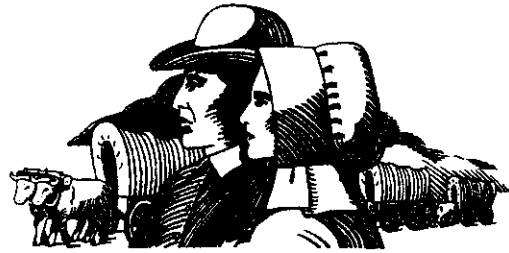


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 657-7892



AGENDA

City Commission Chambers - City Hall
October 18th, 2004 at 5:30 P.M.

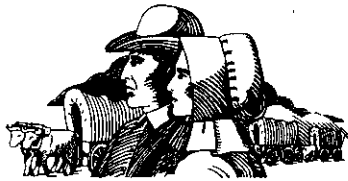
The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

JOINT CITY COMMISSION AND PLANNING COMMISSION WORK SESSION

Work Session Topics:

1. Discussion of City Commission and Planning Commission communication and membership size.
2. Review and discuss recommended "clean up" code changes and map amendments as part of the Comprehensive Plan and Zoning Code update that was implemented on June 18th, 2004 (Planning File L 03-01).
3. Discussion of the Urban Growth Boundary and "Hard Edges" concepts.

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.



CITY OF OREGON CITY

INCORPORATED 1844

Community Development Department

Planning Division

P.O. Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045

Phone: (503) 657-0891 Fax: (503) 722-3880

TO: Honorable Mayor, City Commission and Planning Commission

FROM: Tony Konkol, Senior Planner

DATE: October 12, 2004

RE: Legislative File L 03-01- Review: Comprehensive Plan Update and Zoning Code Amendments

Dear Mayor and Commissioners:

The packet for the October 18th, 2004 joint City Commission and Planning Commission work session includes the revised amendments to the Oregon City Comprehensive Plan and Municipal Code— Version 4 that were approved unanimously by the Planning Commission at the October 11th, 2004 hearing.

There have been minor changes throughout the document addressing spelling and grammatical errors and providing consistency of amended code sections. In addition to minor changes throughout the document the following changes are proposed:

1. Policy 2.2.1 has been amended to clarify that Metro's definition of a regional center should be redefined to recognize the unique character of Oregon City and Policy 2.2.5 has been amended to encourage the cultural development of downtown Oregon City. Policy 2.2.13 addresses the future development of office on the first floor in the Downtown Design District.
2. Chapter 10 – Housing of the Comprehensive Plan has been amended to include additional background information concerning State and Metro Requirements. Goal 10.1 has been amended to remove the reference to affordable housing and Goal 10.2 has been added with accompanying Policies to address affordable housing.
3. Chapters' 16.12.030, 16.12.110 and 16.12.360 have been amended to remove Private Streets from the code. Private streets were allowed in Planned Unit Developments, which have been removed from the code, thus the reference to Private Streets in these three chapters is not necessary.
4. Chapter 16.12.290 has been amended to address the orientation of residential homes on collector and minor arterial streets. The proposed amendments allow greater flexibility in the design options for lots on collector and minor arterial streets, including joint driveways and landscape buffering

5. Chapter 16.12.235 has been amended to reflect the new residential zoning classifications previously adopted by the City.
6. Chapter 17.04 has been amended to clarify the definition of single-family, single-family attached, a duplex and multi-family dwellings. The definition of Home Occupation has been amended to allow the use in an accessory building.
7. Chapter 17.06 has been amended to update the Zoning District Classification tables to accurately reflect the new zoning designations and dimensional standards adopted by the city.
8. Chapters 17.08: R-10, 17.10: R-8, 17.12: R-6, 17.16: R-3.5 and 17.18: R-2 have been amended to reference the new Housing Design Standards of Chapter 17.20 and to remove the previous Garage Standards and Maximum Lot Coverage requirements. The previous language addressing Farm uses has been added to the R-10, R-8 and R-6 permitted uses sections.
9. Chapter 17.20 is a new section to the code that addresses Residential Design Standards and includes standards for garage width, location and housing design standards to be incorporated into new homes and additions to existing homes in excess of 50% of the existing floor area of the dwelling.
10. Chapter 17.22 – Limited Office was previously removed from the code.
11. Chapter 17.24 – Neighborhood Commercial has been amended to allow the Conditional Uses identified in Chapter 17.56 – Conditional Uses of the OCMC and provide a review process for a building in excess of 10,000 square feet. The Limited Uses have been expanded to allow dwelling units on the second floor in conjunction with an approved conditional use. The Parking Standards have been removed from this section and have been incorporated into Chapter 17.52 - Off-Street Parking.
12. Chapter 17.26 – Historic Commercial has been amended to expand the Permitted Uses to include the MUC-1 permitted uses and single-family detached residential units. The Conditional Uses have been amended to allow the condition uses identified in the MUC-1 zone. The Dimensional Standards have been amended to allow greater flexibility when the parcel is not adjacent to a residentially zoned property.
13. Chapter 17.29 – Mixed Use Corridor Conditional Uses have been amended to allow for the review of a single store in excess of 60,000 square feet in the MUC-1 zone. The Parking Standards have been removed from this section and have been incorporated into Chapter 17.52 - Off-Street Parking.
14. Chapter 17.30 – Tourist Commercial was previously removed from the code.
15. Chapter 17.31 – Mixed Use Employment has been amended to remove “Distributing, wholesaling and warehousing” from the Prohibited Uses and include the uses in the Permitted Uses. These uses seem compatible with, and appropriate for, a Mixed Use Employment area.
16. Chapter 17.32 – Commercial has been amended to increase the maximum building height from 35 to 45 feet to allow greater flexibility in building design and maximize the potential use of the site.
17. Chapter 17.34 – Mixed Use Downtown has been amended to rename the “Historic Overlay District” to the “Downtown Design District”. The Permitted Uses have been amended to replace General Commercial uses with Mixed-Use Corridor – 2 uses, which is more restrictive and allows greater review for auto-orientated developments. The parking requirements for developments in the Downtown Design District have been amended to allow the minimum number of offstreet parking

stalls to be reduced by half. This will encourage the full use of the site and promote the redevelopment of the existing buildings.

The Conditional Uses have been expanded to include parking lots not in conjunction with a primary use and drive through facilities for all uses except car washes, which are prohibited.

18. Chapter 17.44 – Unstable Slopes has been renamed Geologic Hazards and amended to limit grading during the wet seasons, limit the size of hillside fills and cuts and minor changes to clarify the construction standards required by the city.
19. Chapter 17.50 – Administration and Procedures has been amended to clarify the noticing requirements for an Appeal of a decision to the City Commission. The Appeal will not be noticed in the newspaper and the notice will only be mailed to those with standing.
20. Chapter 17.52 – Off Street Parking and Loading has been amended to allow the number of required spaces of a development to be reduced if the development is Transit Orientated, includes a Transportation Demand Management Program or Shared Parking is provided. The proposed changes will allow an option to increase the use of the property for building space rather than parking stalls.
21. Chapter 17.54 – Supplemental Zoning Regulations and Exceptions has been amended to require that accessory structures be located behind the front façade of the dwelling unit and the prohibition of seasonal fireworks sales has been removed.
22. Chapter 17.56 – Conditional Uses has been amended to remove assisted living facilities for seniors and public housing projects. The criteria for the placement of Churches and Other Religious Facilities have been removed and staff recommends that the requirements of the underlying zone be utilized.
23. Chapter 17.60 – Variances has been amended to include a Minor Variance procedure that will be reviewed by Staff and an expansion of the definition of a Minor Variance.
24. Chapter 17.61 – Adjustments in the Mixed Use Zones has been removed from the OCMC. The Minor Variance procedures of Chapter 17.60 have been expanded to address the options previously included in this section.
25. Chapter 17.62 – Site Plan and Design Review has been amended to address the Downtown Design District of the Mixed Use Downtown zone and clarify that Site Plan and Design Review is not required in the R-3.5 dwelling district.
26. Chapter 17.68 – Zoning Changes and Amendments has been amended to reference the correct fee schedule.
27. Chapter 17.80 – Communication Facilities has been amended to accurately reflect the new zoning designations of the OCMC.

The most recent proposed Comprehensive Map, Zoning Map, Comprehensive Plan, and Amended Zoning Code are available at City Hall, the Oregon City Library, and on the Oregon City web site.

Amendments to the Oregon City Comprehensive Plan, Plan Map, Municipal Code and Zoning Map.

City of Oregon City **Planning Division**

Dan Drentlaw – Community Development Director

For more information, contact:

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The Planning Division is committed to providing equal access to information and hearings. For equal access to information, call the Planning Division at (503) 657-0891.

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OREGON CITY COMPREHENSIVE PLAN AMENDMENTS

2. LAND USE

GOALS AND POLICIES

Goals

Goal 2.2: Downtown Oregon City

Develop the Downtown area (which includes the historic downtown area, the “north end” of the downtown, Clackamette Cove, and the End of the Oregon Trail area) as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for foot and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

Policies

- Policy 2.2.1 Redefine the **Metro** regional center concept to recognize the unique character of Oregon City while being in accordance with Metro’s 2040 Growth Concept.
- Policy 2.2.2 Support multi-modal transportation options throughout the regional center and to other regional and town centers.
- Policy 2.2.3 Develop and promote a vision for the economic development and redevelopment of the downtown area that solidifies the Downtown Community Plan and Waterfront Master Plan.
- Policy 2.2.4 Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the regional center develops to its maximum capacity and realizes its full potential.
- Policy 2.2.5 Encourage the development of a strong and healthy historic downtown retail, office, **cultural** and residential center.
- Policy 2.2.6 Work with major stakeholders, develop and implement a strategy to help the historic downtown area enhance its position as a retail district. Such a strategy might include funding for a “Main Street” or similar program.
- Policy 2.2.7 Explore options for improving downtown vehicle circulation and parking in a manner that promotes revitalization.
- Policy 2.2.8 Implement the Downtown Community Plan and Waterfront Master Plan with regulations and programs that support compatible and complementary mixed-uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial, and retail uses in the regional center, all at a relatively concentrated density.
- Policy 2.2.9 Improve connectivity for vehicles, bicycles, and pedestrians within the downtown and waterfront master plan areas and improve linkages between residential areas to the community beyond.
- Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Water Front Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office/retail, and family recreation.

- Policy 2.2.11 Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.
- Policy 2.2.12 A master plan will be required at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development which includes changing the overall site to non-industrial land uses.
- Policy 2.2.13 Monitor the redevelopment within the Downtown Design District and investigate the need to require retail and service uses on the first floor and limiting residential and office uses to the second floor and above.**
-

10. HOUSING

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 10, Housing. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Oregon City is required by regional and state requirements to provide an adequate supply of vacant and buildable land for future residential growth and ensure that land is designated for a variety of housing types to fit a range of income and need. The housing element and its supporting resource document are intended to satisfy those requirements.

