

## CURRY COUNTY ZONING ORDINANCE

### DRAFT MIXED-USE MASTER PLAN ZONE

#### **Proposed text amendments to the *Curry County Zoning Ordinance* to create the Mixed Use Master Plan Zone.**

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#### **Proposed Amendments to Article III – Use Zones:**

##### Section 3.460 Mixed Use Master Plan (MUMP) Zone.

**Purpose of Classification.** The Mixed Use Master Plan (MUMP) zone is designated to be applied to residential areas where a variety of housing types and densities with limited commercial office and retail uses to serve the surrounding residential neighborhood may be appropriate. This zone is intended to be applied only within urban growth boundaries identified by the *Curry County Comprehensive Plan*. The intent and purpose of the MUMP zone is to:

1. Implement the Mixed Use Policies of the Curry County Comprehensive Plan;
2. Implement adopted Comprehensive Development Plan(s), Public Facilities and/or Transportation System Plans;
3. Provide alternative “clear and objective” or “discretionary” approval for tracks of lands inventoried for needed housing as follows:
  - a. A discretionary track that encourages flexibility and innovative design:  
and
  - b. A “clear and objective” track consistent with the requirements of Oregon’s “needed housing statutes” that land inventoried for needed housing within acknowledged urban growth boundaries be made available under a permitting track that is subject only to local approval standards and procedures that are “clear and objective” and do not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay (ORS 197.307(6));
4. Encourage innovative planning that results in mixed-use development, improved protection of open spaces, parks, and natural features, and greater housing and transportation opportunities within urban growth boundaries;
5. Encourage developments that recognize the relationship of sustainable development and sustainable business practices;
6. Encourage and support affordable and workforce housing options and mixed-income neighborhoods;
7. Promote flexibility in design and permit diversification in type, density, and

- location of structures; and
8. Provide compatibility with surrounding land uses.

Section 3.461. Special Definitions.

Unless the context specifically indicates otherwise, as used in CCZO Section 3.460 to Section 3.476, the following mean:

1. **Building Footprint.** The outline of the total area covered by building's exterior walls at ground level, exclusive of courtyards.
2. **Comprehensive Development Plan.** A comprehensive long-range plan that implements the goals and policies of the *Curry County Comprehensive Plan* and guides future development for a defined area within an urban growth boundary outside of the city limits where public facilities and/or transportation system plans either do not exist or need to be revised.
3. **Dwelling unit** means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
4. **Gross acre(s)** means the total horizontal area within the boundaries of a lot, parcel, combination of any number of lots or parcels, any unit or units) of land, any comprehensive development plan, or master plan of development exclusive of public and private roads, and easements of access to other property.
5. **Limited Commercial Office-Retail Node.** Tract(s) of land for commercial use adjacent to and at the intersection of two collector streets/roads or a collector and a residential street.
6. **Master Plan of Development (MPD).** A detailed regulatory plan that implements the adopted *Curry County Comprehensive Plan*, any adopted Comprehensive Development Plan, and the provision of the MUMP zoning designation.
7. **Mixed-Use Building.** A single building containing more than one type of land use such as, but not limited to, residential, office, retail, public, or entertainment.
8. **Open Space.** Areas designated on the final plan of a planned development, or phase thereof, which are permanently set aside for the common use of the general public; for members of a homeowners association; or for the owners and invitees of lands subject to conservation and open space easements. Open areas may be landscaped and/or left with a natural tree cover.
9. **Urban Growth Area.** The unincorporated area between a given city limits and the Urban Growth Boundary (UGB) as identified by the *Curry County*

*Comprehensive Plan* in which urban services and facilities can be extended and development at urban intensity and density will occur.

Section 3.462. Establishment of Mixed Use Master Plan (MUMP) Zone

The MUMP zone may be established on land only within urban growth boundaries as identified by the *Curry County Comprehensive Plan* having a Curry County “Residential” Comprehensive Plan designation.

Section 3.463. Land Use Regulations.

1. All development in the MUMP zone shall be undertaken pursuant to a Comprehensive Development Plan (if adopted) and the development standards set forth in the Curry County Zoning Ordinance (CCZO) Sections 3.464 to 3.476.
2. An area within an urban growth boundary having an MUMP zoning designation may establish land use regulations and development standards that differ from the regulations in the Curry County Zoning Ordinance with the adoption of a MPD. Where a provision in an adopted MPD differs from other provisions of the Curry County Zoning Ordinance the adopted MPD shall govern.

Section 3.464 General Development Standards.

