation; on small buildings, one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles. Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Reflective, luminescent, sparkling, and "day-glow" colors and finishes, and clashing paint colors or patterns are prohibited. Metals shall be finished in mute, earth-tones or otherwise burnished to minimize glare.
6. ***Restoration and Rehabilitation.*** Historic restoration and rehabilitation projects shall incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.

7. **Signs.** All signs, including building-mounted signs, shall comply with Chapter 3.6.

J. Pedestrian Shelters

Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least seventy-five percent (75%) of a building's ground floor elevation(s) where the building abuts a sidewalk, civic space (e.g., plaza), pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five (5) feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Pedestrian shelters shall align with one another to the extent practical. Use of colored canvas (not plastic) awnings and wood canopies, consistent with historical styles, is encouraged, though metal and plexi-glass canopies may be approved when consistent with a building's overall composition.

Exception: The City may reduce the minimum shelter depth upon finding that existing right-of-way dimensions, easements, or building code requirements preclude a larger shelter.

K. Mechanical Equipment

1. **Building Walls.** When mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, must be installed on a building wall, it shall be screened from view from all public ways. Where such equipment is installed on a side or rear building elevation and is adjacent to a public access way or civic space, its appearance shall be screened. Standpipes, meters, vaults and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed low on a side or rear elevation to the extent practical. Equipment for small-scale renewable energy (e.g., mini-wind turbines, solar panels, and similar features) is allowed subject to Site Design Review.
2. **Rooftops.** Rooftop mechanical units shall not be visible from the street or any alley, pedestrian access way or civic space. Such units should be screened behind a parapet wall or painted with muted, earth-tone colors that make them visually subordinate to their backgrounds.
3. **Ground-Mounted Mechanical Equipment.** Ground-mounted equipment (e.g., generators and air compressors) shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. The City may require additional setbacks and/or noise attenuating equipment to promote compatibility with adjacent residential uses.

4. *Civic Spaces.* Mechanical equipment and garbage storage areas are not permitted within the civic space(s) required under subsection 2.2.090. The City may require that such facilities be screened completely from view and set back from a civic space for aesthetic reasons and to minimize odors or noise.

2.3.090 Civic Space and Pedestrian Amenities

- A. **Purpose.** The increased development intensity, pedestrian activity, close building orientation and minimal private open space in Commercial Districts requires that civic space be provided along street frontages and in courtyards or plazas between buildings. Civic space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. The provision of attractive and functional civic spaces is as important as building design and centralized parking areas to the success of commercial areas. Therefore, the City requires that all new commercial developments and redevelopment projects in these districts contribute their proportionate share of civic space.
- B. **Applicability.** These standards apply to all new structures and exterior remodels of structures in the CBD, CG, and CN districts and where commercial and mixed-use structures are permitted in other districts. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.
- C. **Standards.**

1. ***Civic Space Standard.*** At least three percent (3%) of every development site shall be designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the general public, with the highest priority locations being those areas with the highest pedestrian activity (e.g., street corners and pedestrian access ways), as generally illustrated in the examples accompanying this subsection. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where public access is not practical due to existing development patterns, physical site constraints, or other hardship presented by the applicant, the City may allow a private area such as an outdoor eating area attached to a restaurant in finding the project complies with the standard. All civic spaces shall have dimensions that allow for reasonable pedestrian access and civic use. For example, a small site may provide a 4-foot wide strip adjoining the sidewalk for an outdoor eating area; where as a larger site at a street corner may provide a plaza adjacent to a building entrance. Improvements shall conform to subsection B, below. See also, Chapter 3.2 Landscaping.

Exception for Minor Projects: Building additions and remodels are not required to provide civic space when proposed building costs are estimated to be less than fifty percent (50%) of the existing assessed value of improvements on the subject site. Assessed values shall be the value of record at the Polk County Assessor’s Office.

Exception for In Lieu Fee: Where the City finds that the creation of civic space is not practicable based on the project location or other relevant factors, it may accept an in lieu fee which shall be proportionate to the estimated cost of land and improvements (on-site) that otherwise would have been required. In such case, a licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the Community Development Director.

2. ***Pedestrian Amenities.*** Where civic space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor café space), benches, public art, pedestrian-scale lighting, shade structures, way finding signs, or similar pedestrian areas in an amount equal to or greater than one-half of one percent (0.5%) of the estimated construction cost of the proposed building(s), subject to review and approval by the Community Development Director. Where a civic space adjoins a building entrance it should incorporate a weather protection canopy, awning, pergola, or similar feature, consistent with Section 2.3.080. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., street lamps or pathway bollard lights) at street corners or mid-block pedestrian access ways may be counted in fulfilling the 0.5% requirement. The cost of a proposed public parking facility may be subtracted from building costs used in the assessment of civic space improvements. A licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the Community Development Director.