Oregon City recognizes that the health of the city depends on the health of the neighborhoods that form the building blocks of a livable city. The housing goals and policies are intended to ensure that the integrity of existing neighborhoods is protected and that planning for new neighborhoods as the city expands is comprehensive and inclusive of a range of housing types and services to serve residents.

Background

Oregon City is unique in the area for its role in Oregon history and for the age and diversity of its housing stock. Many of the older homes and buildings have historical significance. Therefore, housing planning in the city is aimed at both development of new housing units and preservation or careful redevelopment of older historic housing units. Like many other communities in the Willamette Valley, Oregon City grew more quickly than expected in the 1990s—nearly doubling in size—and more units will be needed to accommodate new residents or citizens wishing to move into different types of housing.

Existing Conditions

This Housing Element summarizes the results of a housing study conducted in 2002 to determine whether existing comprehensive plan and zoning designations would accommodate growth through 2017. The study included an inventory of existing vacant buildable and underutilized land, compared the characteristics of the existing housing stock and demographics in Oregon City and the region, and forecasted housing needs. The housing study became the Housing Element Resource Document and supports this Housing Element. Readers should refer to the resource document for detailed information on Oregon City's demographic composition (2000), residential land inventory (2002), and projected housing need (to 2017).

The housing study revealed that affordability of housing is an issue, as in many jurisdictions. Housing affordability is based on the percentage of monthly income spent on housing. Using the US Department of Housing and Urban Development's standard formula to determine affordability of 30 percent of monthly income, 12 percent of Oregon City residents cannot afford a studio apartment, and over 23 percent are not able to afford a two-bedroom apartment. When compared against the region it is found that 12 percent of the Portland Metro Area cannot afford a studio apartment and 26 percent are not able to afford a two-bedroom apartment. Fair market rents are slightly higher in the Portland Metro Area, making rents less affordable for low and very low incomes when compared to Oregon City.

Other demographic characteristics revealed by the housing study were:

- Oregon City has a higher percentage of its total population in group quarters (3.5 percent) than the Portland Metro Area (1.8 percent). The number of residents seeking housing in group quarters (nursing or residential care facilities) is likely to increase as the population ages over the next 20 years.
- Oregon City has a slightly younger population than the Portland metropolitan area.
- The percentage of female-headed households living in Oregon City in poverty is significantly higher than the Portland metropolitan area (25 percent to just over 20 percent).
- Household income distribution in Oregon City mirrors that of the Portland metropolitan area.
- Oregon City's composition of housing stock by type of housing (e.g., single family detached and multi-family) and the percentage of renters versus owners is similar to that in the Metro area.
- Oregon City has a deficit of land for multifamily units to meet expected demand.

State and Metro Requirements

Both the State of Oregon and Metro have requirements that Oregon City must fulfill with respect to its comprehensive planning for residential needs. The Statewide Planning Goal for Housing (Goal 10) is to provide for the housing needs of citizens of the state. Part of complying with the Housing Goal is ensuring not only that there is an adequate supply of vacant and buildable land for future growth, but also that the land is designated for a variety of housing types to fit a range of income, need, and preference. **Compliance with Goal 10 is demonstrated through a housing inventory and analysis, which is also part of Metro's requirements (see below). The housing inventory and analysis that were completed for this updated plan are discussed below.**

Oregon City has two Metro requirements to fulfill. The first, related to Metro's 2040 Growth Concept, is discussed in the following paragraphs. The second, related to Title 7 of the Urban Growth Management Functional Plan, concerns provisions for affordable housing and is discussed at the end of this section.

In the mid-1990s, the Metro government adopted the 2040 Growth Concept, which was developed to ensure that the region complies with state goals for land use in a coordinated way and that housing and employment growth can be accommodated equitably across the region. After the establishment of the Metro Urban Growth Boundary (UGB) around the cities, the affected cities and counties negotiated targets for new dwelling units and jobs. In 1994, Metro and Clackamas County estimated that Oregon City should expect to accommodate 9,940 additional units between 1994 and 2017, within the city and the UGB. To comply with the Metro target, Oregon City needed to demonstrate that, after subtracting units built between 1994 and 2002, the land use designations on remaining vacant and underutilized land would accommodate the difference in needed new dwelling units. If Oregon City could not accommodate the new housing units, then the City would need to find other ways to meet the capacity target, most likely through increasing minimum residential densities within the city and UGB.

The 2002 housing inventory revealed that 3,665 dwelling units were built between 1994 and 2002, which left 6,075 new units needed to meet the Metro 2017 target. After accounting for expected future accessory dwelling units and environmentally constrained land, the overall planned density of residential land in Oregon City and within the UGB was not sufficient to meet the dwelling unit capacity targets established by Metro. Full development of all vacant and partially vacant land under the current comprehensive plan designations would result in only 4,593 new units missing the capacity target by over 1,400 units.

Through the involvement of a citizen advisory group and with input from staff, the City made changes to the comprehensive plan map and to the zoning code. Overall, the changes in the comprehensive plan update provided the additional units needed to meet Metro's 2017 residential target for Oregon City. The 2002 population of 27,270 plus the population expected at build out (including the 2002 UGB expansions at South End Road and Redland Road), yields a population of approximately 45,700 in 20 years.¹

A new plan map designation of "Mixed Use" was developed to include the mixed use zones planned for downtown as well as other areas of the city suited to combinations of compatible uses. To increase the range of housing available, some areas of the city were recommended to be redesignated to more intense residential uses based on the following locational criteria:

- along arterials or collectors
- close to business districts and employment and education centers
- in the downtown mixed use area
- adjacent to similar more intense densities

In January 2001, Metro Council adopted amendments to the Regional Framework Plan and Urban Growth Management Functional Plan (UGMFP) to further the implementation of the Regional Affordable Housing Strategy. The UGMFP amendments require local jurisdictions to consider the adoption of a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as constituting no more than 30% of household income for people making 50% of the Median Household Income (in each jurisdiction). By that definition, an affordable housing unit in Oregon City in 2000 would not cost more than \$570 per month. The housing inventory and analysis completed for the comprehensive plan update showed that the number of lower-cost units in Oregon City was less than the number needed to meet all of the housing needs of the city's lower-income residents. Consequently, this Housing element adopts Title 7 tools and strategies as Goal 10.2 and Policy 10.2.3 below.

Many of the policies for the 1982 comprehensive plan were still relevant and were carried over into the updated plan. Since the housing inventory conducted in 2002 established baseline data for housing, an action item to keep the database current was also added.

GOALS AND POLICIES

Goal 10.1: Providing diverse housing opportunities for Oregon City residents.

Provide for the planning, development and preservation of a variety of housing types and lot sizes.
~~to provide for needed affordable housing.~~

Policies

Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing comprehensive plan and zoning designations where appropriate.

¹ Assumes 2.62 per household and 5% vacancy.

- Policy 10.1.2 Ensure active enforcement of the City's Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.
- Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.
- Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring needed affordable housing is provided.
- Policy 10.1.5 Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.
- Policy 10.1.6 Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)
- Policy 10.1.7 Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

Goal 10.2: Provide and maintain an adequate supply of affordable housing.

Policies

- Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Map, ensure potential loss of affordable housing is replaced.
- Policy 10.2.2 Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50% of the median income for Oregon City.
- Policy 10.2.3 Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

OREGON CITY MUNICIPAL CODE AMENDMENTS

CHAPTER 16.12 LAND DIVISIONS

16.12.030 Street design--Minimum right-of-way.

All land divisions shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

- A. Complying with the street design standards contained in Table 16.12.030 below.

The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan, in particular, the following figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 16.12.030

STREET DESIGN STANDARDS

Type of Street	Right-of-Way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet
Private street	None	20 feet

- B. The applicant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found that the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate service for the residents of the land division as well as the surrounding community. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1(part), 1998)

~~16.12.110 Street design--Private street.~~

~~The city discourages the use of private streets and permanent dead-end private streets except where construction of a through street is found by the decision maker to be impracticable due to topography; some significant physical constraint such as unstable soils, wetlands, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. As a minimum, private streets and/or right-of-way shall comply with the following criteria and, if necessary, slope easements and altered curve radius may be required by the city engineer:~~

- A. ~~Maximum length of two hundred feet. An exception to this may only be permitted if emergency vehicular access and supportive facilities are provided and the application is recommended by the city engineer;~~
- B. ~~Applies only to planned unit developments;~~
- C. ~~Facilities are constructed to city standards;~~
- D. ~~Sidewalk located on one side of the street and may include rolled curbs;~~
- E. ~~Maintenance agreement identifying all owners of the lots in the plat which identifies the maintenance of the private street and mechanism for implementation; and~~
- F. ~~Minimum of twenty feet pavement width. (Ord. 98-1007 §1(part), 1998)~~

16.12.235 Building sites- Calculations of lot area.

- A. A subdivision in a **R-10, R-8, R-6, R-3.5 or R-2** single-family dwelling district may include lots that are up to ten percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

16.12.290 Building site--Setbacks and building location.

This standard ensures that lots are configured in a way that development can be orientated toward streets to provide a safe, **convenient and aesthetically pleasing** ~~and better~~ environment for pedestrians and bicyclists. **The objective is to have** ~~lots~~ located on a neighborhood collector, collector or minor arterial street ~~shall locate the front yard setback on and orientate the front of the primary structure to face the neighborhood collector, collector or minor arterial street.~~

- A. **All lots located on a neighborhood collector, collector or minor arterial shall be orientated to front the street. Corner lots may have a side yard facing the street.** ~~An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the community development director.~~
- B. **All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:**
 - 1. **No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or**
 - 2. **Allowing a single driveway access per lot will not cause a significant traffic safety hazard.**
- C. **An alternative design, such as a landscaped boulevard or access road, consistent with the intent of this section, may be approved by the Community Development Director**

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 03-1014, Att. B3 (part), 2003: Ord. 98-1007 §1(part), 1998)

16.12.360 Minimum improvements--Road standards and requirements.

- ~~A. Subdivision applicants may propose private streets so long as the design for all accessways are reviewed and approved by the city engineer as being adequate for fire and life safety access and so long as the applicant provides a legally binding means for the repair and maintenance of all private streets proposed.~~
- AB.** The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- CB.** For any public street created pursuant to subsection **AB** of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the planning manager and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions. (Ord. 98-1007 §1(part), 1998)

CHAPTER 17.04 DEFINITIONS

Chapter 17.04.220 Dwelling apartments, multi-family or condominium

A structure located on one tax lot and containing three or more dwelling units in any vertical or horizontal arrangement. ~~“Dwelling apartment” “multi-family” means a building or portion thereof designed for residential use and containing three or more dwelling units. (Prior code §11-1-6(part))~~

17.04.230 Dwelling, single-family.

~~“Single-family dwelling” means a detached building designed for and used exclusively as the residence of one family. (Prior code §11-1-6(part))~~

17.04.235 Single-family attached dwellings.

~~Single-family attached dwellings mean two attached single-family dwelling units that share a common wall but are located on separated lots of a common property line with no setbacks from the common lot line. (Ord. 99-1027 §1, 1999)~~

17.04.240 Dwelling, two-family or duplex.

~~“Two-family dwelling or duplex” means a building designed or used for residence purposes by not more than two families and containing two dwelling units per lot. (Prior code §11-1-6(part))~~

Chapter 17.04.290 Home Occupation.