The following general development standards shall apply to all development of greater than 40 acres or areas designated as “Master Planned Areas” with a MUMP zoning designation:

1. The maximum number of dwelling units within the MPD area shall not average more than 6 dwelling units per gross acre;
2. A minimum of 10 percent of the gross acreage of the property shall be reserved as natural open space, trails, parks, civic or public use;
3. The perpetual maintenance of any open space shall be required and described in any Master Planned Development;
4. A MPD covering a specific proposed area must be submitted and approved pursuant to the provisions of CCZO Section 3.467 through Section 3.470 prior to the occurrence of any new development.

Section 3.465. Uses Permitted Outright

Except as otherwise provided pursuant to Section 3.463(2) and as otherwise provided by an approved MPD, the following uses and their accessory uses are permitted outright:

1. Residential when developed pursuant CCZO Section 3.464

- a) Single-family dwelling.
  - b) Mobile Home or Manufactured Home.
  - c) Multiple-family dwelling.
2. Professional Offices in a Limited Commercial Office-Retail Node:
    - a) Office of a physician, dentist or therapist;
    - b) Real estate sales,
    - c) Legal office, accountant office, etc.
    - d) Medical Clinic
  3. Retail Sales in a Limited Commercial Office-Retail Node:
    - a) Drugstores;
    - b) Grocery or food stores;
    - c) Bakery;
    - d) Book or stationary shop;
    - e) Newsstands;
    - f) Restaurants, café, coffee shops, dining rooms and tea rooms;
    - g) Bakery;
    - h) Handicraft or gift store including the manufacture of such goods on the premises;
    - i) Barber or beauty shop;
    - j) Laundry and dry cleaning pick-up service establishments;
    - k) Post office station;
    - l) Other small retail uses with no more than 500 square feet total.
  4. Mixed Use Buildings in a Limited Commercial Office-Retail Node.
  5. Utility facilities necessary for public service, (e.g. fire stations, utility substations, etc.) except commercial facilities for the purpose of generating power for public use by sale.
  6. Church, school or community building for public or non-profit organizational use.
  7. Parks or open spaces for public or private use

#### Section 3.466 Conditional Uses

Unless otherwise approved in the MPD, the following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and, upon the recommendation of the Commission, the Board approves the proposed use based upon relevant standards for review in this ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.

1. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for

- material that cannot be reasonably stored in an established commercial storage facility.
2. Television, microwave, and radio communication facilities and transmission antenna towers.
  3. Home Occupation when operated under the provisions of CCZO Section 7.040(7).

Section 3.467 Master Plan of Development (MPD).

1. Review and approval of a MPD may occur concurrently with the review and adoption of a Comprehensive Development Plan.
2. The area subject to a MPD shall contain no less than forty (40) acres.
3. Standards, regulations, or processes stipulated in an approved MPD shall supersede all other standards, regulations, or processes of the zoning ordinance and shall be used as review criteria for any specific development proposal within the area covered by the MPD.
4. If residential development standards are provided in the MPD, then approval of such standards shall be reviewed and approved as “alternative approval criteria” under ORS 197.307. All such standards, regulations, or processes shall apply in lieu of the clear and objective standards set forth under Section 3.471 or any other applicable section of CCZO and shall govern all residential development identified within the area subject to the MPD. The use of such alternative standards shall be documented pursuant to Section 3.468.
5. MPD requirements. The MPD shall include the following elements in the form of map(s), text, or both, as applicable:
  - a) Illustrative site plan;
  - b) The general allocation and identification of major proposed land uses, including residential (by density range), nonresidential, limited commercial office, limited retail, open space, and recreational land uses;
  - c) Name, location, and extent of existing or proposed major streets located within the MPD area or needed for servicing the MPD area;
  - d) Typical street cross-sections by street classification (i.e., arterial, collector, residential, alley, etc.) if any deviation is requested from county standards;
  - e) A detailed listing of the permitted land uses in the Master Development Plan area;
  - f) Detailed standards or regulations governing permitted uses, such as performance standards and standards for development, regulations

- for development densities, heights, floor area, open space, lot area and coverage, parking, landscaping, and other site improvements;
- g) Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife;
  - h) An inventory and identification of all wetland and riparian resources, all intermittent and perennial waterways;
  - i) Where applicable, the methods of protection or conservation for natural features, historic structures, and view sheds;
  - j) Standards and responsibilities for maintenance of infrastructure and whether the infrastructure is to be public or private;
  - k) Standards for phasing and construction of streets proposed for the Master Development Plan area or needed for servicing the project as identified in the required study(ies) submitted with the Master Development Plan proposal;
  - l) Standards for the phasing and construction of sewage disposal, effluent use, storm and surface water drainage, solid waste disposal, and public utilities as identified in the required studies submitted with the Master Development Plan proposal;
  - m) A draft form of financial assurances for the construction of public infrastructure to be recorded prior to Master Development Plan approval;
  - n) Specifications as to how and to what extent the Master Development Plan is to supplement or supersede adopted County regulations;
  - o) Storm and surface water plan;
  - p) Sanitary sewer system plan;
  - q) Water system plan;
  - r) A traffic impact analysis (TIA) update that includes trip generation factors for various modes, estimated trips per day by land use, proposed vehicular access and circulation plan, and traffic impacts by mode on adjacent development;
  - s) Assurance that electrical service can be provided to the subject property prior to approval of the Master Development Plan;
  - t) Impacts on existing structures and other development;
  - u) Impacts on existing infrastructure and public services;
  - v) Location of archaeological artifacts on any property located within a archeological sites identified in the *Curry County Comprehensive Plan*; and