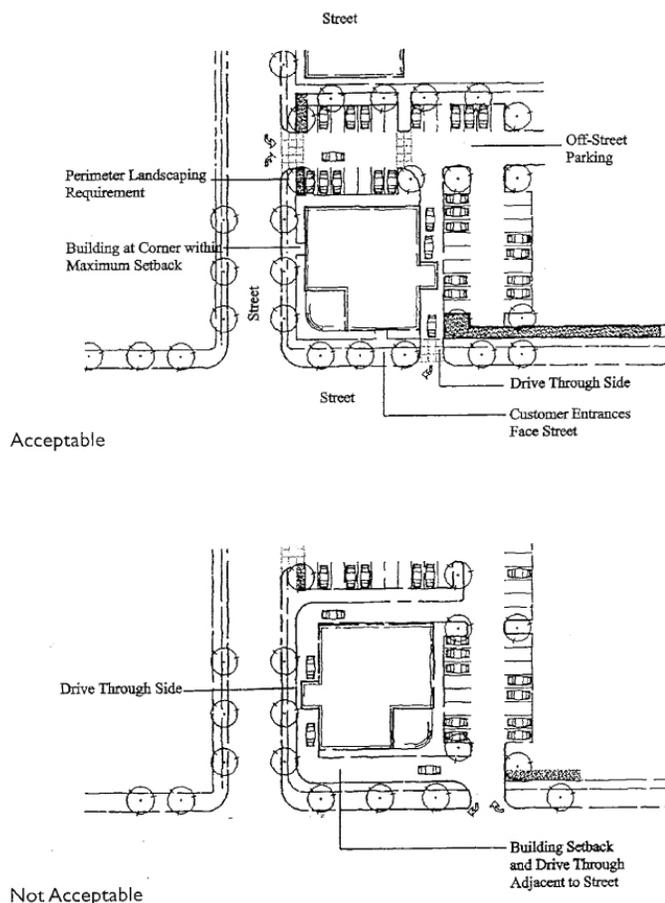
Exception: Building additions and remodels are not required to provide pedestrian amenities, though they are encouraged to do so. In such cases, the City may consider the voluntary provision of pedestrian amenities in approving adjustments to other applicable standards of under this Section.

2.3.100 Drive-up and Drive-through Uses and Facilities

Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and provide for pedestrian comfort and safety.

- A. The drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street;
- B. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a corner);
- C. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way; and
- D. In the CBD district, no more than one drive-up, drive-in, or drive-through facility is allowed for a distance of 400 linear feet along the same block face (same side of street).

Figure 2.3.100 - Drive-Up and Drive-Through Facilities



Chapter 2.4 - Industrial (I) Districts

Sections:

- 2.4.010 Purpose**
- 2.4.020 Allowed Uses**
- 2.4.030 Setback Yards and Buffering**
- 2.4.040 Lot Coverage**
- 2.4.050 Site Layout and Design**
- 2.4.060 Building and Structure Height**

2.4.010 Purpose

Chapter 2.4 accommodates a range of industrial and employment intensive land uses. The Industrial (I) district is intended to provide for land use compatibility while providing a high-quality environment for a wide range of businesses. The Industrial district also provides suitable locations for heavy industrial uses (*e.g.*, raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts. Chapter 2.4 guides the orderly development of industrial areas based on the following objectives:

- A. Provide for efficient use of land and public services;
- B. Provide appropriately zoned land with a range of parcel sizes for industry;
- C. Provide transportation options for employees and customers;
- D. Locate business services close to major employment centers;
- E. Ensure compatibility between industrial uses and nearby commercial and residential areas;
- F. Provide appropriate design standards to accommodate a range of industrial users; and
- G. Provide attractive locations for business to locate

2.4.020 Allowed Uses

Table 2.4.020 identifies the land uses that are allowed in the Industrial District. The specific land use categories are described in Chapter 1.3. Definitions are contained in Chapter 6.1.

Table 2.4.020 – Land Uses Allowed in Industrial Districts		
<i>Uses</i>	<i>Status of Use in District</i>	
Use Categories <i>(Examples of uses are in Chapter 1.3; definitions are in Chapter 6.1.)</i>	I	Exceptions and Special Use Standards
Residential Categories		
Household Living		
Residential Uses (Household Living and Group Living) allowed, if: <ul style="list-style-type: none"> - Lawfully existing as of January 22, 2010 - New dwelling - Caretaker dwelling 	P CU P	New dwellings may be permitted without CU with a Master Planned Development. Only one caretaker dwelling per site is allowed and must be accessory to a primary permitted use.
Commercial Categories		
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	P	When in conjunction with Retail Sales and Services, must comply with Section 2.3.100
Bed and Breakfast Inn	N	
Educational Services, commercial	CU	Educational Services may be permitted without CU with a Master Planned Development

Key:

- P = Permitted, subject to site/development review
S = Permitted with standards (See cross-reference)
CU = CU permit required (Chapter 4.4)
N = Not permitted

Table 2.4.020 – Land Uses Allowed in Industrial Districts		
<i>Uses</i>	<i>Status of Use in District</i>	
Use Categories (Examples of uses are in Chapter 1.3; definitions are in Chapter 6.1.)	I	Exceptions and Special Use Standards
Entertainment, Major Event	CU	Entertainment, Major Event may be permitted without CU with a Master Planned Development. See also, Section 2.4.050
Offices	P	
Outdoor Recreation, Commercial	CU	Outdoor Recreation, Commercial may be permitted without CU with a Master Planned Development
Parking Lot (when not an accessory use)	CU	
Quick Vehicle Servicing or Vehicle Repair	P	See also, Section 2.4.050
Recreational Vehicle Park	N	
Retail Sales and Service	S	Retail Sales and Services are limited to 20,000 sq. ft. gross floor area and must be accessory to a primary permitted use
Self-Service Storage	P	See also, Section 2.4.050
Industrial Categories		
Industrial Service		
- 50% or more of use enclosed in building	P	Percent of use not enclosed may be increased with a Master Planned Development. See also, Section 2.4.050
- <50% of use not enclosed in building	CU	

Key:

- P = Permitted, subject to site/development review
S = Permitted with standards. (See cross-reference)
CU = CU permit required (Chapter 4.4)
N = Not permitted