~~“Home occupation” means an occupation carried on solely by the resident of a dwelling house as a secondary use, in connection with which no assistants are employed, no commodities~~

are sold other than services, no audible sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a single-family dwelling, and not more than one-half of the floor area of one story is devoted to such use. The occupation ~~may shall not~~ be carried on in an accessory building of the residence. (Prior code §11-1-6(part))

17.04.560 Residential zone.

"Residential zone" shall include any of the following zoning districts: R-10 single-family dwelling district, R-8 single-family dwelling district, R-6 single-family dwelling district, **R-3.5 Dwelling District and R-2 Dwelling District.** ~~RC-4 McLoughlin conditional residential district, RD-4 two-family dwelling district, RA-2 multi-family dwelling district.~~ (Prior code §11-1-6(part))

17.04.624.12 Single-family detached residential units.

"Single-family detached residential units" means one dwelling unit **per lot that is**, freestanding and structurally separate from other dwelling units or buildings, ~~located on a lot.~~ (Ord. 03-1014, Att. B3 (part), 2003)

17.04.624.2 Single-family attached ~~detached~~ residential units.

"Single-family **attached** ~~detached~~ residential units" means **two or more dwelling units attached side by side with some structural parts in common at a common property line and located on separate and individual lots.** ~~one dwelling unit, freestanding and structurally separate from other dwelling units or buildings, located on a lot.~~ (Ord. 03-1014, Att. B3 (part), 2003)

CHAPTER 17.06 ZONING DISTRICT CLASSIFICATIONS

17.06.070 Requirements table.

To facilitate public understanding of this title and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 92-1024 §3, 1992; prior code §11-3-1)

OREGON CITY STANDARDS

	Maximum dwelling units per acre (number)	Minimum lot area (square footage)	Maximum height (feet)	Minimum front yard (feet)	Minimum interior side yard (feet)	Minimum corner side yard (feet)	Minimum rear yard (feet)
R-10 Single-family	4.4	10,000	35	20	10/8	15	20

R-8 Single-Family	5.5	8,000	35	15	9/7	15	20
R-6 Single-Family	7.3	6,000	35	10	9/5	15	20
R-3.5	12.5	SF 3,500 DU 7,000	35	5	9/7 0/9	15	15
R-2 Multi-Family	21.8	2,000 per unit	45	5	0/9	15	Existing 10 New 20
NC Neighborhood Commercial	7.3	*	25	15	10	15	10
HC Historic Commercial	7.3	*	25	15	10	10	10
C General Commercial	21.8	*	35	10	0	10	10
GI General Industrial	0	—	40	10	0	10	10

Residential

Standard	R-10	R-8	R-6	R-3.5	R-2
Minimum Lot Size	10,000 sq. ft.*	8,000 sq. ft.*	6,000 sq. ft.*	3,500 sq. ft.*	2,000 sq. ft.*
Maximum Height	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	4 Stories (55 ft.)*
Maximum Building Lot Coverage	40%	40%	40%	NA	NA
Minimum Front Yard Setback	20 ft.	15 ft.	10 ft.	5 ft.	5 ft.*
Minimum Interior Side Yard Setback	10 ft. / 8 ft.	9 ft. / 7 ft.	9 ft. / 5 ft.	Detached – 5 ft. Attached – 7 ft.	5 ft.
Minimum Corner Side Yard Setback	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.
Minimum Rear Yard Setback	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage Standards Applicable	Yes*	Yes*	Yes*	Yes*	Yes*
Garage Setbacks	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley

*See district description for further information

Commercial

Standard	C	MUC-1	MUC-2	NC	HC
Maximum Building Height	3 Stories (45 ft)*	3 Stories (45 ft)*	60 ft	2.5 Stories (35 ft.)	3 Stories (35 ft.)
Minimum Building Height	--	--	2 Stories (25 ft.)	--	--
Maximum Lot Coverage	--	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building Footprint – 10,000 sq. ft.*	Building and Parking Lot – 80%
Maximum Front Yard Setback	5 ft.*	5 ft.*	5 ft.*	5 ft.*	5 ft.*
Maximum Interior Side Yard Setback	--	0 - 30 ft.*	0 – 33ft.*	0 - 10 ft.*	0-5 ft.*
Maximum Corner Yard Setback	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5ft.*
Maximum Rear Yard Setback	10 ft.	0 - 30 ft.*	0 – 33ft.*	0 – 10 ft.*	0 – 20 ft.*

*See district description for further information

Employment, Downtown and Industrial

Standard	MUE	MUD	MUD – Design District	GI	CI
Maximum Building Height	60 ft. / 85 ft.*	45 ft /75 ft.*	58 ft.	3 Stories (45 ft.)*	45 ft. / 85 ft.*
Minimum Building Height	--	2 Stories (25 ft)*	2 Stories (25 ft.)*	--	--
Maximum Lot Coverage	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building and Parking Lot – 100%	--	--
Maximum Front Yard Setback	5 ft.*	20 ft.*	10 ft.*	25ft.*	25ft.*
Maximum Interior Side Yard Setback	50 ft.*	0 ft.*	0 ft.*	25ft.*	25ft.*
Maximum Corner Yard Setback	5 ft.*	20 ft.*	10 ft.*	25ft.*	25ft.*
Maximum Rear Yard Setback	5 - 50 ft.*	*	10 ft*	25ft.*	25ft. / 100 ft*

*See district description for further information

Chapter 17.08 R-10 Single-Family Dwelling District

17.08.020 Permitted uses.

Permitted uses in the R-10 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. ~~C.~~ Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);**
- ~~ED.~~ Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- ~~FE.~~ Accessory uses, buildings and dwellings;
- GF.** Family day care provider, subject to the provisions of Section **17.54.050**.
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-2(A))

17.08.040 Dimensional standards.

Dimensional standards in the R-10 district are:

- A. Minimum lot areas, ten thousand square feet;
- B. Minimum lot width, sixty-five feet;
- C. Minimum lot depth, eighty feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, twenty feet minimum depth,
 - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
 - 3. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,
 - 4. Corner side yard, fifteen feet minimum width,
 - 5. Rear yard, twenty feet minimum depth,
 - 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-2(C))
- F. **Garage Standards: See Section 17.20 – Residential Design Standards**
 - ~~1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
 - ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,~~
 - ~~3. On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
 - ~~4. A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below:~~
 - ~~5. A garage may extend up to 5 feet in front of the longest front façade if:~~
 - ~~a. There is a covered front porch and the garage does not extend beyond the front line of the porch; or~~
 - ~~b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
 - ~~6. Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
 - ~~7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
 - ~~a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~

~~b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~

- G. Maximum Building Coverage: See Section 17.20 – Residential Design Standards. ~~40% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation~~

Chapter 17.10 - R-8 Single-Family Dwelling District

17.10.020 Permitted uses.

Permitted uses in the R-8 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);**
- ~~ED.~~ Temporary real estate offices in model homes located and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- ~~FE.~~ Accessory uses, buildings and dwellings;
- ~~GF.~~ Family day care provider, subject to the provisions of Section 17.54.050.
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-3(A))

17.10.040 Dimensional standards.

Dimensional standards in the R-8 district are:

- A. Minimum lot area, eight thousand square feet;
- B. Minimum lot width, sixty feet;
- C. Minimum lot depth, seventy-five feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard fifteen feet minimum depth,
 - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
 - 3. Interior side yard, nine feet minimum for at least one side yard, seven feet minimum for the other side yard,
 - 4. Corner side yard, fifteen feet minimum width,
 - 5. Rear yard, twenty feet minimum depth,
- 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 92-1030 §1, 1992; Ord. 91-1020 §2(part), 1991; prior code §11-3-3(C))
- F. Garage Standards: **See Section 17.20 – Residential Design Standards.**
 - ~~1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
 - ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,~~
 - ~~3. On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
 - ~~4. A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.~~

5. ~~A garage may extend up to 5 feet in front of the longest front façade if:~~
- ~~There is a covered front porch and the garage does not extend beyond the front line of the porch; or~~
 - ~~The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
6. ~~Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
7. ~~Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
- ~~Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~
 - ~~A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~
- G. ~~Maximum Building Coverage: See Section 17.20 – Residential Design Standards. 33% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.~~

Chapter 17.12 - R-6 Single-Family Dwelling District

17.12.020 Permitted uses.

Permitted uses in the R-6 district are:

- Single-family detached residential units;
- Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- Home occupations;
- Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);**
- ~~ED.~~ Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- ~~FE.~~ Accessory uses, buildings and dwellings;
- ~~GF.~~ Family day care provider, subject to the provisions of Section 17.54.050.
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-4(A))

17.12.040 Dimensional standards.

Dimensional standards in the R-6 district are:

- Minimum lot areas, six thousand square feet;
- Minimum lot width, fifty feet;
- Minimum lot depth, seventy feet;
- Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- Minimum required setbacks:
 - Front yard, ten feet minimum depth,
 - Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
 - Interior side yard, nine feet minimum width for at least one side yard; five feet minimum width for the other side yard,
 - Corner side yard, fifteen feet minimum width,
 - Rear yard, twenty feet minimum depth,

6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-4(C))
- F. **Garage Standards: See Section 17.20 – Residential Design Standards.**
1. ~~The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
 2. ~~The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,~~
 3. ~~On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
 4. ~~A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.~~
 5. ~~A garage may extend up to 5 feet in front of the longest front façade if:~~
 - a. ~~There is a covered front porch and the garage does not extend beyond the front line of the porch, or~~
 - b. ~~The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
 6. ~~Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
 7. ~~Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
 - a. ~~Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~
 - b. ~~A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~
- G. **Maximum Building Coverage: See Section 17.20 – Residential Design Standards.** ~~36% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.~~

Chapter 17.16 – R-3.5 Dwelling District

17.16.040 Dimensional standards.

Dimensional standards in the R-3.5 district are:

- A. Minimum Lot Area.
 1. Residential uses, three thousand five hundred square feet per unit.
 2. Non-residential uses, zero minimum;
- B. Minimum lot width, twenty-five feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum Required Setbacks.
 1. Front yard, five feet minimum depth,
 2. Interior side yard,
 - Detached unit, 5 feet minimum depth
 - Attached unit, 7 feet minimum depth on the side that does not abut a common property line.
 3. Corner side yard, ten-foot minimum width,
 4. Rear yard, fifteen-foot minimum depth,
 5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 99-1027 §3, 1999; Ord. 91-1020 §2(part), 1991; prior code §11-3-6(C))
 6. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.

