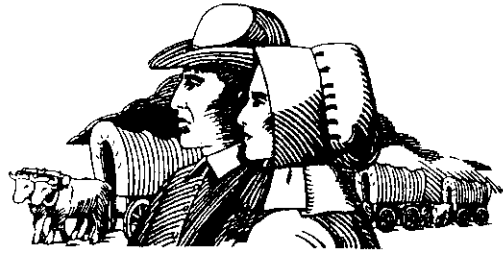


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
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## AGENDA

City Commission Chambers - City Hall

October 4<sup>th</sup>, 2004 at 7:00 P.M.

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

### PLANNING COMMISSION WORK SESSION

#### 1. WORK SESSION:

*Review and discuss potential "clean up" code changes and map amendments as part of the Comprehensive Plan and Zoning Code update that was implemented on June 18<sup>th</sup>, 2004 (Planning File L 03-01).*

*Review Single-Family Housing Design Standards.*

*Review Farm Uses in Oregon City*

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.

## AGRICULTURE / FARM USES

Chapter 17.08, 17.10 and 17.12

Permitted Use: R-10, R-8 and R-6.

1. Agriculture, excluding the keeping of farm animals.
  - a. Including all accessory structures used for and necessary to conduct the agricultural activity, but excluding commercial processing, sales, manufacturing or packaging plants.
2. Agriculture / Farm, including the keeping of farm animals, if:
  - a. The property is 1-acre or less in size and complies with the Number of Permitted Animals in Chapter 17.56.040.I(8), Table 1; or
  - b. The property is greater than 1-acre in size and the number of farm animals on the property does not exceed the maximum number of farm animals permitted on a 1-acre site per the Number of Permitted Animals in Chapter 17.56.040.I(8), Table 1.

Chapter 17.36 and 17.37

Permitted Use: GI – General Industrial and CI – Campus Industrial.

1. Agriculture / Farm, including the keeping of farm animals.
  - a. Including all accessory structures used for and necessary to conduct the agricultural activity, but excluding commercial processing, sales, manufacturing or packaging.
  - b. The standards of Chapter 17.56.040.I(8), Table 1 apply when determining the number of animals permitted on the property.

Chapter 17.56

Conditional Use.

1. Agriculture / Farm uses that include the keeping of farm animals in the R-10, R-8 and R-6 Dwelling Districts.
2. Agriculture / Farm Product Sales and Seasonal Sales from a property in the R-10, R-8, R-6 Dwelling Districts or the GI – General industrial and CI – Campus Industrial zones.

17.56.040 Criteria and standards for conditional uses.

- I. Agriculture / Farm, including the keeping of farm animals.
  1. In addition to the general provisions of Section 17.56.020, any application shall include a description of the proposed use, including the number of farm animals and the nature of the use.
  2. All persons keeping farm animals shall reside on or be adjacent to the property on which the animals are kept.
  3. The number of animals permitted on a given property shall not be calculated separately by type, e.g. two chickens and two rabbits would equal four animals.
  4. All development shall maintain continuous compliance with applicable federal, state and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations.
  5. Fences erected in connection with the keeping of farm animals shall be of lumber, or other solid material, shall be kept in good repair, and shall be at least 4 feet in height. Fences shall not be made of barbed wire or be electrified. A fence shall meet the setback requirements of the zone.
  6. Sanitation.
    - a. All farm animals shall be properly caged or housed and proper sanitation shall be maintained. All food shall be stored in metal or other rodent proof receptacles.
    - b. All structures designed to house farm animals and farm animal pens and runs shall be located no closer than 40 feet from the front property line, 20 feet from the other property lines or 25 feet from a dwelling unit.

- c. The city and / or animal control authority shall have the right at any time to inspect the premises where farm animals are kept. Owner or occupiers of premises not in compliance with this section shall be notified in writing by the city to correct the deficiencies. If, within one week of receiving the notice, the owner or occupier shall fail to correct the deficiencies listed, the city shall declare the premises to be a nuisance and the same to be abated.
7. Special considerations to reviewed by the decision making body for this use are:
    - a. Potential impacts to environmental resources, including but not limited to Water Resources, Wetlands and Steep Slopes. Areas identified as steep slopes and water resources shall not be included in calculating the number of animals permitted on the site unless the applicant can demonstrate the animal will not have a negative impact on the resource(s).
    - b. Compatibility of the use with the surrounding area.
    - c. Proposed mitigation to minimize adverse impacts on adjoining properties.
    - d. The applicant may request to increase the number of permitted farm animals, as permitted in Table 1 below, as part of the conditional use review. The applicant shall demonstrate that the additional animals will not be a nuisance to surrounding properties, will not adversely impact any natural resources on the site and document that the increase will not exceed the carrying capacity of the land.
  8. Number of Permitted Farm Animals.

Table 1

Type of Animal	Number of Adults	Minimum Lot Size – Square feet	Note
Domesticated Pig (As a Pet)	1-4	None	1) The number of permitted young shall be limited to 3 times the number of permitted adult animals.
Fowl	5	10,000 square feet	
Poultry	6 or more	+1,000 square per each additional animal	2) Roosters over the age of 6 months are prohibited.
Rabbits			
Cows	1	20,000 square feet	1) The number of permitted young shall be limited to 2 times the number of permitted adult animals.
Goats	2 or more	+20,000 square feet per each additional animal	2) At least 75% of the lot area shall be accessible to the animal without violation to the required yard setbacks.
Horses			
Llamas			
Sheep			
Miniature Horses	1-2	20,000 square feet	1) The number of permitted young shall be limited to 2 times the number of permitted adult animals.
Pygmy Goats	3 or more	+10,000 square feet per each additional animal	2) At least 75% of the lot area shall be accessible to the animal without violation to the required yard setbacks.
Non-Domesticated Pig	0	0	Not permitted inside the city limits.
Swine			

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

## **City of Oregon City** **Planning Division**

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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 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, 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 is discussed below.**

**Oregon 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.<sup>1</sup>

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.

<sup>1</sup> 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****16.12.110 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 ~~the R-10, R-8, R-6 or R-3.5 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.

**16.12.360 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 attached 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 residential unit.**

**One dwelling unit per lot that is free standing and structurally separate from other dwelling units or buildings. ~~"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.**

**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. ~~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	21.8	*	35	10	0	10	10

Commercial							
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%	33%	36%	45%	—
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	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5ft.*

<b>Corner Yard Setback</b>					
<b>Maximum Rear Yard Setback</b>	<b>10 ft.</b>	<b>0 - 30 ft.*</b>	<b>0 - 33ft.*</b>	<b>0 - 10 ft.*</b>	<b>0 - 20 ft.*</b>

\*See district description for further information

#### **Employment, Downtown and Industrial**

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

\*See district description for further information

### **Chapter 17.08 R-10 Single-Family Dwelling District**

#### **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

#### **17.10.040 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:~~
    - 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.** ~~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

### **17.12.040 Dimensional standards.**

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;
- B. Minimum lot width, fifty 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, ten 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 width for at least one side yard; five 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 §11-3-4(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 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	Purpose
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.

- 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 up to 32 feet long 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 long, the garage wall facing the street may be up to 12 feet long 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. Recessed entry at least 2 feet behind the front façade and a minimum 8 feet wide.
  - 4. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep with a porch rail.
  - 5. Bay windows.
  - 6. Offset of 16-inches or greater on building face or roof.
  - 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. Front facing balconies.
  - 10. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street façade.
  - 11. Maximum 8-foot wide garage doors, a garage door designed to resemble 2 smaller garage doors and/or windows in the garage door.
  - 12. A third garage door that is recessed a minimum of 2 feet.
  - 13. 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 with a porch rail; 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 and designed with a porch rail.

**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.

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**CHAPTER 17.22 LO – LIMITED OFFICE**

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**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.~~
- HH. 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; infirmity 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;
- JJ. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;<sup>1</sup>
- 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;
- UF. 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. Health 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)

#### **17.34.040 Prohibited uses.**

The following uses are prohibited in the MUD district:

- A. **Drive through facilities (Except as identified in Section 17.34.030 – Conditional Uses)**
- 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.~~
- HH. Maximum site coverage including the building and parking lot: ninety percent.
- I. 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 HazardsUNSTABLE 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.