Table 2.4.020 – Land Uses Allowed in Industrial Districts		
<i>Uses</i>	<i>Status of Use in District</i>	
Use Categories <i>(Examples of uses are in Chapter 1.3; definitions are in Chapter 6.1.)</i>	I	Exceptions and Special Use Standards
Manufacturing and Production <ul style="list-style-type: none"> - 50% or more of use enclosed in building - <50% of use not enclosed in building 	P CU	Percent of use not enclosed may be increased with a Master Planned Development. See also, Section 2.4.050
Warehouse and Freight Movement	P	See also, Section 2.4.050
Waste-Related	CU	See also, Section 2.4.050
Wholesale Sales <ul style="list-style-type: none"> - 50% or more of use enclosed in building - <50% of use not enclosed in building 	P CU	Percent of use not enclosed may be increased with a Master Planned Development. See also, Section 2.4.050
Institutional Categories		
Basic Utilities	P	See also, Section 2.4.050
Community Service	P	See also, Section 2.4.050
Daycare, adult or child day care; does not include Family Daycare under ORS 657A.250	CU	Daycare Center may be permitted without CU with a Master Planned Development.
Parks and Open Space	P	
Religious Institutions and Houses of Worship	CU	Religious Institutions and Houses of Worship Permitted when part of a Master Plan, per Chapter 4.5
Schools	CU	Schools Permitted when part of a Master Plan, per Chapter 4.5

Table 2.4.020 – Land Uses Allowed in Industrial Districts		
<i>Uses</i>	<i>Status of Use in District</i>	
Use Categories (Examples of uses are in Chapter 1.3; definitions are in Chapter 6.1.)	I	Exceptions and Special Use Standards
Other Categories		
Accessory Structures (with a permitted use)	P	See examples of Accessory Structures in Chapter 1.3.
Agriculture – Animals, when <ul style="list-style-type: none"> - existing use as of <i>January 22, 2010</i> - accessory to a permitted use - primary use (e.g., meat processing, stockyard, vet, kennel, and similar uses) 	P P CU	
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	P	
Buildings and Structures Exceeding the Height Limits in Table 2.4.060	CU	Increased height may be permitted without CU with a Master Planned Development.
Mining	N	
Radio Frequency Transmission Facilities, Wind Turbines, and Similar Structures <ul style="list-style-type: none"> - within height limit of district - exceeds height limit (free-standing or building-mounted facilities) 	P CU	See also, Chapter 3.5 for Wireless Telecommunication Facilities requirements.
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are permitted.	CU	
Temporary Uses (Only uses allowed as “P” and “CU”), per Chapter 4.9.	P/CU	See Chapter 4.9. Unlisted uses require CU permit.

Key:

- P = Permitted, subject to site/development review
S = Permitted with standards (See cross-reference)
CU = CU permit required (Chapter 4.4)
N = Not permitted

Table 2.4.020 – Land Uses Allowed in Industrial Districts		
<i>Uses</i>	<i>Status of Use in District</i>	
<p>Use Categories (Examples of uses are in Chapter 1.3; definitions are in Chapter 6.1.)</p>	<i>I</i>	<i>Exceptions and Special Use Standards</i>
<p>Transportation Facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit and are subject to review and approval by the applicable road authority.</p>		
<p>Non-Conforming Uses. Uses and structures lawfully established prior to [effective date of code] may continue pursuant to Chapter 5.2 Non-Conforming Situations. Upon annexation or rezoning, uses shall conform to the current code requirements for the zone in which they are located.</p>		
<p>Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws</p>		

2.4.030 Setback Yards; Industrial Buffers

- A. **Purpose.** Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.
- B. **Applicability.** The setback yard and buffer standards in subsections 2.4.030.C-F are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development. Where a Conditional Use Permit is required, the approval body may increase the standard yards and/or buffers, and require additional landscaping or other improvements to mitigate adverse impacts to adjacent properties, consistent with the criteria in Chapter 4.4. The approval body may also decrease the standard yards and/or buffers through the Conditional Use Permit process, provided that all applicable building and fire safety codes are met.
- C. **Front and Street Yard Setbacks.** Minimum of 20 feet, except the City decision making body may reduce the setback to provide a transition between development in the I District and development in other districts. The setbacks may be reduced in accordance with an approved Master Plan.
- D. **Rear Yard Setbacks.**
1. Minimum of 20 feet where adjacent to a Commercial or Industrial District, except where common wall buildings with 0-setback are permitted;
 2. Abutting a Residential District: Minimum of 40 feet, including required landscape yards, or as required by Conditional Use Permit.
 3. The setbacks may be reduced in accordance with an approved Master Plan.
- E. **Side Yard Setbacks.** There are no required side-yard setbacks, except a minimum of 20 feet is required where an I District abuts a Residential District. The setbacks may be reduced in accordance with an approved Master Plan.
- F. **Landscaping, Buffering, and Other Yard Requirements.**
1. **Buffer Yards and Landscaping.** All surface parking areas and outdoor storage areas shall be separated from adjacent properties and street rights of way with a minimum 10-foot landscape buffer. All areas not developed with structures, parking or other approved facilities or hard surfaces shall be landscaped. A minimum of ten percent (10%) of all developments in the I District shall be landscaped in accordance with Chapter 3.2. The approval body may require additional landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 3.2 upon finding that more or different buffering is necessary mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties.
 2. **Pedestrian Access.** The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections are made between

primary building entrances (e.g., for retail, service, institutional, or office uses) within large developments, between multiple development phases, or connecting to other streets or sidewalks. The design of access ways shall conform to Section 3.1.030.

G. Setback Yards – Exceptions

Where existing lawfully established buildings have yard setbacks that are less than the minimum standards of this Code, they are allowed to remain as legal, non-conforming structures in accordance with Chapter 5.2.

2.4.040 Industrial District – Lot Coverage

No maximum, subject to setbacks and buffer yard requirements.