F. Garage Standards: See Section 17.20 – Residential Design Standards

1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or
2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and;

On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and

A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house except as provided in subsections (5) and (6) below.

A garage may extend up to 5 feet in front of the longest front façade if:

- a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or
- b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.

6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.

7. Exception: Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:

- a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
- b. A covered balcony above the garage that is at least the same length as the street-facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

G. Maximum Building Coverage: 45% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.

17.16.050 Rebuilding of Damaged Structure

A structure containing an existing residential use in excess of the R 3.5 density standard that is substantially damaged by fire, other calamity, act of God, or the public enemy may be rebuilt to its original density provided that rebuilding be started within one year following the damage and reconstruction be completed within eighteen months of the time reconstruction is commenced.

17.16.0560 Single-family attached residential units and duplex units.

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

- A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be 10 feet in width. A lesser width may be approved by the Community Development Director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.
- B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements in **Section 16 for partitions**, Section 17.16 and the State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat. (Ord. 99-1027 §4, 1999)

Chapter 17.18 – R-2 Multi-Family Residential District**17.18.040 Dimensional standards.**

Dimensional standards in the R-2 district are:

- A. Minimum lot area:

1. Residential units, 2,000 square feet per unit.
2. Nonresidential uses, No minimum lot area is required
- B. Minimum lot width, twenty feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, four stories, not to exceed fifty-five feet;
- E. Minimum required setbacks:
 1. Front yard, five feet minimum depth (May be reduced to zero through Site Plan and Design Review),
 2. Side yard, five feet minimum width,
 3. Corner side yard, ten feet minimum width,
 4. Rear yard
 - a. Residential units prior to adoption of this ordinance, ten feet minimum depth'
 - b. Nonresidential and Multiple family residential units, ten feet minimum depth,
 - a. Single Family attached residential units and duplex development after adoption of this ordinance, twenty feet minimum depth;
 5. Buffer Area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The Community Development Director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.
 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-7(C))
 7. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.
- F. **Garage Standards: See Section 17.20 – Residential Design Standards.**
 1. ~~The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
 2. ~~The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and;~~
 3. ~~On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
 4. ~~A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.~~
 5. ~~A garage may extend up to 5 feet in front of the longest front façade if:~~
 - a. ~~There is a covered front porch and the garage does not extend beyond the front line of the porch, or~~
 - b. ~~The garage is part of a two-level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
 6. ~~Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
 7. ~~Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
 - a. ~~Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~
 - b. ~~A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~

Chapter 17.20 Residential Design Standards

Sections

17.20.010	Purpose
17.20.020	Applicability
17.20.030	Residential Design Options
17.20.040	Residential Design Standards
17.20.050	Main Entrances
17.20.060	Maximum Lot Coverage
17.20.070	Exceptions

17.20.010 Purpose.**These design standards:**

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.**
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.**
- C. Improve public safety on the public way and the front yards by providing “eyes on the street”.**
- D. Provide for community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.**
- E. Prevent garages from obscuring or dominating the main entrance of the house.**
- F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.**

17.20.020 Applicability.

The standards in section 17.20.030 through 17.20.050 apply to the street facing facades of all new single-family dwellings, manufactured homes and two-family dwelling units (duplexes) with or without a garage. An irregular lot, as defined in Section 17.20.070, shall meet 7 of the Residential Design Standards in Section 17.20.040. Additions and alterations that add less than 50% to the existing floor area of the house are exempt from section 17.20.030 through 17.20.050. Additions or alterations that are not visible from the street side of the home are exempt.

The standards in section 17.20.060 – Maximum Lot Coverage shall apply to all new and existing homes in the R-10, R-8 and R-6 single-family dwelling districts.

17.20.030 Residential Design Options.

There are six options outlined in 17.20.030 for complying with the residential design standards. Homes on corner lots and through lots shall comply with one of the six options below for the front of the lot. The “non-front” side of the lot shall have windows for a minimum of 15% of the façade and comply with three of the residential design standards in 17.20.040.A.

The garage width shall be measured based on the location of the interior garage walls. The Community Development Director may approve an alternative measurement location if the exterior façade screens a section of the garage or better accomplishes the goals of this section.

- A. The garage may be up to 50% of the length of the street-facing façade if:**
 - 1. The garage is not closer to the street than the street-facing façade; and**
 - 2. 4 of the residential design standards in 17.20.040.A are met.**

- B. The garage may be up to 60% of the length of the street-facing-façade if:
 - 1. The garage is recessed 2 feet or more from the street-facing façade; and
 - 2. 5 of the residential design standards in 17.20.040.A are met.
- C. The garage may be up to 60% of the length of the street-facing façade and extend up to 4 feet in front of the street-facing façade if:
 - 1. 6 of the residential design standards in 17.20.040.A are met; and
 - 2. 1 of the 2 options in 17.20.040.B is met.
- D. The garage may be up to 50% of the length of the street-facing façade and extend up to 8 feet in front of the street-facing façade if:
 - 1. 7 of the residential design standards in 17.20.040.A are met; and
 - 2. 1 of the 2 options in 17.20.040.B is met.
- E. The garage may be side orientated to the front lot line and extend up to 32 feet in front of the street-facing facade if:
 - 1. Windows occupy a minimum of 15% of the street-facing wall; and
 - 2. 4 of the residential design standards in 17.20.040.A are met.
- F. Where the street-facing façade of the building is less than 24 feet wide, the garage wall facing the street may be up to 12 feet wide if:
 - 1. The garage does not extend past the street-facing façade; and
 - 2. 6 of the design standards in 17.20.040.A are met; and
 - 3. 1 of the following is met:
 - a. Interior living area above the garage is provided. The living area must be set back no more than 4 feet from the street-facing garage wall; or
 - b. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least 6 feet deep and accessible from the interior living area of the dwelling unit.

17.20.040 Residential Design Standards.

- A. The residential design standards below shall be provided as required in section 17.20.030 above.
 - 1. Dormers.
 - 2. Gables or hip roof.
 - 3. Building face with 2 or more offsets of 16-inches or greater or a roof overhang of 16-inches or greater
 - 4. Recessed entry at least 2 feet behind the front façade and a minimum 8 feet wide.
 - 5. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep.
 - 6. Bay window that extends a minimum of 12-inches.
 - 7. Windows and main entrance doors that occupy a minimum of 15% of the front façade (not including the roof and excluding any windows in a garage door).
 - 8. Window trim (minimum 4-inches).
 - 9. Window grids on all front façade windows (excluding any windows in the garage door or front door).
 - 10. Front facing balconies.
 - 11. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street façade.
 - 12. Maximum 9-foot wide garage doors or a garage door designed to resemble 2 smaller garage doors and/or windows in the garage door.

13. A third garage door that is recessed a minimum of 2 feet.
14. The garage is part of a 2-level façade that has a window (minimum 12 square feet) with window trim (minimum 4-inches).

B. The residential design standards below shall be provided as required in section 17.20.030 above. The use of one of the residential design standards below shall not count towards the number of residential design standard required to be provided from Section 17.20.040.A above.

1. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep; or
2. The garage is part of a 2-level façade that has a window (minimum 12 square feet) with window trim (minimum 4-inches).

17.20.050 Main Entrances.

At least 1 main entrance for each structure shall:

- A. Face the street; or
- B. Be at an angle up to 45 degrees from the street; or
- C. Open onto a covered porch on the front or side of the residence that is at least 60 square feet, a minimum depth of 5 feet.

17.20.060 Maximum Lot Coverage.

The maximum lot coverage for the R-10, R-8 and R-6 single-family dwelling districts shall be 40% of the lot area. Accessory building 200 square feet or less are exempt from the maximum lot coverage calculation.

17.20.070 Exceptions.

A lot shall be considered irregular for the purposes of this section of the Oregon City Municipal Code and shall comply with 7 of the Residential Design Standards in Section 17.20.040 if one or more of the following apply:

- A. The lot has 5 or more sides; or
- B. A natural up slope of 15% or greater from front to back exists within the building setbacks; or
- C. An R-10, R-8 or R-6 Single Family Dwelling District lot with a width along the street frontage that is 30% or less of the depth of the lot. The lot depth is the perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite, usually rear, lot line.

CHAPTER 17.22 LO – LIMITED OFFICE

CHAPTER 17.24 NC – NEIGHBORHOOD COMMERCIAL DISTRICT

17.24.010 Designated.

The neighborhood commercial district allows for small-scale commercial and mixed uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. (Ord. 03-1014, Att. B3 (part), 2003)

17.24.020 Permitted uses.

Permitted uses in the NC district are neighborhood commercial uses, as defined as:

Antique Shops;
Apparel shop;
Art gallery, store, supplies;
Bakery, retail;
Banks without a drive thru;
Barbershop;
Beauty parlor;
Bicycle sales, service, rental;
Bookstore;
Candy store; Clothes cleaning and pressing;
Coffee shop without a drive thru;
Craft store;
Custom dressmaking and tailoring;
Dry cleaners;
Dry cleaners, self-service;
Dry cleaning agencies;
Delicatessen store;
Drug stores;
Dry good stores;
Florist shops;
Gift shops;
Grocery, fruit or vegetable store;
Hardware store;
Ice-cream store;
Interior decoration, including drapery and upholstery;
Jewelry store;
Laundromat, self-service;
Laundry agencies;
Locksmith;
Music store;
Plant or garden shop;
Printing and copy service (no audible sounds beyond the premises);
Restaurants without a drive thru;
Seasonal sales, subject to the provisions of Section 17.54.060;
Shoe sales, repair;
Small grocery, fruit or vegetable store;
Stationery store;
Studio for art, dance, music, photo; and
Watch and clock repair shop.
(Ord. 03-1014, Att. B3 (part), 2003)

17.24.025 Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of 10,000 square feet.

