

**PART NINE: REGULATIONS TO IMPLEMENT CHARACTER AREAS**

- §9-1 DOWNTOWN SPECIFIC PLANS
- §9-2 DESIGN REVIEW
- §9-3 DESIGN GUIDELINES
- §9-4 HISTORIC PRESERVATION
- §9-5 FORM-BASED CODE PROVISIONS
- §9-6 COMPOSITE ZONING (2-MAP APPROACH) FOR CHARACTER AREA IMPLEMENTATION

***[See Commentary]***

**§9-1 DOWNTOWN SPECIFIC PLANS**

- §9-1-1 PURPOSE AND INTENT
- §9-1-2 DEFINITIONS
- §9-1-3 ADOPTION OF DOWNTOWN SPECIFIC PLAN BY REFERENCE
- §9-1-4 PLAN AS REGULATION
- §9-1-5 USE LIMITATIONS
- §9-1-6 BUILDING SETBACKS
- §9-1-7 BUILDING HEIGHT
- §9-1-8 DESIGN GUIDELINES AND STANDARDS
- §9-1-9 SPECIAL STANDARDS FOR RESIDENTIAL USES
- §9-1-10 SPECIAL STANDARDS FOR PARKING AREAS
- §9-1-11 SPECIAL STANDARDS FOR OTHER USES
- §9-1-12 SIGNS

***[See Commentary]***

**§9-1-1 PURPOSE AND INTENT**

The purpose of this Resolution [Ordinance] is to foster and strengthen economic vitality in the local jurisdiction's downtown core area while respecting and enhancing the special character of the existing development in the downtown core area. The downtown core area is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, and consolidated on- and off-street parking. The community's downtown core character is especially vulnerable to intrusion from incompatible uses and physical development practices. The city's downtown is so important and significant to the city, that it justifies a special set of regulations designed to protect and enhance its character in light of new development. The potential to impact existing development is much less in other areas of the community than in the downtown core area, and hence the regulations outside the downtown core area do not merit the same protection. The purpose of this Resolution [Ordinance] is to establish requirements for building and site design for new developments and for the significant modification of existing developments within the designated downtown core area. This Resolution [Ordinance] is intended to protect the existing character of the downtown and encourage orderly development in accordance with the comprehensive plan for the city and with a study and specific plan for the downtown core area. The following principles serve as the foundation for the Downtown Specific Plan:

- (a) Efficient use of land and services.
- (b) A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.

**§9-1 Downtown Specific Plans  
Model Land Use Management Code**

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- (c) Provide for community gathering places and pedestrian/visitor amenities.
- (d) Establish a distinct storefront character associated with the downtown core area.
- (e) Provide transitions to adjacent neighborhoods and commercial areas.
- (f) Maintain and enhance the area's character through design guidelines.

The downtown specific plan, upon its adoption per this Resolution [Ordinance], is enforceable and implemented as a set of land use regulations. Development proposals that are consistent with an adopted specific plan are not subject to further discretionary review by the local government. In this context, all land use applications for property within the downtown specific plan area are required by this Resolution [Ordinance] to comply with the provisions of the downtown specific plan.

**§9-1-2 DEFINITIONS**

For purposes of this Resolution [Ordinance], the following definitions shall apply:

Alley: A secondary means of access to abutting property located at the rear or side of the property.

Bed and breakfast: An establishment primarily engaged in providing temporary lodging for the general public with access provided through a common entrance to guest rooms having no cooking facilities. Meals may or may not be provided.

Grade, average: The elevation determined by averaging the highest and lowest elevations of a parcel, building site or other defined area of land.

Gross floor area: The total square footage of all floors of a building, including the exterior unfinished wall structure, but excluding courtyards and other outdoor areas.

Property line: A lot line or parcel boundary.

Setback: The distance that a principal building or other structure or facility must be located from away from a lot line or property line.

Use: The purpose for which a building, structure, or land is occupied, arranged, designed or intended, or for which building, structure, or land is or may be occupied or maintained.