2.4.050 Industrial District – Site Layout and Design

A. **Development Compatibility.** Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the Industrial District:

1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and
2. The City decision making body may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts related to noise, light, glare, emissions, odor, vibration, and similar impacts that cannot be avoided.

B. **Business Parks and Large-Format Commercial Developments.** Where development in the I District contains a cumulative total floor area of 100,000 square feet or more of retail, commercial service, offices or similar use(s), the development shall meet the commercial block layout and building orientation standards of Section 2.3.060 (Large-Format Retail). For purposes of Section 2.4.050, a build-to line of 20 feet or less is required. The standards of Section 2.4.050 may be modified where approved through a Master Planned Development.

2.4.150 Industrial District – Building and Structure Height

The maximum allowable height of buildings and structures is sixty (60) feet, except that taller buildings and structures are allowed when approved as part of a Conditional Use Permit.

Chapter 2.5 - Parks and Open Space (POS) District

Sections:

- 2.5.010 Purpose**
- 2.5.020 Development Review Required**
- 2.5.030 Allowed Uses**
- 2.5.040 Dimensional Standards**
- 2.5.050 Parking Requirements**

2.5.010 Purpose

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

2.5.020 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 apply in order to mitigate potential negative impacts from community service uses.

2.5.030 Allowed Uses

The following uses are allowed subject the applicable review procedures as indicated:

- A. Parks, Sports Fields, Courts, Community Centers, Playgrounds, Golf Courses (Permitted, Site Design Review)
- B. Uses Accessory to those under #1 (Permitted, Land Use Review)
- C. Major Public Facilities (Conditional Use Permit Review)
- D. One single-family dwelling for caretaker/watchman (Permitted, Land Use Review)
- E. Transportation facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit and are subject to review and approval by the applicable road authority.

2.5.040 Dimensional Standards

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

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'

2.5.050 Parking Requirements

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

Chapter 2.6 - Mixed Use Master Plan Districts

Sections:

- 2.6.010 Purpose**
- 2.6.020 Applicability**
- 2.6.030 General Requirements**
- 2.6.040 Development Standards - Barberry Mixed Use Node**
- 2.6.070 Development Standards - LaCreole Mixed Use Node**
- 2.6.080 Development Standards - Wyatt Mixed Use Node**
- 2.6.090 Reserved**
- 2.6.100 Reserved**
- 2.6.110 Reserved**
- 2.6.120 Reserved**

2.6.010 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.

- A. 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.
- B. 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.
- C. 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).
- D. 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.
- E. This chapter is expressly intended to avoid problems associated with “piecemeal” development of individual parcels, by requiring consideration and facilitation of appropriate development of neighboring parcels.

2.6.020 Applicability

The Master Plan designation is an overlay zone that applies over the base land use districts of Article 2 and allows a wider range of land uses than would be allowed by the base districts alone. The MP overlay also establishes development standards based on adopted plans for each MP area. The Dallas Comprehensive Plan identifies the lands that are regulated by this chapter. The standards of Chapter 2.6 apply to land use actions within those designated areas. The City of Dallas may amend those areas, designate new Mixed Use Master Plan areas, and adopt standards for such areas pursuant to Chapter 4.7.

- A. Annexation, zone change and/or land development requests within any Mixed Use Node designated by the Comprehensive Plan shall not be processed unless and until the City of Dallas has adopted a Master Plan for the Mixed Use Node.
- B. Where a Mixed Use Master Plan District applies, all land uses and development within the designated MP area shall be consistent with the applicable standards of this Chapter. Zoning shall be applied to land within each Mixed Use Node upon annexation to the City or upon approval of a Detailed Development Plan under Chapter 4.5, as applicable, and based on the adopted Master Plan for each area. For areas designated “Mixed Use”, the standards of the RM (Residential Medium) and CN (Commercial Neighborhood) districts shall apply, depending on the use involved.
- C. An adopted Mixed Use Master Plan satisfies the requirements for a Concept Development Plan under Chapter 4.5.
- D. Land Division applications shall be processed as Detailed Development Plans under Chapter 4.5. The review shall be through a Type III process.
- E. Applications for public, multifamily-family and commercial projects that are consistent with the Master Plan shall be processed through a Type II review.
- F. Single-family and duplex developments on approved lots, and accessory uses, shall be sited in conformance with the Master Plan and shall not impeded the future provision of planned transportation or other public facilities.
- G. The Planning Commission may modify the plan designations and transportation connections identified in the approved Master Plan through a Type III process in conjunction with a land use request, provided that the change is consistent with the land use allocation in the Master Plan, and the location of a specific plan designation boundary or transportation facility is not changed by more than 200 feet. Other amendments shall be reviewed through a Type IV legislative process.

2.6.030 General Requirements

- A. **Transportation Plans.** All development shall be consistent with adopted transportation plans for the area, including the following:
1. The collector and arterial street system as shown on the Dallas Comprehensive Plan Map.
 2. 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).
 3. The 1999 Transportation Impact Study adopted in conjunction with adoption of the Barberry and LaCreole Master Plans, or any updates thereto as approved by the City; and
 4. Required transportation impact studies for specific development proposals.
- B. **Adequate Public Facilities & Level-of-Service Standards.** Before land is annexed and rezoned to enable implementation of adopted Master Plans for Mixed Use Nodes.
1. Adequate public facilities standards of Chapter 4.7, Comprehensive Plan and Zoning Map and Text Amendments, shall be met.
 2. Public facility improvement standards of Chapter 3.4 shall be met.
 3. 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: 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.
- C. **Parks & Schools.** Sites and funding mechanisms shall be 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:
1. 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
 2. 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 Mixed Use Nodes).