17.24.030 Limited uses.

Dwelling units are permitted above the ground floor if in conjunction with a permitted use as identified in Section 17.24.020 or conditional use as identified in Section 17.24.025.
(Ord. 03-1014, Att. B3 (part), 2003)

17.24.040 Dimensional standards.

Dimensional standards in the NC district are:

- A. Maximum building height: two and one half stories, not to exceed thirty-five feet.
- B. Maximum building footprint: ten thousand square feet.
- C. Minimum required setbacks if not abutting a residential zone: none.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: ten feet.
- E. Maximum Allowed Setback.
 - 1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).
 - 2. Interior yard: none.
 - 3. Corner side yard abutting a street: thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard: none.
- ~~F. Parking Standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.52 may be reduced by ten percent for mixed-use projects, subject to a determination by the community development director that the project qualifies as a "mixed-use" project. (Ord. 03-1014, Att. B3 (part), 2003)~~

CHAPTER 17.26 HC – HISTORIC COMMERCIAL DISTRICT

17.26.020 Permitted uses.

- A. Uses permitted in the MUC-1 Mixed Use Corridor District
- B. Residential Units, single-family detached

Permitted uses in the HC district are all historic commercial uses, defined as:

Antique shops;
 Apparel stores;
 Art, gallery supplies;
 Bakery, retail;
 Bookstores;
 Coffee shops without a drive thru;
 Craft stores;
 Delicatessen stores;
 Drug stores;
 Florist shops;
 Gift shops;
 Grocery, fruit or vegetable stores;
 Hair salons;
 Interior decoration, including drapery and upholstery;
 Jewelry stores;
 Music stores;
 Notion or variety stores;
 Offices;
 Photography studios;
 Plant or garden shops;

Restaurants without a drive thru;
 Studios, art, dance, music, photo;
 Uses, as approved by the community development director, that are consistent with the purpose of the HC zoning district; and
 Uses permitted in the R-6 single family dwelling district. (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-3-11(A))

17.26.030 Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. **Conditional Uses listed in the MUC-1 Mixed Use Corridor District** Section 17.56.030.
 (Ord. 03-1014, Att. B3 (part), 2003; Ord. 96-1026 §2, 1996; prior code §11-3-11(B))

17.26.050 Dimensional standards.

- A. **Residential Unit, Single-family detached:**
1. **Dimensional standards required for the R-6 Single-family dwelling district.**
- B. **All other uses:**
1. **Minimum Lot Area:** None.
 2. **Maximum building height:** 35 feet or 3 stories, whichever is less.
 3. **Minimum required setbacks if not abutting a residential zone:** None.
 4. **Minimum required rear yard setback if abutting a residential zone:** 20 feet.
 5. **Minimum required side yard setbacks if abutting a single-family residential use:** 5 feet.
 6. **Maximum front yard setback:** 5 feet (May be extended with Site Plan and Design Review section 17.62.055).
 7. **Maximum interior side yard:** None.
 8. **Maximum rear yard:** None.
 9. **Minimum required landscaping (including landscaping within a parking lot):** 20 percent.
 1. ~~Residential: five thousand square feet.~~
 2. ~~Nonresidential: minimum not required.~~
- B. ~~Minimum Required Setbacks.~~
1. ~~Front yard: fifteen feet minimum depth.~~
 2. ~~Interior side yard: ten feet minimum width.~~
 3. ~~Corner side yard: ten feet minimum width.~~
 4. ~~Rear yard: ten feet minimum depth.~~
- C. ~~Maximum building height: two and one half stories, not to exceed thirty five feet for new buildings.~~ (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-3-11(D))

CHAPTER 17.29 MUC – MIXED USE CORRIDOR

17.29.020 Permitted uses--MUC-1.

Permitted uses in the MUC-1 district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast and other small lodging facilities for up to ten guests per night;
- C. Child care facilities;
- D. Health and fitness clubs;

- E. Medical and dental clinics, outpatient; infirmary services;
- F. Museums and cultural facilities;
- G. Offices, including finance, insurance, real estate and government;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- I. Postal services;
- J. Publicly-owned parks, playgrounds, play fields and community or neighborhood centers;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Residential units, single-family detached residential existing prior to adoption of this chapter;
- M. Residential units, single-family and two-family attached;
- N. Residential units, multi-family;
- O. Restaurants, eating and drinking establishments without a drive through;
- P. Retail services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- QR. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts, provided the maximum footprint for a stand alone building with a single store does not exceed ten thousand square feet;
- RS. Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;{+}
- ST. Studios and galleries, including dance, art, photography, music and other arts;
- TU. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- UV. Veterinary clinics or pet hospitals, pet day care. (Ord. 03-1014, Att. B3 (part), 2003)

17.29.030 Conditional uses--MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

- A. Clubs/lodges;
- B. Car washes;
- C. Drive-in or drive-through facilities;
- D. Emergency services;
- E. Motor vehicle service, parts sales, repair, or equipment rental;
- F. Museums and cultural facilities;
- G. Outdoor markets that do not meet the criteria of Section 17.29.020(H);
- H. Public utilities and services;
- I. Religious institutions;
- J. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of ~~ten thousand square feet in the MUC-1 zone or of sixty thousand square feet in the MUC-1 or MUC-2 zone;~~
- K. Schools, including trade schools and technical institutes; and
- L. Vehicle fuel sales. (Ord. 03-1014, Att. B3 (part), 2003)

17.29.050 Dimensional standards--MUC-1.

- A. Minimum lot areas: none.
- B. Maximum building height: forty-five feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: none.

- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one-foot additional yard setback for every one-foot of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).
 - 2. Interior side yard: none.
 - 3. Corner side yard abutting street: thirty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard: none.
- ~~F. Parking Standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.25 may be reduced by ten percent for mixed-use transit-orientated projects, subject to a determination by the community development director that the project qualifies as a "mixed-use" project.~~
- FG. Maximum lot coverage of the building and parking lot: eighty percent.
- GH. Minimum required landscaping (including landscaping within a parking lot): twenty percent. Ord. 03-1014, Att. B3 (part), 2003)

17.29.060 Dimensional standards--MUC-2.

- A. Minimum lot area: none.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
 - 2. Interior side yard: none.
 - 3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard: none.
- ~~H. Parking Standards. The minimum required off-street vehicular parking standards of Chapter 17.25 may be reduced by fifteen percent for mixed-use transit-orientated projects, subject to a determination by the planning director that the project qualifies as a "mixed-use" project.~~
- HI. Maximum site coverage of building and parking lot: ninety percent.
- IJ. Minimum landscaping requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

CHAPTER 17.30 TOURIST COMMERCIAL

17.31 MUE – MIXED USE EMPLOYMENT

17.31.020 Permitted uses.

Permitted uses in the MUE district are defined as:

- A. Auditoriums, exhibition halls;
- B. Banks, savings, credit union, stocks and mortgages;
- C. Banquet, conference facilities and meeting rooms;
- D. Child care facilities;
- E. Clinics, outpatient; infirmary services;
- F. Distributing, wholesaling and warehousing;**
- GF. Employment training and business services;
- HG. Health and fitness clubs, including tennis courts and swimming pools, but exclusive of spectator sports facilities;**
- IH. Hospitals, medical centers and emergency service facilities;
- JL. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;¹
- KJ. Offices; including finance, insurance, real estate and government;
- LK. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- ML. Postal services;
- NM. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing, photo engraving;
- ON. Public utilities and services;
- PO. Publicly-owned parks, play fields and community or neighborhood centers;
- QP. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- RQ. Residential units, single-family detached residential existing prior to adoption of this chapter;
- SR. Software development;
- TS. Transit and passenger rail center and station, exclusive of transit storage areas;
- UT. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

17.31.050 Prohibited uses.

The following uses are prohibited in the MUE district:

- A. Bulk fuel dealerships and storage yards, including card locks;
- B. Concrete mixing and sale;
- C. Contractors equipment yard;
- ~~D. Distributing, wholesaling and warehousing;~~
- DE. Draying, trucking and automobile freighting yard;
- EF. Entertainment centers and facilities, outdoor;
- FG. Foundry casting lightweight non-ferrous metals;
- GH. Ice or cold storage plant;
- HI. Junk yards, salvage yards, wrecking yards, storage yards and recycling centers;
- IJ. Kennels;
- JK. Machinery, equipment or implement sales, service or rental relating to farming and construction (heavy equipment);
- KL. Motor vehicle, travel trailer, recreation vehicle, motorcycle, truck, manufactured home and boat sales, leasing, rental or storage;
- LM. Recreational vehicle (RV) parks, including sites established or maintained for travel trailers, truck campers, camping trailers and self-propelled motor homes;
- MN. Self-storage facilities;

- NO. Storage yard for contractor's equipment, transit vehicles and related vehicle or equipment maintenance activities;
- OP. Warehouse/freight movement; and
- PQ. Wholesale and bulk sales. (Ord. 03-1014, Att. B3 (part), 2003)

CHAPTER 17.32 C – GENERAL COMMERCIAL

17.32.040 Dimensional standards.

- A. Minimum Lot Area. Buildings hereafter built wholly or used partially for dwelling purposes shall comply with the dimensional standards in the R-2 multi-family dwelling district; otherwise, no minimum lot area is required;
- B. Maximum building height not to exceed **forty-five** ~~thirty-five~~ feet;
- C. Minimum Required Setbacks.
 - 1. Front yard: ten feet minimum depth.
 - 2. Interior side yard: no minimum.
 - 3. Corner side yard: ten feet minimum width.
 - 4. Rear yard: ten feet minimum depth.(Editorially amended, Supp. No. 5; prior code §11-3-13(C))

17.34 MUD – MIXED USE DOWNTOWN

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the “north-end” area, generally between 5th Street and Abernethy Street and some of the area bordering McLoughlin Boulevard. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes an **Downtown Design District** overlay ~~design sub-district~~ for the historic downtown area. **Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district.** The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment. (Ord. 03-1014, Att. B3 (part), 2003)

17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the neighborhood, historic, limited or ~~general commercial~~ **Mixed Use Corridor –2** zone districts, unless otherwise restricted in Sections 17.34.030 or 17.34.040;
- B. Banquet, conference facilities and meeting rooms;
- C. Child care facilities;
- D. Clubs/lodges;
- E. Heath and fitness clubs;
- F. Hotel and motel, commercial lodging;
- G. Indoor recreational facilities, including theaters;
- H. Marinas;

- I. Medical and dental clinics, outpatient and infirmary services;
- J. Museums and cultural facilities;
- K. Office ~~uses, including finance, insurance, real estate and government developments that include offices in the historic overlay district are required to have an MUD permitted use, other than an office use, on the first floor. The office use is limited to the second floor and above of the development;~~
- L. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- M. Postal services;
- N. Publicly-owned parks, play fields and community or neighborhood centers;
- O. Religious institutions, such as churches, mosques and synagogues;
- P. Repair shops, for office equipment, bicycles, electronic equipment, shoes and small appliances;
- Q. Residential units, single-family detached residential existing prior to adoption of this chapter;
- R. Residential units, single-family and two-family attached. ~~Developments that include residential units in the historic overlay district are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development;~~
- S. Residential Units, multi-family. ~~Developments that include residential units in the historic overlay district are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development;~~
- T. Restaurants, eating and drinking establishments;
- U. Retail services, including professional, educational and financial services; laundry and dry-cleaning;
- V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a free standing building with a single store does not exceed sixty thousand square feet (a free standing building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- W. Senior housing, including congregate care, residential care and assisted living, nursing homes and other types of group homes;
- X. Studios and galleries, including dance, art, photography, music and other arts; and
- Y. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

17.34.030 Conditional uses.

The following uses are permitted in this District when authorized and in accordance with the process and standards contained in Chapter 17.56.