**For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. 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. 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.

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### **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.

LAND USE	PARKING REQUIREMENTS	
	The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.	
	MINIMUM	MAXIMUM
Single-Family Dwelling	1.00 per unit	2.00 per unit
Multi-Family: Studio Residential Unit (<500-sq-ft)	1.00 per unit	1.52.00 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 Assemble 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 LQ, 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.

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### **CHAPTER 17.61 ADJUSTMENTS IN THE MIXED-USE ZONES**

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#### **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.

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### **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)

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### **CHAPTER 17.80 COMMUNICATION FACILITIES BUILDING CODE**



## PC Mailing List

Meeting Date: \_\_\_\_\_

Sent On: \_\_\_\_\_

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

\*In addition to the names on the following page

Total:

**CICC Chairman/Hillendale Nbrhd**  
Julie Hollister  
12294 Clairmont Way  
Oregon City, OR 97045

**Barclay Hills Nbrhd Assoc.**  
Elizabeth Klein, Land Use  
13569 Jason Lee Drive  
Oregon City, OR 97045

**Canemah Nbrhd Assoc.**  
Howard Post, Chairman  
302 Blanchard Street  
Oregon City, OR 97045

**Caufield Nbrhd Assoc.**  
Cathi VanDamm  
15092 S. Persimmon Way  
Oregon City, OR 97045

**Caufield Nbrhd Assoc.**  
Mike Mermelstein, Land Use  
20114 Kimberly Rose Drive  
Oregon City, OR 97045

**Gaffney Lane Nbrhd Assoc.**  
Joan Schultze  
19413 Stillmeadow Drive  
Oregon City, OR 97045

**Hazel Grove / Westling Farm N/A**  
Kathy Hogan, Chairman  
19721 S. Central Point Road  
Oregon City, Oregon 97045

**Hillendale Nbrhd. Assoc.**  
Debbie Watkins, Co-Chairman  
13290 Clairmont Way  
Oregon City, OR 97045

**McLoughlin Nbrhd Assoc.**  
Denyse McGriff, Land Use  
815 Washington Street  
Oregon City, OR 97045

**McLoughlin Nbrhd Assoc.**  
Dean Walch, Co-Chairman  
516 Madison Street  
Oregon City, OR 97045

**Park Place Nbrhd. Assoc.**  
Julie Puderbaugh  
15022 South Highland Road  
Oregon City, Oregon 97045

**Park Place Nbrhd. Assoc.**  
Don Slack  
16163 Widman Court  
Oregon City, OR 97045

**Rivercrest Nbrhd. Assoc.**  
Diane McKnight, Chairman  
161 Barclay Avenue  
Oregon City, OR 97045

**Rivercrest Nbrhd. Assoc.**  
Patti Brown, Land Use  
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Oregon City, OR 97045

**South End Nbrhd. Assoc.**  
Karen Montoya, Chairman  
137 Deerbrook Drive  
Oregon City, OR 97045

**South End Nbrhd. Assoc.**  
Kathy Robertson, Land Use  
210 Elmer Drive  
Oregon City, OR 97045

**Canemah Neighborhood Assoc.**  
Alan Shull  
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Oregon City, Oregon 97045

**Garvey Schubert Barer**  
Bill Kabeiseman  
121 SW Morrison Street, 11<sup>th</sup> Floor  
Portland, Oregon 97204

**Planning Commission**  
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1145 Molalla Avenue  
Oregon City, Or 97045

**Planning Commission**  
Lynda Orzen  
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Oregon City, Or 97045

**Planning Commission**  
Dan Lajoie  
143 John Adams Street  
Oregon City, OR 97045

**Planning Commission**  
Tim Powell  
819 6<sup>th</sup> Street  
Oregon City, OR 97045

**Planning Commission**  
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**DJC**  
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