2.6.040 Development 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”.

- A. **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 2.6.040 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.

- B. **Neighborhood Commercial.** Neighborhood Commercial uses shall be allowed consistent with the provisions of the Neighborhood Commercial zoning district.
1. 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.
 2. 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.
 3. 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.
 4. 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.

5. Uses that serve an area outside the immediate neighborhood, such as car dealerships or large department or discount stores, shall be prohibited.
6. Primary vehicular access to the neighborhood commercial center shall take place from Barberrry Avenue; vehicular access shall not occur directly from E Ellendale Avenue.
7. All commercial development shall be subject to the standards of the Dallas Development Code (Chapter 2.3) 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.

C. **Multi-Family Residential.** Multi-family residential uses shall be allowed consistent with the provisions of the Medium Density Residential zoning districts.

1. The Barberrry Mixed-use node shall designate and reserve at least twenty (20) buildable acres, exclusively for Medium Density Residential use (including streets and open space) near the planned intersection of Barberrry Avenue and E Ellendale Avenue.
2. In addition to meeting setback, buffering and lot coverage standards of the underlying residential zoning district, the master plan shall include at least ten percent (10%) percent of the multiple-family area for active recreational play areas.

D. **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.

1. Land within the Barberrry 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 Barberrry Mixed Use Node.
2. 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.

E. **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 access ways that actively encourage bicycle, pedestrian, automobile and delivery truck access.

1. All connectivity standards of Chapter 3.1 of the Dallas Development Code shall be met.
2. Prior to granting land use permits for any new commercial or multi-family development in the Barberrry Mixed Use Node, the Commission shall approve a street plan to connect Barberrry Avenue to E Ellendale Avenue.

2.6 – Master Plan Districts: Barberry Mixed Use Standards

3. 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.
 4. 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 (RM) may be approved.
- F. **Phasing.** 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. Commercial development in the north-central area depends upon connecting SE Barberry Avenue through to E Ellendale Avenue, and extending SE Academy Street through to SE Fir Villa Road. Sites must be identified for parks, consistent with the Comprehensive Plan, before this area is rezoned.

2.6.050 Development Standards – La Creole 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”.

- A. **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 2.6.050 – La Creole 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.

- B. **General Commercial.** General commercial uses shall be allowed consistent with the provisions of the General Commercial zoning district.

1. 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.
2. 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.
3. 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 (5%) of the General Commercial area for use as central, open, publicly-accessible plaza(s).

- C. **Multi-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.

1. 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.
2. Multi-Family residential development shall be connected to adjacent General Commercial and low-density residential land with a combination of grid streets and access ways that encourage bicycle, pedestrian, automobile and delivery truck access.
3. 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.

D. 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. Active recreational play areas improved to City standards shall be recognized as helping to meet the relevant level-of-service standards prescribed in Chapter 4 of the Dallas Comprehensive Plan.

E. Transportation and Circulation.

1. 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.
2. 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.
3. 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.

F. Phasing. Development within the LaCreole Mixed Use Node shall occur from the west (Polk Station Road) to the east in phases. Commercial development in the north-central area depends upon connecting NE LaCreole Avenue through to Kings Valley Highway. A site or sites must be identified for the commercial plaza(s), and improvement guarantees for the same approved by the City, before commercial development occurs in this area.

2.6.060 Development 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”.

- A. **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.
- B. **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 2.6.060 – 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.

- C. **Neighborhood Commercial.** Neighborhood Commercial uses shall be allowed consistent with the provisions of the Neighborhood Commercial zoning district.
 - 1. 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.
 - 2. 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.
 - 3. 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 (10%) of the Neighborhood Commercial area for use as a central, open, publicly-accessible plaza.

4. 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.
5. Uses that primarily serve an area outside the immediate neighborhood, such as car dealerships and large department or discount stores, are prohibited.
6. Primary vehicular access to the neighborhood commercial center shall take place from Wyatt Street; vehicular access shall not occur directly from E Ellendale Avenue.
7. 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.

D. **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. In addition to meeting setback, buffering, and lot coverage standards of the underlying residential zoning district, the master plan shall include at least ten percent (10%) of the multiple-family area for active recreational play areas; the active recreational play area shall count toward meeting the common open space standards for multiple family development in subsection 2.2.190.

E. **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. Active recreational play areas and commercial plazas improved to city standards shall be recognized as helping to meet the relevant level-of-service standards prescribed in Chapter 4 of the Dallas Comprehensive Plan.

F. **Transportation and Circulation.**

1. All connectivity standards of Chapter 3.1 of the Dallas Development Code shall be met. 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 access ways that actively encourage bicycle, pedestrian, automobile and delivery truck access.
2. 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.
3. 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.

2.6 – Master Plan Districts: Wyatt Mixed Use Standards

4. 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.
- G. **Phasing.** Development within the Wyatt Mixed Use Node shall occur from the south (W Ellendale) towards the north, consistent with an approved Master Plan. 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.

Chapter 2.7 - Flood Hazard Regulations

Sections:

- 2.7.010 Purpose.**
- 2.7.020 Applicability.**
- 2.7.030 Definitions – Flood Hazard Provisions.**
- 2.7.040 Review Procedures.**
- 2.7.050 Information Required for Floodplain or Riparian Development Proposals.**
- 2.7.060 Floodplain Review Criteria.**
- 2.7.070 Floodplain Development Standards.**
- 2.7.080 Variances Within a Floodplain.**
- 2.7.090 Floodplain Data.**
- 2.7.100 Alteration of Watercourses.**

2.7.010 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:

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

2.7.020 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.

- A. **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.
- B. **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.