- A. Drive-through facilities ~~(except for drive through car washes) associated with a bank;~~
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of Section 17.34.020(N);
- E. Outdoor recreational facilities;
- F. **Parking lots not in conjunction with a primary use;**
- GF. Repairs shop for small engines, such as lawnmowers, leaf blowers and construction-related equipment;
- HG. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a free standing building with a single store exceeding a footprint of sixty thousand square feet;
- IH. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- JL. Public utilities; and
- KJ. Wholesale and bulk retail uses. (Ord. 03-1014, Att. B3 (part), 2003)

17.34.040 Prohibited uses.

The following uses are prohibited in the MUD district:

- A. **Drive through car wash**
- B. Kennels;
- CB. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030; and
- DC. Self-service storage. (Ord. 03-1014, Att. B3 (part), 2003)

17.34.060 Dimensional standards--Except for within the Downtown Design District historical overlay area.

- A. Minimum lot area: none.
- B. Minimum floor area ratio ~~for stand-alone office, commercial buildings or mixed-use buildings with a residential component~~: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
 - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 - 2. Property within five hundred feet of the End of the Oregon Trail Center property; and
 - 3. Property within one hundred feet of single-family detached or detached units.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 2. Interior side yard: no maximum.
 - 3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard: no maximum.
 - 5. Rear yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. ~~Parking Standards. The minimum required off-street vehicular parking standards of Chapter 17.52 may be reduced by twenty-five percent for mixed-use projects subject to a determination by the community development director that the project qualifies as a "mixed-use" project.~~
- HI. Maximum site coverage including the building and parking lot: ninety percent.
- IJ. Minimum landscape requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

17.34.070 Dimensional standards—Downtown Design DistrictHistoric area overlay.

- A. Minimum lot area: none.
- B. Minimum floor area ratio ~~for stand-alone commercial buildings or mixed-use buildings with a residential component~~: 0.5.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setback if abutting a residential zone: twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.

- G. Maximum Allowed Setbacks.
1. Front yard: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
 2. Interior side yard: no maximum.
 3. Corner side yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
 4. Rear yard: no maximum.
 5. Rear yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Parking Standards. The minimum **number of off-street vehicular parking stalls required in Chapter 17.52 may be reduced by fifty percent.** ~~requirements of Chapter 17.52 may be reduced by fifty percent. Off street, vehicular parking requirements may be waived by the community development director if the property is within a parking management district.~~
- I. Maximum site coverage of the building and parking lot: one hundred percent.
- J. Minimum Landscape Requirement. Development within the **Downtown Design District** ~~historic overlay district~~ is exempt from required landscaping standards in Section 17.62.050(A)(1). However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required **and shall be provided per the standards of Chapter 12.08 and Chapter 17.52.** (Ord. 03-1014, Att. B3 (part), 2003)

**CHAPTER 17.44 US – Geologic Hazards~~UNSTABLE SOILS AND HILLSIDE~~
CONSTRAINTS OVERLAY DISTRICT**

17.44.020 Definitions.

For the purpose of this chapter, the following definitions are applicable:

“Geotechnical remediation” means construction designed to increase the factor of safety against earth movement.

“Hillside” refers to any area with a slope of twenty-five percent or more.

“Landslide areas” means those areas identified as known or potential landslide or mass movement geological hazard areas:

1. By the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area; or
2. By Portland State University in a study entitled “Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon” (1992).

“Slope” shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The ~~minimum~~ horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;
3. The resulting number is the slope expressed as a percentage.

“Unstable slopes” or “unstable soils” includes:

1. Any area identified on the city's **Steep Slope** ~~unstable soils and hillside constraint overlay district map~~;
2. Any other area that is identified on official city, county or federal or state agency maps as being subject to soil instability, slumping or earth flow, high ground water level, landslide or erosion, **seismic activity** or for which field investigation, performed by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession, confirm the existence of or potential for a severe hazard. (Ord. 94-1001 §2(part), 1994)

17.44.060 Development standards.

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter:

- A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal **and fill and grading** for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any earthwork. Up to a 30-day modification to the October 31 date, and a 45-day modification to the May 1 date may be made by the City Engineer, based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

- B. Designs shall minimize the number and size of cuts and fills.
- C. **Exposed cut slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Cut faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.**

~~Toes of cuts and fills shall be set back from boundaries of separate private ownerships at least three feet, plus one fifth of the vertical height of the cut or fill. An exception to this requirement may be granted so long as the review authority determines there is a negligible risk of landslide, slump or erosion and a slope easement is provided.~~

- D. **Grading – fills. No terracing shall be allowed except for the purpose of developing a level building pad and for providing vehicular access to the pad. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.**

~~Except in connection with geotechnical remediation plans approved in accordance with this chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent.~~

- E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.
- F. Retaining walls shall be constructed in accordance with the Uniform Building Code adopted by the state of Oregon.
- G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.
- H. ~~Unless the property is developed as a planned development pursuant to Chapter 17.64, d~~Density shall be determined as follows:
 - 1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;
 - 2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
 - 3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection J of this section.
- I. ~~For those portions of the properties~~ with slopes of twenty-five to thirty-five percent between grade breaks:
 - 1. **For those portions of the property with slopes of twenty-five to thirty-five percent,** ~~the~~ maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
 - 2. **An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no** ~~No~~ more than fifty percent or four thousand square feet of the surface area ~~of an individual lot or parcel, whichever is smaller, shall be~~ graded or stripped of vegetation or covered with structures or impermeable surfaces.
 - 3. **No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.**
- J. For those portions of the property with slopes over thirty-five percent between grade breaks:
 - 1. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is

otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;

2. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.

- K. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur. (Ord. 94-1001 §2(part), 1994)

17.44.100 Construction standards.

During construction on, ~~or within fifty feet of~~, land subject to this chapter, the following standards shall be implemented by the developer:

- A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures **in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.**
- B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer may authorize brush clearing and test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.
- C. Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).
- D. ~~In no event shall construction activities aggravate existing conditions.~~ All disturbed **vegetation** ~~soil~~ shall be replanted with suitable vegetation as soon as possible during or after completion of construction activities.
- E. Existing vegetative cover shall be maintained to the maximum extent practicable. **No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.**
- F. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.
- G. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are

not functioning properly due to faulty installation or neglect, the city may order work to be stopped. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)

- H. **Building envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.**

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.120 Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the planning manager determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the planning manager determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing before the city commission.
- B. **Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).**
- C. **Written notice of an appeal hearing before the City Commission shall be sent by regular mail no later than 14 days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site and all persons who testified either orally or in writing before the hearing body. ~~Notice of the hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).~~**
- DE. The planning manager shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
- ED. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:
 - 1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
 - 2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The decision-maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
 - 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;
 - 4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and
 - 5. That the commission chair shall call for any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item.

- FE. Requests for continuance and to keep open the record: The commission or board, as the case may be, may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the commission or board establishes a time certain and location for the continued hearing. Similarly, the decision-maker may close the hearing but keep open the record for the submission of additional written material or other documents and exhibits. The commission or board may limit the factual and legal issues that may be addressed in any continued hearing or open-record period. (Ord. 98-1008 §1(part), 1998)

17.50.190 Appeals.

Appeals of any non-final decisions by the city must comply with the requirements of this section.

- A. Type I decisions by the planning manager are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, ~~Type-III~~ or IV decision must be received in writing by the planning division within ten calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

CHAPTER 17.52 OFF STREET PARKING AND LOADING

17.52.010 Number of spaces required.

At any time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section. Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space. **The required number of parking stalls may be reduced if one or more of the following is met:**

- A. **Transit Oriented Development.** The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit. Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by ten percent.
- B. **Transportation Demand Management.** The Community Development Director may reduce parking up to 10% when a development can demonstrate, in a parking-traffic study prepared by a traffic engineer:
1. That use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
 2. That a Transportation Demand Management (TDM) Program has been developed for approval by the City Engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

C. Shared Parking. The Community Development Director may reduce parking requirements up to 50% when:

1. **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of 50%, as determined by the Community Development Director.
2. **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 1,000 feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

<u>LAND USE</u>	<u>PARKING REQUIREMENTS</u>	
	The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
Single-Family Dwelling	1.00 per unit	2.00 per unit
Multi-Family: Studio Residential Unit (<500 sq ft)	1.00 per unit	1.52 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Boarding/Lodging House	Case Specific	Case Specific
Mobile Homes	N/A	2.00 per unit
Hotel/Motel	1.0 per guest room	1.25 per guest room
Club/Lodge	To meet requirements of combined uses	To meet requirements of combined uses
Welfare/Correctional Institution	N/A	1 per 5 beds
Nursing Home/Rest home	N/A	1 per 5 beds
Hospital	N/A	1 per 1.5 beds
Religious Assembly Building	0.25 per seat	0.25 per seat
Library/Reading Room	N/A	2.50
Preschool Nursery/ Kindergarten	N/A	2 per teacher

Elementary/Junior High School	N/A	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School	0.20 per # staff and students	0.30 per # staff and students
College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room	N/A	0.25 per seat
Stadium/Arena/ Theater	N/A	0.25 per seat
Bowling Alley	N/A	2 per alley
Dance Hall/Skating Rink	N/A	5.00
Moorages	N/A	1 per boat berth
Retail Store/ Shopping Center	4.10	5.00
Service/Repair Shop/ Automotive or Furniture Store	N/A	1.67
Bank	N/A	3.33
Office	2.70	3.33
Medical or Dental Clinic	N/A	3.33
Fast Food with Drive Thru	N/A	5.00
Other Eating Establishments	N/A	5.00
Drinking Establishment/Pool Hall	N/A	5.00
Mortuaries	N/A	0.25 per seat
Swimming Pool/ Gymnasium	N/A	5.00
Sports Club/ Recreation Facilities	4.30	5.40
Tennis/Racquet Ball Courts	1.00	1.30
Movie Theater	0.30 per seat	0.40 per seat
Storage Warehouse/ Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/ Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/ Industrial Park	N/A	1.60

(Ord. 03-1014, Att. B3 (part), 2003: prior code §11-5-1)

17.52.070 Pedestrian access in off-street automobile parking areas.

- A. The off-street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the use being served.

- B. All pedestrian walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of pedestrian walkways shall be firm, stable and slip resistant, and shall comply with Chapter 1134 of the Uniform Building Code.
- C. Where an accessible pedestrian walkway crosses or adjoins a vehicular way, the boundary between the areas shall be defined by a marked crossing having a continuous, detectable marking not less than thirty-six inches wide. Where pedestrian walkways cross driving aisles, they shall be clearly marked with contrasting slip resistant materials. (Ord. 95-1001 §2(part), 1995)

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.010 Accessory buildings and uses.