**§9-1-3 ADOPTION OF DOWNTOWN SPECIFIC PLAN BY REFERENCE**

The city hereby finds that the Specific Plan for \_\_\_\_\_, is consistent with the city's Comprehensive Plan and is hereby adopted and made a part of this Resolution [Ordinance] as if fully set forth herein. The city finds that prior to adoption of the Specific Downtown Plan, the following actions have been taken to ensure procedural due process:

- (a) A detailed map has been prepared showing the boundaries for the Downtown Plan Specific Area in relation to property lines.
- (b) The city's comprehensive plan was amended to include the idea of establishing a downtown specific plan, and the comprehensive planning process afforded the opportunity for all citizens and business owners of the city to participate in a vision for the city and the downtown core area. Said comprehensive plan amendment also took into account site-specific conditions and needs in the subject area.

- (c) The city prepared a specific plan for the subject area that includes studies and data on existing conditions and needs with regard to preserving the existing character of the area.
- (d) At least 15 days prior to public hearing and action, the Mayor and City Council notified the public of the date, time, place and nature of a public hearing by publication in a newspaper of general circulation in the territory of the local government.
- (e) The Land Use Officer notified all owners of parcels of land within the boundary of the Downtown Specific Plan and all owners of parcels of land within 300 feet of the project area boundary, of the date, time, place and nature of the public hearing by mail at least 15 days before the public hearing. Notices shall be sent to the names of the property owners identified by the tax records of the local government. Notice shall be by first class mail, and the act of mailing said notice to property owners listed identified by tax records of the city shall be deemed sufficient to comply with this requirement.
- (f) The Mayor and City Council held the public hearing at the date, time, and place advertised, and afforded all interested individuals the opportunity to be heard concerning the proposed downtown specific plan and implementing regulations.

***[See Commentary]***

§9-1-4            PLAN AS REGULATION

The downtown specific plan, as adopted by reference, contains recommended policies and development guidelines that are hereby made mandatory by adopting them in this Resolution [Ordinance]. The downtown specific plan, unless otherwise specifically provided for in this Resolution [Ordinance], shall be considered as carrying the weight of law and shall be enforced and abided by as a municipal land use regulation.

§9-1-5            USE LIMITATIONS

Within the \_\_\_\_\_ downtown specific plan boundary, only those uses that help create a unique, dynamic pedestrian-oriented center are allowed. Such uses generally include specialty retail, services, civic uses, restaurants and dining establishments, professional offices, passive open spaces, and residences. (See Figure).

§9-1-5.1 Permitted Uses. The land uses listed in Table 1 are permitted in the Specific Downtown Plan area, subject to the provisions of this chapter. Only land uses which are specifically listed in Table 1, and those land uses which are or may be approved as “similar” to those listed in said table may be permitted. The land uses identified with a “(3)” are conditional and require conditional use permit approval prior to development or establishment, in accordance with the provisions of Section 10-1 of this Code.

§9-1-5.2 Determination of Similar Land Uses. Uses that are similar in nature to one or more permitted uses, as determined by the Land Use Officer, shall be permitted within the boundary of the downtown specific plan.

***[See Commentary]***

Residential Uses Mixed With Commercial Shops



Source: Oregon Transportation and Growth Management Program 1999.

Table 1  
 Uses Permitted in the Specific Downtown Plan Area

RESIDENTIAL	PUBLIC/ INSTITUTIONAL	COMMERCIAL
Detached single-family residences which existed on the effective date of this Resolution [Ordinance]	Religious Institutions and Places of Worship	Entertainment facilities (theaters, clubs, movies)
Two-family dwellings (duplexes) which existed on the effective date of this Resolution [Ordinance]	Clubs, fraternities, sororities, lodges and similar uses	Medical and dental offices, clinics and associated laboratories, pharmacies, optometrists, and similar medical uses
Single-family attached (Townhouses)	Government offices and facilities, including courthouses	Offices
Dwellings within a commercial or other non-residential structure (e.g., residence occupying an upper floor of a retail store)	Libraries, museums, concert halls, auditoriums, community center, and similar uses	Personal and professional services (e.g., hair salons, day spas, barber shops, tailors, shoe repair, nail salon, tanning salon, shoe repair, tailor, watch and jewelry repair, package wrapping/ copying/ sending services, and similar uses)
Accessory dwellings which existed on the effective	Outdoor bandstand, amphitheater, pavilion	Children's day care