2.7.030 Definitions – Flood Hazard Provisions.

Unless specifically defined below, or as specifically defined in Article 6, words or phrases used in this chapter 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 that 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.

MANUFACTURED HOME means a dwelling constructed off-site in accordance with federal

manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976, then assembled or placed on-site in accordance with the requirements of this Code. 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 that 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 that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

2.7.040 Review Procedures.

- A. **Floodplain Development.** Applications for development within the 100-year floodplain shall be reviewed by the Development Official under Type I procedure. Adjustments to floodplain regulations shall not be permitted. 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:
 1. Increasing premium rates for insurance.
 2. Increasing risks to life and property.
 3. 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.
- B. **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.

2.7.050 Information Required for Floodplain or Riparian Development Proposals. Floodplain Development.

In addition to meeting the informational requirements specified in Chapter 4.2, Land Use Review, the required site plan shall indicate the location of the designated floodplain and floodway. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
- B. Elevation in relation to mean sea level to which a structure has been flood-proofed;
- C. Certification by a registered professional engineer, surveyor, or architect that the flood-proofing methods for a nonresidential structure meet the flood-proofing criteria in this Chapter; and
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

2.7.060 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. Where allowed, such development shall:

- A. 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.
- B. Be constructed utilizing methods and practices that will minimize flood damage and be provided adequate drainage in order to reduce exposure to flood hazards.
- C. Be located to completely avoid the floodway.
- D. 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.
- E. 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.
- F. Not alter the flow or depth of surface water so as to endanger the health, safety or welfare of neighboring residents.
- G. Not endanger existing or proposed water supply and sewage disposal systems during periods of inundation.

- H. 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.
- I. Avoid alteration of stream courses.

2.7.070 Floodplain Development Standards.

- A. **Anchoring.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. 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).
- B. **Construction Materials and Methods.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. 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.
- C. **Utilities.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. 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. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. **Land Division Proposals.** All land division proposals shall be consistent with the need to minimize flood damage. 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. All land division proposals shall have adequate drainage provided to reduce exposure to flood damage. 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.
- E. **Review of Building Permits.** 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.
- F. **Residential Standards.** New construction and substantial improvement of a residential structure shall:

1. Have the lowest floor, including basement, elevated one foot above the base flood elevation.
2. 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:
 - a. 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.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. Below-grade crawlspaces are allowed subject to the standards in FEMA Technical Bulletin 11-02 or any updates thereto.

G. Nonresidential Construction. New construction and substantial improvement of a commercial, industrial, or other nonresidential structure shall either:

1. 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 any updates thereto; or,
2. Together with attendant utility and sanitary facilities, shall:
 - a. Be flood-proofed so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; or
 - c. 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.
3. The certifications shall be provided to the official as required in this Chapter.
4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in this Chapter.
5. 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.

H. Manufactured Homes. All manufactured homes to be placed or substantially improved within a designated flood hazard area 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 this Chapter.

- I. **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.
- J. **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 this Chapter.

2.7.080 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 pursuant to the following criteria and procedures:

- A. **Floodway Variances.** Variances shall not be issued within a designated floodway if an increase in flood levels during the base flood discharge would result.
- B. **Variance Process.** Variances shall be processed under Type III procedure under Chapter 5.1 (Class B Variance).
- C. **Specific Floodplain Variance Criteria.** The following additional variance approval criteria must be satisfied:
 1. **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.
 2. **Mitigation.** The applicant shall agree in writing to perform such mitigation measures as may be required by the City.
 3. **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 an alternative location for the proposed use that is 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.
4. **Conditions.** The Commission may attach conditions to any approved variance where necessary to ensure compliance with variance approval criteria.

2.7.090 Floodplain Data.

- A. **Use of Other Base Flood Data.** When base flood elevation has not been established for a particular site, 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.
- B. **Information to be Obtained and Maintained.** 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. For all new or substantially improved flood-proofed structures, the Development Official shall: verify and record the actual elevation, in relation to mean sea level; maintain the flood-proofing certifications; and maintain for public inspection all records pertaining to the provisions of this Code.
- C. **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.

2.7.100 Alteration of Watercourses.

Alteration of watercourses (streams) shall be prohibited, except in emergency situations. Should such an alteration occur, the Development Official shall 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; and require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

Chapter 2.8 - Riparian Corridors and Wetlands Regulations

Sections:

- 2.8.010 Purpose.**
- 2.8.020 Applicability.**
- 2.8.030 Review Procedures.**
- 2.8.040 Information Required for Riparian or Wetland Development Proposal.**
- 2.8.050 Riparian Corridor Review.**

2.8.010 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.

- A. This Chapter 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).
- B. In order to accomplish these purposes, this Chapter includes methods and provisions for 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 controlling filling, grading, dredging, and other development that may increase flood damage or reduce the functions and values provided by stream corridors and wetlands.

2.8.020 Applicability.

This chapter applies to 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, and wetlands identified on the local wetland inventory.

2.8.030 Review Procedures.

Permitted uses within the riparian setback area shall be reviewed through a Type I Land Use Review procedure. Variances from riparian corridor standards shall be reviewed by the Planning Commission under the Type III (Class B Variance) 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 water quality (especially as a result of vegetation removal or grading); and fish and wildlife habitat values. If the City approves a variance, documentation of the reasons for the variance shall be reported to the Division of State Lands and Oregon Fish and Wildlife Department. Adjustments to riparian corridor regulations shall not be permitted.

2.8.040 Information Required for Riparian or Wetland Development Proposal.

All applications for projects within or adjacent to a riparian or wetland area, including 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 a hydrological study, fish and wildlife habitat study, native vegetation study, geotechnical study, or similar studies, if deemed necessary to protect the functions and values of the riparian corridor, especially if a variance is proposed:

2.8.050 Riparian Corridor Review.

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.