- w) Other information, as may be determined necessary by the Planning Director.

Section 3.468 Review Criteria for approval of or an amendment to a Master Development Plan.

1. The Planning Commission may recommend approval of an application to the Board of Commissioners for a MPD upon finding that the following approval criteria have been met:
  - a. The proposed MPD is consistent with the purpose identified in Section 3.460;
  - b. The proposed phasing schedule, if any, is reasonable and does not exceed 10 years between commencement of development on the first and last phases unless otherwise authorized by the Planning Commission either at the time of approval of the MPD or by a modification to the MPD. If at the end of 10 years the project is not built out, the Planning Commission shall review the MPD and shall have the ability to require changes to or rescind the plan based on existing conditions.
  - c. The proposed MPD will demonstrate that adequate utilities and infrastructure are available or can reasonably be made available at each phase. The proposed MPD will further demonstrate that existing utility services and water supplies for adjacent properties will not be negatively affected at each phase.
  - d. The proposed MPD will demonstrate that the plan respects the physical characteristics of the site.
  - e. The circulation proposed MPD will demonstrate that adequate transportation facilities are available, and the plan promotes the most economic, safe and efficient movement of traffic.
  - f. The proposed MPD meets the applicable requirements of the Urban Growth Boundary Joint Management Agreement.

Section 3.469. Action by Planning Commission.

1. The Commission shall conduct a public hearing in accordance with CCZO Section 2.140.
2. Following the close of the hearing the Commission shall recommend the approval, approval with conditions, or denial of the MPD. The recommendation shall be forwarded to the Board and include findings that specify how the application has or has not complied with the above review criteria.

Section 3.470. Action by the Board of Commissioners

1. Upon receipt of said report from the Commission, a public hearing shall be set for a regular meeting of Curry County Board of Commissioners following the receipt of the report.
2. At the conclusion of the public hearing, the Board may enact an ordinance granting approval of the MPD, approval of the MPD with conditions, or may, by motion, deny the granting of the MPD.

Section 3.471 Residential Development Standards.

1. Any residential development shall conform to standards set forth in a MPD or the standards set forth in this section.
2. Except as otherwise provided by an approval MPD, the following development standards shall apply to all residential development:
  - a) **Minimum Lot Size.** Except as may be required to meet minimum setbacks and any requirements providing for a minimum square footage of a building or structure, there are no minimum lot size requirements for residential development. However, the overall residential development shall not average more than 6 dwelling units per gross acre.
  - b) **Building Setbacks.**
    - i) A minimum five-foot (5') setback is required from all alley rights-of-way.
    - ii) A minimum ten-foot (10') setback is required from all access easement or street rights-of-way. Open covered and uncovered porches may extend within the street setback to within five (5) feet of the property line. Except as may otherwise be required by Uniform Building Code Standards, no other minimum building setbacks apply.
  - c) **Frontage Requirements.** Residential lots shall have the following street frontage:
    - i) For single-family residential development, a minimum of eighteen (18) feet per residential unit; and
    - ii) For multi-family residential development, a minimum of twenty-four (24) feet.
  - d) **Lot Coverage.** The maximum lot coverage for residential development shall not exceed fifty-five (55) percent of the lot or parcel.
  - e) **Building Height.** No building shall exceed thirty-five (35) feet in height, except as provide in CCZO Section 5.050.

- f) **Building Orientation.**
  - i) All single-family attached homes and multi-family residential complexes shall have their primary orientation to the street. Entrances to multi-family buildings may include entrances to individual units or breezeway/courtyard entrances (i.e. to a cluster of residential units); or
  - ii) All single-family attached homes and multi-family residential complexes may have its primary orientation to a side yard when a direct pedestrian walkway is provided between the main entrance and the street.
- g) **Parking.** The provisions of CCZO Section 4.020 regarding Off-street Parking standards shall apply to all residential uses.

- 3. All applications for development shall be subject to the provisions of the Natural Hazard Overly Zone (CCZO Section 3.250 through Section 3.253.)

Section 3.472 Limited Commercial Office, Limited Commercial Retail, Mixed Use, and Other uses.

- 1. Except as otherwise provided by an approved MPD, any development, other than residential, shall conform to standards set forth in a MPD or the standards set forth in this section. If a MPD has been adopted for the area of proposed development, then the applicant shall proceed according to the standards set forth in the MPD.
- 2. Unless otherwise specified in an approved MPD, the following development standards shall apply to all limit commercial development within the MUMP zone:
  - a) **Minimum/Maximum Lot and Building Size.** There shall be no minimum lot size for limited commercial office/retail development except as may be required to meet minimum setbacks and any requirements providing for a minimum square footage of a building or structure. Limited commercial office and retail nodes shall be limited to a maximum of five (5) acres. Commercial office buildings and/or structures shall be limited to a maximum of 3,000 square feet and commercial retail establishments shall be limited to 6,000 square feet.
  - b) **Location: The distance between** Commercial Office and retail nodes shall not be less than 2,640 lineal feet (0.50 mile).
  - c) **Building Setbacks.**
    - i) A minimum five-foot (5') setback is required from all alley rights-of-way.
    - ii) A minimum ten-foot (10') setback is required from all

access easement or street rights-of-way. Except as may otherwise be required by Uniform Building Code Standards, no other minimum building setbacks apply.

- d) **Frontage Requirements.** All limited commercial office/retail lots/parcels shall have a minimum of 16 feet of street frontage on a collector street or road.
  - e) **Lot Coverage.** No minimum.
  - f) **Building Height.** No building shall exceed thirty-five (35) feet in height, except that the building height may exceed thirty-five (35) feet with a written statement from the provider of fire protection service that there is adequate equipment and services available to provide fire protection.
  - g) **Building Orientation.** All commercial office and retail establishments shall have its primary orientation to a collector street or road. A direct pedestrian walkway shall be provided between the main entrance and the street.
  - h) **Parking.** The provisions of CCZO Section 4.020 regarding Off street Parking standards shall apply.
  - i) **Hours of Operation.** All commercial office and retail establishments within the MPD zone shall not be open for business earlier than 6:00 am and shall close not later than 12:00 midnight.
  - j) **Open Storage.** Outdoor storage of materials and equipment is prohibited.
3. All applications for development shall be subject to the provisions of the Natural Hazard Overly Zone (CCZO Section 3.250 through Section 3.253.)

#### Section 3.473 Natural Resource Guidelines.

- 1. The presence of natural resources define the special character of the land within it. In order to maintain this character, a MDP, any subsequent MPDs or any development within the MUMP zone, shall identify how natural hazards will be mitigated.
- 2. The MPD or any subsequent MPD shall consider all of the following:
  - a) Preservation of the natural drainage patterns of the site to the extent practical;
  - b) Existence and use of native plant species, where appropriate;
  - c) Integrity of mature stands of trees that are in good health; and
  - d) Significant wildlife habitat; and
  - e) Minimization of the amount of impervious surfaces near all

waterways.

Section 3.474 Mixed Use Master Plan Zone Implementation and Assurances.

1. **MUMP Zone Implementation.** The implementation of the MUMP zone shall comply with the procedures of the Curry County Zoning Ordinance. The MPD may establish additional implementation procedures, provided such methods are not in direct conflict with procedures required by State or local law.
2. **Assurances.** The Curry County Commissioners or other provider of services may require financial or other assurances for any development in the MUMP zone to ensure proper installation of required street, sewer, electric and water utilities, drainage, flood control, and other improvements.

Section 3.475 Affordable and/or Workforce Housing Requirements

Affordable and/or workforce housing shall be provided for development with a density or potential density of six (6) residential units or greater per gross acre as follows:

1. Thirty-five (35) percent of the total number of residential dwelling units to qualifying buyers or renters with incomes at or below 120% of median income; or
2. Twenty-five (25) percent of the total number of residential dwelling units to qualifying buyers or renters with incomes at or below 100% of median income; or
3. Twenty (20) percent of the total number of residential dwelling units to qualifying buyers or renters with incomes at or below 80% of median income; or
4. Fifteen (15) percent of the total number of residential dwelling units to qualifying buyers or renters with incomes at or below 60% of median income; or
5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.

The total number of affordable units described in this Section shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 20 years.

**Section 3.476 Issuance of Building Permits.**

If alternative standards have been approved in the MPD and are utilized in a specific development proposal, a statement of compliance shall be submitted at the time of application for building permit to demonstrate how the proposed development complies with the Uniform Building Code and any alternative standards adopted as part of a MPD.

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