**§9-1 Downtown Specific Plans  
Model Land Use Management Code**

date of this Resolution [Ordinance]		
Multi-family residential (1)	Public parking lots and garages (See §9-1-10 Special Standards for Parking Areas)	Laundromats and dry cleaners (no dry cleaning plant on premises permitted)
Residential care homes and facilities	Private utilities	Hotels and lodges, but not motels or motor hotels with parking immediately adjacent to guest rooms
Family day care (Less than 6 children)	Public parks, squares, greens, and recreation facilities	Restaurants, catering, prepared food services for on-site consumption, retail bakeries, candy/ice cream shops (food production allowed in conjunction with retail)
Bed and breakfast inns (3)	Schools, public and private	Banks and financial institutions
	Visitors centers and information services	Retail trade and services(2)
		Art and craft galleries
		Commercial storage (4)
		Wholesale (5)
		Manufacturing ancillary to a storefront retail sales and services outlet (6)
		Vehicle sales fully enclosed in building (3)

Notes to Table 1:

- (1) Subject to provisions limiting location and design character. Residential uses are permitted on upper stories above ground floor non-residential use, on ground floors behind storefront space, or integrated into a mixed-use structure where design is consistent with the storefront character.
- (2) Except auto-oriented uses and vehicle sales and service.
- (3) Subject to use permit provisions as provided in Section 10.1.
- (4) Enclosed in building and on upper stories only. Must be ancillary to storefront or ground floor use.
- (5) Restricted to buildings of 20,000 to 60,000 gross floor area.
- (6) Uses such as candle making, blown glass, small “country” crafts, t-shirt lamination, and monogramming are permitted subject to a use permit and are restricted to spaces of less than 25 percent of gross floor area. May not be located in a storefront location, and must be located a minimum of 50 feet from a residential use.

§9-1-6 BUILDING SETBACKS

§9-1-6.1 Minimum Front Setbacks. There shall be no minimum front setback. The front building façade shall correspond to the build-to line of adjacent structures, except to accommodate usable public space with pedestrian amenities.

§9-1-6.2 Maximum Front Setbacks. The maximum allowable front yard setback shall be 10 feet. Exceptions to this requirement may be approved for structures that provide pedestrian amenities, placed between the building façade and street sidewalk.

§9-1-6.3 Minimum Rear Yard Setbacks. There shall be no minimum rear yard setback for structures on lots with street access. For structures on lots accessed by an alley, the minimum setback shall be six feet (distance from building to rear property line or alley easement) in order to provide space for parallel parking.

§9-1-6.4 Through Lots. For buildings on through lots, the front setbacks established in this subsection shall apply to both property frontages.

***[See Commentary]***

§9-1-6.5 Side Yard Setbacks. There shall be no minimum side yard setback required, except that buildings shall meet applicable fire and building codes for attached structures, firewalls and related requirements, and allow for a minimum 15-foot vision clearance area when located on a corner lot.

§9-1-6.6 Setback Exceptions. Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, projecting signs, and similar architectural features may encroach into setbacks by no more than six feet, subject to compliance with standards of locally applicable fire codes and building code.

§9-1-7 BUILDING HEIGHT

All buildings in the Specific Downtown Plan area shall comply with the following building height requirements, which are intended to allow for development of appropriately scaled buildings with a storefront character.

§9-1-7.1 Maximum Height. Buildings shall be equivalent to the height of the adjacent building(s). Where the height of two adjacent buildings differ, the subject structure may be equivalent to the greater height. Where applicable, the cornices (e.g., building tops or first story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings.

§9-1-7.2 Height Increase for Buildings Containing Residences. The maximum building height may be increased by 15 feet where residential uses are provided above the ground floor. The building height increase applies only to those portions of the building that contain housing.

§9-1-7.3 Exceptions to Height Regulations. Not included in maximum height: chimneys; bell towers; steeples; roof equipment; flagpoles, and similar features that are not intended or used for human occupancy.