- A. **Delineation Required.** All applications for projects within or adjacent to a riparian corridor, including 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.
- B. **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.
- C. **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.
- D. **Permitted Uses.**
 - 1. Trails, public utilities and passive recreation areas may be located within the riparian corridor area.
 - 2. Streets may be located in the riparian corridor area if there is no other reasonable alternative.
 - 3. Other buildings and structures are not permitted.

Chapter 2.9 - Manufactured Dwelling Park Regulations

Sections:

- 2.9.010 Purpose.**
- 2.9.020 Applicability.**
- 2.9.030 Review Procedure.**
- 2.9.040 Permitted Structures.**
- 2.9.050 Separation For The Park Perimeter.**
- 2.9.060 Perimeter Within Mixed Use Nodes.**
- 2.9.070 Perimeter Outside Mixed Use Nodes.**
- 2.9.080 Driveway and Private Street Access.**
- 2.9.090 Dimensional Standards.**
- 2.9.100 Site Development and Design Standards**

2.9.010 Purpose.

This chapter is intended to ensure a safe and healthful living environment for residents of manufactured dwelling parks, while providing affordable quality housing compatible with adjacent land uses, and complying with State regulations governing the review of manufactured dwelling park developments.

2.9.020 Applicability.

Manufactured dwelling parks are a “needed housing type” according to ORS 197.303, and are therefore permitted in the RL, RM, and RH zoning districts, subject to the provisions of this Chapter. These zones are the only residential zoning districts that allow development densities (6-10 dwelling units per acre) appropriate for manufactured dwelling parks pursuant to ORS Chapter 446.

2.9.030 Review Procedure.

Manufactured dwelling parks, and additions to such parks, are reviewed under the Type II Site Design Review procedure, pursuant to the requirements of this Chapter and those of the underlying land use district.

2.9.040 Permitted Structures.

Within a manufactured dwelling park, the following uses and their accessory uses are permitted:

- A. **Manufactured Homes.** Manufactured Homes as defined by this Code, and subject to the provisions of this Chapter and the underlying zoning district, are permitted.
- B. **Mobile Homes.** Mobile homes, as defined by this Code, 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.

C. **Recreational Facilities.** Common areas, playgrounds and recreational buildings for use by residents of the park are permitted.

2.9.050 Separation For The Park Perimeter.

The minimum separation between abutting property and any dwelling, accessory park structure, or park road is 25 feet; and the minimum separation between any public right-of-way and any dwelling or accessory structure is 20 feet.

2.9.060 Perimeter Within Mixed Use Nodes.

Manufactured home spaces on the perimeter of a manufactured home park within a Master Planned Mixed Use Nodes shall meet the minimum lot size applicable to attached single-family dwellings as stated in Chapter 2.2, and shall meet the garage orientation and design standards required for single-family dwellings in Chapter 2.2.

2.9.070 Perimeter Outside Mixed Use Nodes.

The perimeter of a manufactured home park not within a Master Planned Mixed Use Node, including all dwellings on said perimeter, shall provide a six-foot (6 ft) high sight-obscuring screen on the park perimeter meet the following standards:

- 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.
- C. 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:
 - 1. 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.
 - 2. At least one row of deciduous and/or evergreen shrubs spaced not more than five feet apart shall be placed on this berm.
 - 3. Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

2.9.080 Driveway and Private Street Access.

Driveway approaches, and private streets and driveways, where allowed, shall conform to the

applicable requirements of Chapters 3.1 and 3.4.

2.9.090 Dimensional Standards.

- A. Minimum Size for Manufactured Dwelling Park - 1 acre.
- B. Minimum Size for Manufactured Lot Space - 3,000 square feet.
- C. New manufactured dwelling spaces shall be at least 40 feet wide and 75 feet long.
- D. 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.
- E. Staggering of Units. Manufactured homes abutting a public street shall have staggered setbacks and a variety of living unit orientations to allow for pockets of garden space and to break up the monotony of the wall planes adjacent to the street, pursuant to the following:
 - 1. The required offsets between adjacent dwellings shall be at least four (4) feet, as measured perpendicular from the street; or
 - 2. Units shall have more uniform setback but provide a substantial acute or obtuse angle from the street; or
 - 3. The 4-foot minimum building offset shall be met with attached garages or modulated house plans (e.g., offsets).

2.9.100 Site Development and Design Standards

- A. **Parking.** Off-street parking facilities shall be provided on-site in accordance with Chapter 3.4, Parking.
- B. **Private Street Standards.**
 - 1. Where on-street parking is not permitted:
 - a. The minimum width for manufactured home park streets shall be 20 feet.
 - b. Streets serving more than 12 dwelling spaces shall be a minimum of 24 feet in width.
 - c. Streets serving more than 30 dwelling spaces shall be a minimum of 28 feet in width.
 - 2. If on-street parking is permitted, the minimum pavement width shall be 32 feet.
 - 3. Street identification signs shall be provided according to applicable City requirements
 - 4. 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.
 - 5. Private streets shall be paved and maintained to standards adopted by the Director of

Public Works.

- C. **Walkways.** Paved walkways at least five feet (5 ft) wide and accessible to wheelchairs shall be provided to connect dwellings with park buildings, park streets and public streets.
1. Public sidewalks shall be constructed along all street frontages.
 2. Access from the internal walkway system to the public sidewalk system shall be provided at regular intervals of not less than 600 feet.
- D. **Safety.**
1. **Lighting.** Private park roadways shall be lighted and maintained at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.
 2. **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.
- E. **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, which shall include: a recreational building with active recreational facilities acceptable to the Development Official; and at least 5,000 square feet of gross floor area for use by residents of the park.
- F. **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, except where park residents are restricted to senior citizens.
1. The minimum required play area is at least 2,500 square feet in area with no dimension less than 30 feet.
 2. There shall be at least 100 square feet of play area provided for each manufactured dwelling space occupied by children.
 3. 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.
 4. The children’s play area shall be located so as to enable adults to supervise children’s activities from the recreational building.
- G. **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 3.2, Landscaping and Screening.
1. **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.

2. **Street Trees.** Street trees shall be provided in accordance with Chapter 3.2 Landscaping.
3. **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.
4. **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.
5. **Planting for Energy Efficiency.** Appropriate plant materials shall be utilized to cool dwellings in the summer and help insulate them in the winter.

H. 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 3.4.

I. 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 the requirements of Chapters 2.7 and 2.8, Flood Plain Management and Riparian Corridors, respectively.

Chapter 2.10 - Historic Preservation Regulations

Sections:

- 2.10.010** Criteria for Establishment of Historic Designation.
- 2.10.020** Historic Designation Decision Options.
- 2.10.030** Exterior Remodeling or Alteration.
- 2.10.040** Guidelines for Exterior Alteration.
- 2.10.050** Demolition Review.
- 2.10.060** Hearing by Planning Commission.
- 2.10.070** Decision Options.
- 2.10.080** Maintenance and Repair of Architectural Features.
- 2.10.090** Historic Resources Inventory.

2.10.010 Criteria for Establishment of Historic Designation.

Before a building, structure, object, or site is added to the Dallas Historic Inventory, the Planning 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:

- A. **Historic Events.** Association with a historic or famous event.
- B. **Antiquity.** Generally considered to be approximately 50 years of age or older.
- C. **Character.** Representative character of a period or style of architecture or method of construction.
- D. **Merit.** Extraordinary or unusual architectural merit by reason of design, detail, use of materials, or craftsmanship.
- E. **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.
- F. **Cultural History.** Relationship to the broad cultural history of the community, state, or nation.
- G. **Person.** Identification with a person or organization that has contributed significantly to the history of the community, state, or nation.

2.10.020 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.

2.10.030 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 this Chapter. 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.

2.10.040 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.

- A. **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.
- B. **Exterior Preserved.** So far as practicable, all original exterior materials and details shall be preserved.
- C. **Height Additions.** Additional stories may be added to historic buildings provided that:
 - 1. The added height complies with requirements of the building and zoning codes.
 - 2. The added height does not exceed that which was traditional for the style of the building.
 - 3. The added height does not alter the traditional scale and proportions of the building style.
 - 4. The added height is visually compatible with adjacent historic buildings.
- D. **Width Additions.** Horizontal additions may be added to historic buildings provided that:
 - 1. The bulk of the addition does not exceed that which was traditional for the building style.
 - 2. The addition maintains the traditional scale and proportion of the building style.
 - 3. The addition is visually compatible with adjacent historic buildings.
- E. **Structural Elements.** The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
- F. **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.

- G. **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.
- H. **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.

2.10.050 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.

2.10.060 Hearing by Planning Commission.

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

- A. The degree of historic significance in terms of persons or events in Dallas' history.
- B. The degree of architectural uniqueness or representation of an important building style.
- C. The availability of a Federal or State programs to assist in the preservation of the building.
- D. The economic feasibility of preservation.
- E. The extent to which preservation will deprive the owner of the ability to sell the property.

2.10.070 Decision Options.

- A. Based on the considerations in 3.10.90, the Commission shall either: allow the alteration, change, or demolition to occur; allow the alteration, change, or demolition to occur subject to conditions protecting the resource; or 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.
- B. 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.
- C. 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.

2.10.080 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 does not involve a material change in design or outward appearance, as determined by the Development Official, nor prevents the construction, reconstruction, alteration, or demolition of a feature that the Development Official certifies is required to comply with the Building Codes.

2.10.090 Historic Resources Inventory.

Building Name: Greenwood Stationary Building **Date:** 1889

Address: 887 Main Street

Owner at Time of Designation: Jack Greenwood

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

Address: 861, 865 Main Street

Owner at Time of Designation: Jack and Keith Sanders and Ray Thomas

Building Name: Ben Franklin Building **Date:** N.A.

Address: 811 Main Street

Owner at Time of Designation: Jack and Keith Sanders

Building Name: Uglow Building **Date:** N.A.

Address: 807 Main Street

Owner at Time of Designation: Jack and Keith Sanders

Building Name: I.O.O.F. Lodge, Brixius Jewelers **Date:** N.A.

Address: 837 Main Street

Owner at Time of Designation: Don Brixius

Building Name: Evangelical Church **Date:** N.A.

Address: 785 SW Church St.

Owner at Time of Designation: Evangelical Church

Building Name: Williams House **Date:** 1870

Address: 848 SW Levens Street

Owner at Time of Designation: Gary and Sandy Banowetz

Building Name: I.O.O.F. Building **Date:** 1890

Address: 115 SE Court Street

Owner at Time of Designation: Loren Faxon, Dave Newton, Bill Dalton

Building Name: First Presbyterian Church **Date:** 1892

Address: 879 SW Levens Street

Owner at Time of Designation: Presbyterian Church

Building Name: First Christian Church **Date:** 1932
Address: 1079 SE Jefferson Street
Owner at Time of Designation: First Christian Church

Building Name: L.J. Soehren House **Date:** c. 1903
Address: 1121 SW Main Street
Owner at Time of Designation: Dan Drieszus

Building Name: Polk County Courthouse **Date:** 1900
Address: 850 Main Street
Owner at Time of Designation: Polk County