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory structures and uses:
 - 1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet. No portion of any such structure shall project across a lot line **and the accessory structure shall be located behind the front building line of the primary structure.**
 - 2. Building Footprint from Two Hundred to Six Hundred Square Feet. **The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure.** The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category ~~when located behind the front building line of the primary structure,~~ provided the structure and its projections:
 - a. Are detached and separated from other structures by at least three feet;
 - b. Do not exceed a height of fourteen feet;
 - c. ~~The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.~~
 - 3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:
 - a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
 - b. The lot must be in excess of twenty thousand square feet.
 - c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.
 - d. The accessory structure shall not exceed the height of the primary structure **and shall be located behind the front building line of the primary structure.**
- C. Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for

each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.

- D. Antenna and Antenna Structures. No noncommercial antenna or antenna structure (including those of extension type) shall exceed the maximum building height standard for the zoning district in which it is located. No antenna or antenna structure shall be located in required yards.
- E. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height.
- F. Conference and Meeting Rooms. Conference or meeting rooms designed primarily for use by employees or clients (or members in the case of trade unions) in furtherance of the principal permitted use.
- G. Barbed Wire and Electric Fences. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager. (Ord. 03-1014, Att. B3 (part), 2003: prior code §11-4-1)

17.54.060 Seasonal sales.

The following standards shall apply to seasonal sales which are limited to:

- A. Fireworks Sales. The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5.
 - 1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
 - 2. A business license shall be required pursuant to Title 5 of this code.
- B. Christmas Tree Sales. The annual season for Christmas tree sales shall commence no sooner than the day after Thanksgiving and shall continued no longer than December 26.
 - 1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
 - 2. Signing within the city limits for sales lots located outside the city limits shall be limited to no more than two signs, the dimensions of which shall not exceed twelve square feet, each. The placing of signs on property not privately-owned shall be by permission obtained from the city.
 - 3. A business license shall be required pursuant to Title 5 of this code.
- C. All signing for seasonal sales shall be removed no later than the day after the holiday.
- ~~D. The provisions of subsection A of this section shall be repealed on July 5, 1991. (Ord. 91-1018 §2, 1991: prior code §11-4-6)~~

CHAPTER 17.56 CONDITIONAL USES

17.56.030 Uses requiring conditional use permit.

Uses requiring conditional use permit are:

- A. Ambulance services in ~~LO~~, C and GI districts;
- B. Boarding, ~~and~~ lodging houses; ~~and~~ bed and breakfast inns ~~and assisted living facilities for senior citizens;~~
- C. Boat repair, for boats not exceeding twenty-five feet in length, in the C district;
- D. Cemeteries, crematories, mausoleums and columbariums;

- E. Child care centers and nursery schools;
- F. Churches;
- G. Colleges and universities, excluding residential districts;
- H. Correctional facilities, in the GI district;
- I. Emergency service facilities (police and fire), excluding correctional facilities;
- J. Government and public service buildings;
- K. Helipad in conjunction with a permitted use, excluding residential districts;
- L. Hospitals, excluding residential districts;
- M. Houseboats;
- N. Hydroelectric generating facilities in GI district only;
- O. Motor vehicle towing and temporary storage in the GI district; recreational vehicle storage in C and GI districts;
- P. Museums;
- Q. Nursing homes;
- R. Parking lots not in conjunction with a primary use;
- S. Private and public schools;
- T. Private clubs and lodges, excluding residential districts;
- U. Public utilities, including sub-stations (such as buildings, plants and other structures);
- ~~V. Public housing projects;~~
- VW. Sales and service establishments of manufactured homes and recreational vehicles in C and GI districts;
- WX. Stadiums, arenas and auditoriums, excluding residential districts; and
- XY. Welfare institutions and social service organizations, excluding residential districts. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1004 §§1, 2, 1998; Ord. 91-1025 §2, 1991)

17.56.040 Criteria and standards for conditional uses.

In addition to the standards listed herein in Section 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

- A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.
- B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
- C. ~~Churches and Other Religious Facilities. The planning commission may authorize a church as a conditional use if the following dimensional standards are used:~~
 - 1. ~~Minimum lot area, ten thousand square feet;~~
 - 2. ~~Minimum street frontage, one hundred feet;~~
 - 3. ~~Maximum lot coverage, fifty percent for all buildings;~~
 - 4. ~~Maximum building height, fifty feet;~~
 - 5. ~~Minimum depth, one hundred twenty five feet;~~
 - 6. ~~Minimum setback distance, front yard, thirty feet; rear yard, twenty feet; side yard, twenty feet. Buildings on corner lots shall observe the minimum setbacks on both streets. Side yard and rear yard setbacks shall be increased by five feet for each additional story exceeding two stories or thirty feet, whichever is less.~~

CHAPTER 17.60 VARIANCES

17.60.0230 Variances--Procedures.

- A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D of this section shall apply when applicable.
- B. A nonrefundable filing fee, as listed in Section 17.50.480, shall accompany the application for a variance to defray the costs.
- C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. **A Variance shall address the criteria identified in Section 17.60.030 Variances – Grounds.**
- D. Minor variances as defined in subsection E of this section shall be processed as a Type II decision, ~~and shall be reviewed pursuant to the requirements in Section 17.50.030(B), and shall address the criteria identified in Section 17.60.040 Minor Variance - Grounds.~~
- E. For the purposes of this section, minor variances shall be defined as follows:
 - 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
 - 2. Ten percent variances to width, depth and frontage requirements;
 - 3. Twenty percent variances to residential yard/setback requirements, provided that no side yard shall be less than five feet;
 - 4. Ten percent variances to nonresidential yard/setback requirements;
 - 5. ~~Five percent variances to lot area requirements;~~
 - 6. **Five percent variance to the minimum required parking stalls.**
 - 7. **Variances to the Floor Area Requirements and minimum required Building Height in the Mixed Use Districts.**(Ord. 03-1014, Att. B3 (part), 2003; Ord. 00-1003 §12, 2000; prior code §11-8-4)

17.60.0320 Variances--Grounds.

A variance may be granted only in the event that all of the following conditions exist:

- A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;
- B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
- C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;
- D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;
- E. That the variance requested is the minimum variance which would alleviate the hardship;
- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied. (Prior code §11-8-2)

17.60.040 Minor Variance – Grounds.

A minor variance may be granted only in the event that all of the following conditions exist:

- A. That the minor variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title.
- B. That the request is the minimum variance which would alleviate the hardship.
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
- D. Any impacts resulting from the adjustment are mitigated; and
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance.
- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

CHAPTER 17.61 ADJUSTMENTS IN THE MIXED-USE ZONES

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.030 When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6 and **R-3.5**, ~~R-6/MH, RC-4, and RD-4~~ zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses and non-residential uses in all zones, to planned developments, manufactured dwelling parks, and partitions and residential development within overlay districts. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts. (Ord. 94-1002 §1(part), 1994)

17.62.050 Standards.

A. All development shall comply with the following standards:

1. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.). No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. The principal planner shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the **Downtown Design District**~~central business district~~, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable.

Chapter 17.68 – ZONING CHANGES AND AMENDMENTS

17.68.060 Filing of an application.

Applications for amendment, or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the fee schedule in ~~Chapter 17.50~~ **Community Development Department Fee Schedule**. (Ord. 91-1007 §1(part), 1991; prior code §11-12-6)

CHAPTER 17.80 COMMUNICATION FACILITIES BUILDING CODE

17.80.020 Definitions.

The following definitions shall apply to this chapter:

1. Amateur Radio Operators – Also identified as ham radio operators, are licensed by the United States Government.
2. Antenna – Any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). The antenna does not include the support structure or tower.
3. Attachment – An antenna or other piece of related equipment affixed to a transmission tower, building, light, utility pole, or water tower.
4. Array – The combination of antennas mounted on a support structure or support tower.
5. Auxiliary Support Equipment – All equipment necessary to provide wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning units, and emergency generators. For the purpose of this chapter, auxiliary support equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include support towers or structures.
6. Camouflage – The design and construction of a wireless communications facility (WCF) to resemble an object that is not a wireless communication facility and which is typically present in the environment.
7. Collocation – Use of a common wireless communications support structure or tower for two or more antenna arrays.
8. Federal Aviation Administration (FAA) – The federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.
9. Federal Communications Commission (FCC) – The federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.
10. Height – Height shall mean the distance measured from the original grade at the base of the wireless communication facility to the highest point on the wireless communication facility, including the antenna(s) and lightning rod(s).
11. Infrastructure Provider - An applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.
12. Landscaping – To modify or ornament an area with native vegetation.
13. Lattice Tower – A support tower characterized by an open framework of lateral cross members that stabilize the tower.
14. Micro cell - A wireless communications facility consisting of an antenna that is either: (a) four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or (b) if

a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length.

15. Monopole - A support tower composed of a single upright pole, engineered to be self-supporting, and used to support one or more antenna(s) or array(s). A monopole does not include towers requiring guy wires or lattice cross supports.
16. Radio Frequency (RF) Energy - The energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video, and other data information.
17. Screening - To effectively obscure to a minimum height of 6 feet the view of the base of a wireless communication facility.
18. Self-Supporting - Characterized by the independent support of itself or its own weight.
19. Setback - For purposes of this chapter, a setback is the required distance from any structural part of a wireless communication facility (including support wires, support attachments, and auxiliary support equipment) to the property line of the parent parcel on which the wireless communication facility is located.
20. Support Structure - An existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and billboard signs. Support structures do not include support towers, buildings or structures used for residential purposes, utility poles, light standards, or light poles.
21. Support Tower - A structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.
22. Temporary Wireless Communication Facility (Temporary WCF) - Any wireless communication facility that is to be placed in use for not more than sixty (60) days, is not deployed in a permanent manner, and does not have a permanent foundation.
23. Utility Pole Placement/Replacement - Placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.
24. Wireless Communications - Wireless Communications shall mean any personal wireless services as defined by the Federal Telecommunications Act of 1996 as amended, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, and wireless telecommunications services for public safety that currently exist or that may be developed in the future.
25. Wireless Communications Facility (WCF) - Any un-staffed facility for the transmission and/or reception of radio frequency signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays.

26. Zoning Designation Abbreviations:

M-1	Light Industrial	C	General Commercial
M-2	Heavy Industrial	LO	Limited Office
CI	Campus Industrial	LC	Limited Commercial
TC	Tourist Commercial	NC	Neighborhood Commercial

17.80.040 Collocation of Additional Antenna(s) on Existing Support Towers.

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on an existing wireless communication facility support tower.

- A. Compatibility Review. Required for property zoned **GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC.M-2, M-1, CI, TC, or C.**

- B. Site Plan and Design Review. Required for all cases other than those identified in Section 17.80.040.A.

17.80.050 Collocation of Additional Antenna(s) on Support Structures.

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on a support structure.