§9-1-7.4 Method of Measurement. Building height is measured as the vertical distance from the average level of the highest and lowest grade point of the portion of the lot covered by the building, measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

§9-1-8 BUILDING DESIGN STANDARDS

The Downtown Specific Plan design guidelines in this section are intended to provide human scale design, while affording flexibility to use a variety of building styles. These guidelines should be followed in order to ensure that the physical and operational characteristics of proposed buildings and uses are compatible within the context of the surrounding area. Infill uses in developed areas shall be compatible with the established architectural character by using a design that is complementary. New construction should reinforce existing patterns. Compatibility shall be achieved through techniques such as repetition of roof lines, the use of similar proportions in building mass, similar relationships to the street, similar door and window patterns, and the use of complementary building materials and colors.

§9-1-8.1 Building Size, Bulk, Scale, and Mass. Infill development, buildings should “learn” from their neighbors. Buildings shall either be similar in size and height, or if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block.

§9-1-8.2 Building Orientation. If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Building presence should be reinforced through the observation of the following criteria:

- (a) The minimum and maximum setback standards are met.
- (b) Buildings have their primary entrance(s) oriented to the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.
- (c) Corner building entrances should be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
- (d) A building may have an entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
- (e) Off street parking, driveways and other vehicular access shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner as feasible.
- (f) At least 50 percent of the width of the lot is occupied by a building at the front setback.

§9-1-8.3 Storefront Design. All buildings shall contribute toward the storefront character and visual relationships of buildings existing in the Downtown Specific Plan area. The following architectural features should be used along the street frontage building elevations, as applicable.

- (a) Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.
- (b) Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.
- (c) All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.
- (d) Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

§9-1-8.4 Building Materials. Building materials shall be similar to the materials used on the existing buildings in the Downtown Specific Plan area. Brick and stone masonry are considered compatible with wood siding.

- (a) In circumstances where similar materials are not proposed, such as a stucco building in a row of brick structures, other characteristics such as scale and proportion, form, architectural detailing, height, and color and texture shall be utilized to ensure that adequate similarity exists for the building to be considered compatible.
- (b) Building materials shall not create glare. Highly reflective materials such as aluminum, unpainted metal, and reflective glass shall not be permitted.
- (c) Clear glass windows shall be used for commercial storefront display windows and doors.
- (d) Buildings shall be consistently detailed on all sides. Windows and doors shall be defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.
- (e) Exposed rough or re-sawn siding and exposed, untreated concrete shall not be permitted as a finished exterior.

§9-1-8.5 Building Color. Recommended color shades shall draw from the range of color shades of structures that already exist in the Downtown Specific Plan area. No more than one accent color should be used per building.

§9-1-8.6 Pedestrian Amenities. Pedestrian amenities serve as informal gathering places for socializing, resting and enjoyment of the downtown area, and contribute to a walkable environment. Pedestrian amenities may be provided within the public right-of-way when approved by the local jurisdiction. The following amenities should be incorporated into the building design whenever feasible:

- (a) A plaza, courtyard, or extra-wide sidewalk next to the building entrance.
- (b) Sitting space (i.e. dining area, benches, or ledges) between the building entrance and the sidewalk. Recommended dimensions are a minimum of 16 inches in height and 30 inches in width.
- (c) A building canopy, awning, or similar weather protection, with a minimum four foot projection over the sidewalk or other pedestrian space.
- (d) Public art which incorporates seating (e.g., fountain, raised planter, sculpture).

#### §9-1-9 SPECIAL STANDARDS FOR RESIDENTIAL USES

§9-1-9.1 Residential Uses Generally. Higher density residential uses, such as multi-family buildings and attached single-family units are permitted to encourage housing near employment, shopping and services. All residential uses in the Downtown Specific Plan area are intended to require mixed-use development, conserve the community's supply of commercial land for retail and service use, provide designs which are compatible with a storefront character, avoid or minimize impacts associated with traffic and parking, and ensure proper management and maintenance of common areas. Pre-existing residential uses within the Specific Downtown area boundaries are exempt from these conditions.

§9-1-9.2 Mixed-Use Development Required. Residential uses shall be permitted only when part of a mixed-use development (residential as a component of a commercial, office or public/institutional use). Both "vertical" mixed-use (housing above the ground floor) and "horizontal" mixed-use (housing on the ground floor) developments are allowed.

§9-1-9.3 Limitation on Street-Level Housing. No more than 50 percent of a single street frontage at ground level may be occupied by residential uses.

§9-1-9.4. Allowable Density. There shall be no maximum residential density standard.

**[See Commentary]**

§9-1-10 SPECIAL STANDARDS FOR PARKING AREAS

§9-1-10.1 Parking, Garages and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, or located in parking areas behind or to the side of the building.

§9-1-10.2 Relationship of Buildings to Streets and Parking. Every dwelling unit with a front façade facing the street shall to the maximum extent possible have its primary entrance face the street. Every building containing four or more dwelling units shall have at least one building entry or doorway facing any adjacent street that has on-street parking.

§9-1-11 SPECIAL STANDARDS FOR OTHER USES

§9-1-11.1 Light Manufacturing. Light manufacturing uses are limited in the Downtown Specific Plan area. Light manufacturing means production or manufacturing of small-scale goods, such as crafts, electronic equipment, candy products, printing and binderies, custom furniture, and similar goods. All such light manufacturing uses shall comply with the following:

- (a) Light manufacturing is only allowed when done in conjunction with a permitted retail or service use that is in the storefront location.
- (b) Floor area devoted to light manufacturing is limited to 50 percent of the gross floor area of any individual establishment.
- (c) The light manufacturing operations shall be fully enclosed within a building.

§9-1-11.2 Accessory Uses. Outdoor displays, sales, service, and minor entertainment are permitted accessory uses provided that they meet the following:

- (a) Merchandise displayed or sold and services rendered are permitted uses.
- (b) Minor entertainment is provided by groups of five or fewer performers without electronic amplification; performances have a duration period of no more than one hour in any one location within a 50-foot radius, and the hours of minor entertainment fall between the hours of 9:00 AM to 9:00 PM.
- (c) All such outdoor displays, sales, service or minor entertainment takes place on private property with the written consent of the owner or agent of said property, or on public property with consent from the city.
- (d) No display, sales, service or minor entertainment blocks the required pedestrian walkways. A clear area with a minimum width of four feet shall be left between the street and the building entry or exit.
- (e) All booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.

§9-1-11.3 Trash and Loading Areas. In order to preserve the pedestrian orientation of the downtown area, all servicing, loading, and solid waste collection shall take place off-street

away from pedestrian walkways, generally in bays provided in the alleys or in screened, internal, rear spaces if alleys are not available.

§9-1-12        SIGNS

The following guidelines apply specifically to the Downtown Specific Plan area.

§9-1-12.1 Ground-Mounted Pole Signs. Ground mounted pole signs are not permitted in the Downtown Specific Plan area. Monument signs may be permitted as a conditional use, subject to the requirements of Section 10-1 of this code.

§9-1-12.2 Projecting Signs. No portion of a sign shall project above a parapet or eave. Tower elements that are integral to the building architecture can be considered exceptions (e.g., an existing theater marquis).

§9-1-12.3 Historic Wall Signs. Existing painted wall signs that are deemed by the city to have historic significance, shall not be removed, defaced, painted over or covered. Building owners are encouraged to restore these signs and maintain their historic character.

§9-1-12.4 Pedestrian orientation. All signs shall be designed for visual communications to pedestrians and slow-moving vehicular traffic. Signs projecting from the building wall toward the sidewalk are emphasized because they are typical of communities possessing a village scale and pedestrian orientation.

§9-1-12.5 Illumination. In order to maintain the historic quality of the downtown area, signs shall be externally illuminated from concealed sources or approved ornamental exposed fixtures. No internally illuminated signs shall be permitted or replaced, with the exception of neon lighting on theater marquis.

§9-1-12.6 Materials and Color. Three dimensional letter forms provide shape and shadow to building and tenant signs and are preferable to flat, painted-on letters. Wood or metal type or logos may be applied directly to the building façade. Colors on signs should be natural metals, or painted black, white, gray, beige and other colors compatible with the existing signs and building materials. Letter style shall be consistent for each tenant in any multi-tenant building.

§9-1-12.7 Size limitations. Tenant identification signs; including wall, window, awning, and projecting signs, or any combination thereof, shall not exceed one square foot of sign for each linear foot of building frontage, with a maximum of 100 square feet of total signage. Building identification signs, consisting of the name of the building, the address, and the date of construction, shall be limited to 20 square feet maximum. Accessory signage for parking control, pedestrian flow, or other signage not described above shall be limited to four square feet in area maximum.

**[See Commentary]**