- A. Compatibility Review. Required if the following exist:
1. Property is zoned **GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC; and** ~~M-2, M-1, CI, TC or C;~~ and
 2. Property is not located in the McLoughlin or Canemah Historical Conservation Districts; and
 3. Antenna(s) and auxiliary support equipment are setback a minimum of 10 feet from each edge of the support structure and do not exceed a total height of 12 feet or a total width of 8 feet, unless the antenna(s) is less than 4 inches in diameter and does not exceed a total height of 20 feet.
- B. Site Plan and Design Review. Required if the property is zoned **GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC** ~~M-2, M-1, CI, TC, or C~~ and does not meet all the criteria of Section 17.80.050.A.
- C. Conditional Use Review. Required for all cases other than those identified in Sections 17.08.050.A and B.

17.80.060 Collocation of Additional Antenna(s) on Existing Utility Poles, Light Standards, and Light Poles. The following standards shall apply for the collocation of additional antenna(s) on existing utility poles, light standards, and light poles that meet the following requirements:

- A. Site Plan and Design Review. Required for property zoned **GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC.** ~~M-2, M-1, CI, TC, or C.~~
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.060.A.
- C. Permits. The applicant shall apply for and obtain all permits necessary for the construction, installation, and operation of its Facilities in the Streets. The applicant shall pay all applicable fees due for City permits. All construction and maintenance of any and all of the applicant's Facilities within the Streets incident to the applicant's provision of Telecommunications Services shall, regardless of who performs installation and/or construction, be and remain the responsibility of the applicant.
- D. Installation of Equipment. The applicant's Facilities shall be installed and maintained in accordance with the laws of the State of Oregon and the ordinances and standards of the City regulating such construction.
- E. Common Users. The applicant's Facilities shall be attached to utility poles, light standards, and light poles located within the Streets. The applicant shall also allow and encourage other wireless carriers to collocate facilities on the utility poles, light standards, and light poles with the applicant's Facilities, provided such collocation does not interfere with the applicant's Facilities or jeopardize the physical integrity of the Structure and provided the owner of the Structure consents to such collocation.
- F. Scale of Facilities. This section establishes standards for attaching Facilities to utility poles, light standards, and light poles in the Streets in a manner that minimizes the Facilities' potential incompatibility with adjacent uses.
1. Facilities may be collocated on existing utility poles, light standards, and light poles, provided:
 - a. Facilities do not jeopardize the physical integrity of the utility pole, light standard, or light pole;
 - b. Triangular "top hat" style antenna mounts are prohibited;

- c. The device used to mount the Facilities does not project more than ten (10) feet above the utility pole, light standard, or light pole;
 - d. Antennas will be mounted flush with the device referenced in **Section 17.80.060.F.1.c** or the existing utility pole, light standard, or light pole, within a unicell-style top cylinder, or on davit arms that are no greater than five (5) feet in length as measured from the center of the utility pole, light standard, or light pole;
 - e. The visual impact of any Facilities located in the Streets must be minimized by utilizing the smallest antennas, equipment, and equipment cabinets available that will satisfy engineering requirements and the service objectives of the site. Whenever possible, Facilities shall be painted or otherwise treated architecturally so as to minimize visual impacts;
 - f. All antennas, cabling, mounting hardware, and associated microcell/equipment cabinets mounted on an existing utility pole, light standard, or light pole must be painted to match the color of the utility pole, light standard, or light pole. If cabinets require a special heat-reducing paint finish, they must be a neutral color such as beige, off-white, or light gray; and
 - g. The existing utility pole, light standard, or light pole is not replaced with a taller utility pole, light standard, or light pole, except as authorized in **Section 17.80.060.F.2**.
2. **Replacement Utility Poles, Light Standards, and Light Poles.** For purposes of this Section, "Replacement Utility Poles, Light Standards, and Light Poles" shall mean a utility pole, light standards, or light pole that a) replaces an existing or original utility pole, light standard, or light pole to accommodate Facilities; and b) does not result in an increase in the total number of utility, guy, or support poles in the Streets. Facilities may be attached to Replacement Utility Poles, Light Standards, and Light Poles in the Streets, provided:
- a. The Replacement Utility Poles, Light Standards, and Light Poles are of sufficient integrity to support the Facilities;
 - b. The Replacement Utility Poles, Light Standards, and Light Poles, and any subsequent Replacements, are no more than twenty (20) feet taller than the Original Utility Pole, Light Standard, or Light Pole; and
 - c. The Utility Pole, Light Standard, or Light Pole the Replacement Utility Pole, Light Standard, or Light Pole replaces is promptly removed.
3. The applicant shall not locate any Facilities, such as cabinets, at grade within the Streets, but may connect its Facilities in the Streets to Facilities located on property adjacent to the Streets in accordance with applicable City codes and with the permission of the adjacent property owner.

17.80.070 Construction or Modification of a Support Tower.

- A. **Site Plan and Design Review.** Required if the following exists:
 - 1. Property is zoned **GI, CI, I, C, MUC-2 or MUE; and M-2, M-1, CI, or C;** and
 - 2. No adjacent parcel is zoned for residential use.
- B. **Conditional Use Review.** Required for all cases other than those identified in Section 17.80.070.A.
- C. **Prohibited Zoning Districts and Locations.** No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, 500 feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.

17.80.110 Design Standards.

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless an adjustment is obtained pursuant to the provisions of Section 17.80.120.

- A. Support Tower. The Support Tower shall be self-supporting.
- B. Height Limitation. Support Tower and antenna heights shall not exceed the maximum heights provided below.
 1. If the property is zoned:
 - a. ~~GI, CI or I; and M-2, M-1, or CI; and~~
 - b. No adjacent parcel is zoned residential;
the maximum height of a support tower, including antennas, is 120 feet.
 2. If the property is zoned:
 - a. ~~GI, CI or IM-2, M-1, or CI, and an adjacent parcel is zoned residential; or~~
 - b. ~~C, MUC-2 or MUETC, or C;~~
the maximum height of a support tower, including antennas, is 100 feet.
 3. If the property is zoned:
 - a. ~~LO, LC, or MUC-1, MUD or NC;~~
the maximum height of a support tower, including antennas, is 75 feet.
 4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is 75 feet.
- C. Collocation. New support towers shall be designed to accommodate collocation of additional providers.
 1. New support towers of a height greater than 75 feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.
 2. New support towers of a height between 60 feet and 75 feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.
- D. Setbacks. The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.
 1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.
 2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:
 - a. If the property is zoned:
 - i. ~~GI, CI, I, C, MUC-2 or MUE; and M-2, M-1, CI, or C; and~~
 - ii. No adjacent parcel is zoned for a residential use;
the underlying zone setback shall apply;
 - b. If the property is zoned:
 - i. ~~GI, CI, I, C, MUC-2 or MUE and M-2, M-1, CI or C, and an adjacent parcel is zoned residential; or~~
 - ii. ~~MUC-1, MUD TC, LO, LC or NC;~~
the setback shall be a minimum of 25 feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or
 - c. For all cases other than those identified in Section 17.80.110.D.2.a and b above, the setback shall be a minimum of 25 feet from all adjacent property lines.

E. Auxiliary Support Equipment. The following standards shall be required.

1. If the property is zoned:

- a. For ~~GI, CI, I, MUC-1, MUC-2, C, MUD, MUE or NC, M-2, M-1, CI, TC, C, LO, LC, or NC~~, the auxiliary support equipment footprint shall not exceed an area of 340 square feet and 15 feet in height at the peak;
- b. For all cases other than those identified in Section 17.80.110.E.1.a above, the auxiliary support equipment shall be:
 - i. Located in an underground vault to the maximum extent practicable; or
 - ii. The applicant shall demonstrate why locating the auxiliary support equipment underground would limit the applicant's ability to fully utilize camouflage technology that might better suit the particular situation, in which case the standards of Section 17.80.110.E.1.a shall apply.

2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.

F. Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.

1. If the property is zoned:

- a. ~~GIM-2, M-1~~, or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;
- b. For all cases other than those identified in Section 17.80.110.F.1.a above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of 6 feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.

G. Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:

1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than 50 dB;
2. For all other cases, the sound level shall not be greater than 40 dB when measured at the nearest residential parcel's property line.

H. Lighting.

1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.
2. Strobe lighting is prohibited unless required by the Federal Aviation Administration.
3. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.

I. Color.

1. Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.

J. Signage.

1. Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.

K. Access Drives.

1. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a City Street, an analysis of alternate access sites shall be required.
2. Site shall be serviced by an access adequate to ensure fire protection of the site.
3. New access drives shall be paved a minimum of 20 feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.
4. New access drives shall be reviewed for adequate intersection sight distances.

L. Informing the City. All service providers with facilities within the City of Oregon City shall be required to report in writing to the Planning Manager any changes in the status of their operation.

1. An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the City's jurisdiction as well as continued compliance with all state and federal agency regulations.
2. The report shall include any of the following changes:
 - a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
 - b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;
 - c. Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or
 - d. Loss or termination of lease with the telecommunications facility for a period of six (6) months or longer.

17.80.150 Fees.

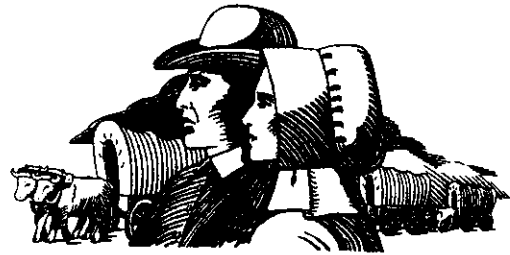
Notwithstanding any other provisions of this code, the **Community Development Director Planning Manager** may require, as part of the application fees for land use permits, an amount sufficient to recover all of the City's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication experts.

CITY OF OREGON CITY

PLANNING COMMISSION

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OREGON CITY, OREGON 97045
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AGENDA

City Commission Chambers - City Hall
October 18th, 2004 at 5:30 P.M.

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

JOINT CITY COMMISSION AND PLANNING COMMISSION WORK SESSION

Work Session Topics:

1. Discussion of City Commission and Planning Commission communication and membership size.
2. Review and discuss recommended "clean up" code changes and map amendments as part of the Comprehensive Plan and Zoning Code update that was implemented on June 18th, 2004 (Planning File L 03-01).
3. Discussion of the Urban Growth Boundary and "Hard Edges" concepts.

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.



PC Mailing List

Meeting Date: 10-11-04

Sent On: 10-5-04

Number	Recipients	Sent
10	Copies for Front Table	
1	PC Binder	F ✓
1	Front Counter	F ✓
1	Dan Drentlaw	F ✓
1	Tony Konkol	F ✓
1	Christina Robertson-Gardiner	✓ email
1	Sean Cook	✓ email
1	Larry Patterson	F ✓
1	Bob Cullison	✓ email
1	Nancy K	✓ email
1	City Recorder	A ✓
1	Fire Department	A ✓
1	Public Works	A ✓
1	Police Department	A ✓
1	Library	F ✓
1	Carnegie Center	F ✓
1	Pioneer Center	F ✓
5	City Commission	A ✓

*In addition to the names on the following page

Total: