

CITY OF OREGON CITY

PLANNING COMMISSION

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PLANNING COMMISSON WORK SESSION AGENDA

City Hall – Lunch Room

August 6, 2003 at 5:30 P.M.

The 2003 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

WORKSESSION:

5:30 p.m. 1. **Proposed Code Amendments to the Oregon City Municipal Code**

6:45 p.m. 3. **Adjourn**

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

Chapter 12.04 – Streets and Sidewalks Generally

12.04.031 Liability for Sidewalk Injuries

- (1) The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be primarily liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.**
- (2) If the City is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty, which this ordinance imposes, the person shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.**

12.04.032 Required Sidewalk Repair

- (1) When the Operation Director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.**
- (2) The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within 30 days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work will be assessed against the property adjacent to the sidewalk.**
- (3) The Operation Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Operations Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.**
- (4) The person serving the notice shall file with the City Recorder a statement stating the time, place and manner of service or notice.**

12.04.033 City May Do Work

If repair of the sidewalk is not completed within 30 days after the service of notice, the Operations Director shall carry out the needed work on the sidewalk. Upon completion of the work, the Operations Director shall submit an itemized statement of the cost of the work to the Finance Director. The City may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the Operations Director for the health, safety and general welfare of the residents of the City.

12.04.034 Assessment of Costs

Upon receipt of the report, the Finance Director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Chapter 12.08 – Community Forests and Street Trees

[The City of Oregon City benefits from a large number of trees consisting both of natural growth and those planted throughout the years. The retention of trees and wooded areas, and the establishment of street trees adds to the livability of the community by enhancing its aesthetic beauty and providing aesthetic and water quality improvements.]

12.08.020 Street tree planting requirements.

All new construction or major redevelopment shall provide street *trees* adjacent to all street frontage. Species of *trees* shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City street tree list. If a setback sidewalk has already been constructed or the engineering manager determines that the forthcoming street design shall include a setback sidewalk, then all street *trees* shall be installed with a planting strip. If **existing** street design includes a curbside sidewalk, then all street *trees* shall be placed within the front yard setback, exclusive of any utility easement.

~~A. Street *trees* shall be planted a maximum of forty feet on center for the length of the lot frontage, as practicable. The planning manager may permit tighter spacing of *trees* if the lot frontage is constrained by driveway locations or other obstructions. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The Community Development Director may approve an alternative street tree plan if site constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.~~

B. The following dimensional standards shall be maintained when planting *trees*:

- ~~1. Twenty-five~~**Fifteen** feet from street lights;
2. Five feet from fire hydrants;
- ~~3. Twenty feet from stop signs;~~
- ~~43. Twenty-five~~ **Twenty** feet from intersections;
- ~~5. No less than three feet in tree lawn widths (landscape areas) from curbs or curb lines and sidewalks. The tree committee may grant alternatives to this standard in areas where less than three feet is available for planting;~~
- ~~64. A minimum of five feet (at mature height) below power lines.~~

C. All *trees* shall be a minimum of two inches in caliper and installed to city specifications.

~~D. All *trees* shall be pruned tight to the trunk at between eight and ten feet to ensure adequate clearance for pedestrians and street cleaning equipment. The tree committee may grant exceptions to this requirement if the cost of such *trees* is prohibitive or if the supply of *trees* grafted in this manner is limited or not available. (Ord. 01-1010 (part), 2001)~~

12.08.042 Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the ~~planning manager~~Community Development Director. ~~Except for d~~Diseased and hazardous trees, as determined by a registered arborist and verified by the city, ~~any tree that is removed shall be replaced at a one-to-one ratio with a similar caliper tree and tree species, unless the species is not included on the street tree list in which case, the tree shall be replaced with a species from the street tree list. A street tree which is removed and disease free shall be replaced with ½ the required replacement trees found in Table 16.12.310-1(Fractions shall be rounded to the nearest whole number). All new street trees will have a minimum two-inch caliper trunk measured four feet of the ground. If it is not practical to replace trees removed with like caliper trees, then the total sum of the newly planted trees shall equal the sum of removed tree caliper. The planning manager~~Community Development Director may approve off-site installation of replacement trees where necessary due to planting constraints. (Ord. 01-1010 (part), 2001)

Chapter 12.12 – Utility Wires and Poles

[This section no longer applies]

12.12.040 Erection restrictions:

All poles for the purpose set forth in this chapter shall be of cedar and not less than forty feet long; provided, that in the residence portion of the city the engineer in his discretion may designate a shorter length but not less than thirty-five feet and shall not vary more than six inches from the perpendicular; the poles shall be cleared of all bark and dressed or shaved smooth, and otherwise present a neat appearance; and shall have two coats of paint when put up, and shall be repainted once in every two years thereafter a dark green color. No wires or cables shall be stretched or suspended on any pole less than twenty-eight feet above the ground or established grade of the street. (Prior code §9-9-4)

Chapter 12.24 – Pedestrian/Bicycle Access

12.24.010 Purpose.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections ~~within and from new subdivisions and planned developments to~~ **between** residential areas and retail and office areas, **institutional facilities**, industrial parks, transit streets, ~~and~~ neighborhood activity centers, **and transit orientated developments** where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways should only be used in areas where public street options are unavailable, impractical or inappropriate. (Ord. 94-1034 §1(part), 1994)

12.24.020 Definitions.

As used in this chapter:

"Accessway" or "pedestrian/bicycle accessway" means any off-street path or way which is intended for the primary use of pedestrians and bicyclists and which provides direct routes ~~within and from new subdivisions and planned developments to~~ residential areas, **and** retail store and office areas, **institutional facilities**, industrial parks, transit streets, ~~and~~ neighborhood activity centers, **and transit orientated developments** where such routes are not otherwise provided by the street system. Off-street bicycle paths in excess of four hundred feet in length are not considered accessways and are not subject to the requirements of this chapter.

12.24.040 Development standards.

A. Entry points shall align wherever practical with pedestrian crossing points along adjacent streets and with adjacent street intersections.

B. ~~Accessways shall not exceed four hundred feet in length between streets.~~ Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. ~~For a~~ Accessways under two hundred feet in length, ~~shall have a fifteen~~ **fifteen-foot wide right-of-way with a centered ten** ~~seven-foot wide paved surface and two four-foot planter strips.~~

2. ~~For accessways two hundred to four hundred feet in length, a twenty-foot wide right-of-way with a centered ten-foot wide paved surface.~~

3. If an accessway also provides secondary fire access or a public utility corridor, the right-of-way width shall be at least twenty-~~three~~ **feet wide** with a centered fifteen-foot wide paved surface **and two four-foot planter strips.**

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of ~~three~~ **0.5 footcandles, a 1.5 foot-candle average, and a maximum to minimum ratio of 7:1** and shall be oriented not to shine upon adjacent residences. Street lighting shall be provided at both entrances and may also be required at intermediate points along the accessway as necessary for safety as determined by the review authority. Lamps shall include a high pressure sodium bulb with an unbreakable lens.

E. Wherever practicable, accessways shall have a maximum slope of five percent and avoid the use of stairways.

F. The planter strips on either side of the Aaccessways shall be fenced and screened along adjacent property in residential areas by:

1. ~~A vegetation screen at least forty-eight inches high with an additional four-foot high evergreen vegetation screen; or~~**An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and**
2. ~~A minimum five-foot high chain-link fence with a row of three to four-foot high evergreen shrubs or climbers planted along the fence; or~~**Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and**
3. ~~If there is an existing fence on private property adjacent to the accessway, a four-foot high evergreen vegetative screen;~~**Two-inch minimum caliper trees shall be planted on both sides of the accessway in an alternating pattern and with a maximum of twenty feet of separation between the tree on the opposite side of the path in order to increase the tree canopy over the accessway.**
4. In satisfying the requirements of this section, evergreen plant materials that grow over ~~four feet~~**forty-two inches** in height shall be avoided. All plant materials shall be selected from a list of suitable plant materials which the city shall maintain;
5. ~~The review authority may waive the requirement for vegetative screening upon demonstration that a vegetative screen is not practicable.~~

G. Accessways shall be designed to prohibit motorized traffic. Curbs, removal lockable posts and bollards are suggested mechanisms to achieve this.

H. Accessway surfaces shall be paved with all weather materials as approved by the city.

Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent. ~~Unpaved portions of the accessway, excluding gravel shoulders, shall be planted in an evergreen ground cover. Where the right-of-way is twenty feet or more, a row of approved two-inch minimum caliper trees, of medium size not to exceed twenty-five feet in height at maturity, shall be planted at twenty-foot spacings on one side of the path.~~

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings. (Ord. 94-1034 §1(part), 1994)

J. The Community Development Director may approve an alternative accessway design due to existing site constraints.

Chapter 16.04 – General Provisions and Administration of Land Divisions

16.04.010 Purpose.

This title is enacted in compliance with ORS 92.010 through 92.160 to establish procedures and standards for partitioning and subdividing land within the city. These regulations, along with the **goals and policies of the City's Comprehensive Plan and ancillary documents** and requirements of the city's underlying zoning, provide the dimensional requirements for building lots, **street locations**, **street designs**, rights-of-way, locational requirements for houses on residential lots, the provision of adequate open space for recreation and community facilities, and the basic requirements for the installation of public utilities, all with the aim of achieving:

Chapter 16.08 – Subdivisions: Process and Standards

16.08.040 Preliminary subdivision plat--Required plans.

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. A subdivision connectivity analysis prepared by an architect, engineer or other appropriate professionals licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing and planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

Chapter 16.12 – Minimum Improvements and Design Standards for Subdivisions

16.12.010 Purpose and general provisions.

All land divisions shall be in conformance with the policies and design standards established by this chapter, the **Oregon City Comprehensive Plan and ancillary documents**, and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for land division, the decision-maker shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans association with any land division must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction. (Ord. 98-1007 §1(part), 1998)

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

A. Unless otherwise required by the decision-maker City Engineer, all accessways and private access driveways shall comply with the following ~~Street Design s~~Standards identified in the Oregon City Transportation System Plan. An alley will have a minimum right-of-way of 20 feet and a pavement width of 16 feet.

Table 16.12.030 STREET DESIGN STANDARDS		
Type of Street	Minimum Right-of-Way Width	Required Pavement Width
Major arterial	80 to 100 feet	58 to 74 feet
Minor arterial	60 to 80 feet	34 to 66 feet
Collector street	60 to 70 feet	34 to 50 feet
Local street	40 to 50 feet	32 to 34 feet
Alley	20 feet	16 feet
Private street	None	20 feet

16.12.050 Street design--Alignment.

~~As far as is practicable, streets other than local or constrained streets shall be aligned with existing streets by continuation of the center lines. For local streets, staggered street alignment resulting in "T" intersections shall, wherever practicable, leave a minimum distance of two hundred feet between the center lines of streets having approximately the same direction and, in no case, shall be less than one hundred feet. The minimum distance between streets intersecting a collector or arterial shall be five hundred feet between center lines, unless the decision-maker finds that a lesser distance will not pose a safety hazard. (Ord. 98-1007 §1(part), 1998)~~

As far as is practicable, streets shall be aligned with existing streets by continuation of the center lines. Unless the City Engineer finds that a lesser distance will not pose a safety hazard, streets shall comply with the Minimum City Street Intersection Spacing Standards identified in the Oregon City Transportation System Plan.

16.12.150 Street design--Pedestrian and bicycle safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision-maker may require that local streets be so designed as to discourage their use by non-local automobile traffic. (Ord. 98-1007 §1(part), 1998)

The City Engineer may require Neighborhood Traffic Management Measures, including chicanes, chokers, curb extensions, circles, and other management measures to ensure public safety. The City discourages the use of traffic bumps as a traffic management measure and shall be used only when determined to be necessary by the decision maker.

16.12.180 Street design--Planter strips.

Where practicable, all development proposed along local streets shall include vegetative planter strips that are four-five feet in width or larger and, located adjacent to the curb. Development proposed along collector or arterial streets may use tree wells located near the curb in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth. Trees shall be selected and planted in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction. (Ord. 98-1007 §1(part), 1998)

16.12.232 Building Sites – Minimum Density

All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through water resource and steep slopes, and required open space or park dedication.

16.12.235 Calculations of Lot Size.

A subdivision in a Single Family Dwelling District may include lots that are up to 10% less than the required minimum lot size of the applicable zoning designation provided the entire subdivision on average meets the minimum site size 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.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space and storm water tracts.

A lot that was created pursuant to this section, may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the average lot size requirement for the abutting lot. It may also be used in calculating the average lot size.

16.12.290 Building site--Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe and better environment for pedestrians and bicyclists. Lots located on a neighborhood collector, collector or minor arterial streets shall locate the front yard setback on and orient the front of the primary structure to face the collector or minor arterial street. An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the Community Development Director.

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

16.12.310 Building site--Protection of trees.

Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved wherever practicable outside the building area. Where the decision-maker determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper and the plan must meet at a minimum the requirements of Table 16.12.310-1.

Table 16.12.310-1 Tree Replacement Requirements	
Size of tree removed (inches in diameter)	Number of Trees to be planted.
6 to 12	3 trees
13 to 18	5 trees
19 to 24	8 trees
25 to 30	10 trees
31 and over	15 trees

Where the decision-maker finds this requirement would cause an undue hardship, the requirement may be modified in a manner which the decision-maker finds will reasonably satisfy the objectives of this section. The decision-maker may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist. (Ord. 98-1007 §1(part), 1998)

Chapter 16.16 PARTITIONS--PROCESS AND STANDARDS

16.16.010 Purpose and general provisions.

A. Partitions shall be processed as a Type II decision by the planning manager in the same manner as set forth in Section 16.04.020(A) and the applicable provisions in Chapter 16.12, and Chapter 17.50, and the goals and policies of the city's Comprehensive Plan and ancillary documents. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the planning manager may require the applicant to supply a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots. (Ord. 98-1007 §1(part), 1998)

C. **Lot Size Limitations for Partitions.** A parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into 4 or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Community Development Director.

D. An original parcel may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the Lot Size Limitation for Partitions found in (C) above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.

16.16.030 Partition application submission requirements.

A partition application shall include five copies of the proposed partition to the planning manager on a reproducible material, drawn at a minimum scale of one inch equals one hundred feet with the following information:

- A. A completed application on a form as provided by the planning division;
- B. A boundary survey prepared by an Oregon professional land surveyor;
- C. Legal descriptions of the parent parcel(s) and the resulting parcels to be created;
- D. Copies of proposed deeds for the parcels to be created;
- E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year;
- F. The name and address of the owner and the land surveyor or engineer, if any;
- G. County tax assessment map number(s) of the land to be partitioned;
- H. The map scale and true north point;
- I. Approximate courses and distances of all parts of the partition;
- J. Around the periphery of the proposed partition, the boundary lines and names of adjacent partitions and subdivisions, streets and tract lines of adjacent parcels of property;
- K. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle accessways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;
- L. All areas designated as being within the flood management overlay district regulated under Chapter 17.42;
- M. All areas identified as unstable slopes and regulated under Chapter 17.44; and

N. All water quality resource areas designated and regulated under the water quality resource area overlay district in Chapter 17.49. (Ord. 99-1013 § 7, 1999; Ord. 98-1007 §1(part), 1998)

O. A connectivity analysis prepared by an architect, engineer, or other appropriate professionals licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing and planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties showing how lots and connectivity patterns within the proposed partition will extend to and/or from adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

16.16.040 Frontage width requirement.

~~Where a joint accessway is provided pursuant to Section 16.16.050(B),~~ All parcels of land that are created by a partition in a one-family or two-family zoning district shall collectively have a minimum frontage of twenty-two feet in width, ~~for one or two parcels, or twenty-four feet in width, for three or more parcels,~~ on an existing public, county, state or federal road or street, as approved by the city engineer. ~~For parcels that cannot have a joint access, due to topography, twenty feet of frontage shall be required for each parcel on an existing public, county, state or federal road or street.~~ For parcels of land created by a partition in all other zoning districts, the parcels shall have a minimum of thirty feet of frontage on an existing public, county, state or federal road or street. (Ord. 98-1007 §1(part), 1998) A joint accessway shall be provided unless the configuration, topography, or an existing dwelling unit is located on the property to prevent a joint accessway. No private accessway may serve more than five single-family homes.

16.16.050 Accessway requirementsFlag Lots.

A. Flag lots may be permitted in Partitions only where the configuration, of topography, or an existing dwelling unit is located on the property so that it ~~of the property would~~ would otherwise preclude the partitioning and development of the property. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.

B. ~~Accessways shall have a pavement width of at least sixteen feet to service one to two units or twenty feet to service three or more units. No private accessway may serve more than five single family homes~~ Flag lots shall not be created through the Subdivision process as defined in Chapters 16.08 and 16.12 except where an existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width or depth standard of the underlying zone.

C. ~~A fire access corridor shall be provided to all parcels with a minimum width of sixteen feet to service two units or twenty feet to service three or more units as based on the zoning, as approved by the city engineer and fire chief. No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor.~~ (Ord. 98-1007 §1(part), 1998)

~~1(part), 1998)~~

C. The pole must connect to a public street.

D. The pole must be at least 12 feet wide for its entire length. This requirement, for the flag lot only, replaces the 20 feet of frontage required in Section 16.12.240 of the Subdivision review process.

E. The pole must be part of the flag lot and must be under the same ownership as the flag portion.

16.16.060 Pavement requirements.

Accessways for lots created through the partitioning process shall satisfy the requirements of Section 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length, it shall be paved to a minimum width of twenty feet and, if more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and fire chief. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions. (Ord. 98-1007 §1(part), 1998)

Chapter 17.04 - Definitions

[Clarification of the definition.]

17.04.190 Cul-de-sac.

"Cul-de-sac" means a street not more than ~~five~~ three hundred fifty feet in length having one end open to traffic and being terminated by a vehicle turnaround. The cul-de-sac is measured from the edge of the right-of-way of the intersecting street to the edge of the pavement at the end of the cul-de-sac. (Prior code §11-1-6(part))

"Development" means any man-made change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot or excavation.

"Net Buildable Area" means the area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:

- a. elevation within the 100-Year Floodplain, as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps;
- b. the area within an underlying Water Resource Overlay District governed by Section 17.49 that has been delineated by a Water Resource determination and decision;
- c. steep slopes exceeding 45%. Applicant may make a request for the Community Development Director to determine whether to make further adjustments for slopes above 25% per Section 17.44.060.H.

17.04.273 Front Façade

The exterior wall/foundation of a building exposed to the front lot line.

17.04.220382 DwellingMultiple family residential units ~~apartment or multi-family.~~

~~"Dwelling apartment" or "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))~~ A structure located on one tax lot and containing three or more attached dwelling units in any vertical or horizontal arrangement.

17.04.621230 Dwelling, single-familySingle-family detached residential units.

~~"Single-family dwelling" means a detached building designed for and used exclusively as the residence of one family. (Prior code §11-1-6(part))~~ One dwelling unit, freestanding and structurally separate from other dwelling units or buildings, located on a lot.

17.04.235620 Single-family attached dwellingsresidential units.

Two or more dwelling units attached side by side with some structural parts in common at a common property line on separate tax 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)~~

17.04.275 Front lot line.

~~For purposes of the solar access regulations, "front lot line" means a lot line abutting a street. For an interior lot, the lot line abutting a street; For corner lots, the front lot line is that with the narrowest frontage~~ the Community Development Director shall determine the front lot line. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve.

For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole (see Figure 1, codified at the end of this title). (Ord. 91-1020 §1(part), 1991: prior code §11-1-6(part))

17.04.345 Lot, Depth.

The perpendicular distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually rear, lot line.

17.04.373 Lot, Width.

The perpendicular distance measured between the mid-points of the two principal opposite side lot lines and at approximately right angles to the lot depth.

17.04.503 Porch

A roofed open area, which may be screened, attached to or part of and with direct access to or from a building.

17.04.545 Rear Lot Line.

A lot line which is opposite to and more distant from the front lot line. In the case of a corner lot, the manager shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. A lot line abutting an alley is a rear lot line.

Chapter 17.08 - R-10 Single-Family Dwelling District

17.08.020 Permitted uses.

Permitted uses in the R-10 district are:

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

17.08.040 Dimensional standards.

Dimensional standards in the R-10 district are:

- A. Minimum lot areas, ten thousand square feet;
- B. Minimum ~~average~~ lot width, ~~seventy-fivesixty-five~~ feet;
- C. Minimum ~~average~~ lot depth, ~~one hundredeighty~~ feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, ~~twenty-five~~ 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.**
 - 23. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,
 - 34. Corner side yard, ~~twentyfifteen~~ feet minimum width,
 - 45. Rear yard, ~~twenty-five~~ feet minimum ~~wid~~depth,
 - 56. 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))

17.08.030 Conditional uses.

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

- A. Golf courses, except ~~midget~~**miniature** golf courses, driving ranges or similar commercial enterprises;
- B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

Chapter 17.10 - R-8 Single-Family Dwelling District

17.10.020 Permitted uses.

Permitted uses in the R-8 district are:

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

17.10.040 Dimensional standards.

Dimensional standards in the R-8 district are:

- A. Minimum lot area, eight thousand square feet;
- B. Minimum ~~average~~ lot width, ~~seventy~~**sixty** feet;
- C. Minimum ~~average~~ lot depth, ~~one hundred~~**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, ~~twenty feet~~**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.
- 23. Interior side yard, nine feet minimum for at least one side yard, seven feet minimum for the other side yard,
- 34. Corner side yard, ~~twenty~~**fifteen** feet minimum width,
- 45. Rear yard, **twenty-five** feet minimum ~~width~~**depth**,
- 56. 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))

17.08.030 Conditional uses.

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

- A. Golf courses, except ~~midget~~**miniature** golf courses, driving ranges or similar commercial enterprises;
- B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

Chapter 17.12 - R-6 Single-Family Dwelling District

17.12.020 Permitted uses.

Permitted uses in the R-6 district are:

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

17.12.040 Dimensional standards.

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;
- B. Minimum ~~average~~ lot width, ~~sixty~~**fifty** feet;
- C. Minimum ~~average~~ lot depth, ~~one hundred~~**seventy** feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, ~~twenty~~**ten** feet minimum ~~width~~**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.
 - 23. Interior side yard, nine feet minimum width for at least one side yard; five feet minimum width for the other side yard,
 - 34. Corner side yard, fifteen feet minimum width,
 - 45. Rear yard, ~~twenty~~**five** feet minimum ~~width~~**depth**,
 - 56. 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))

17.08.030 Conditional uses.

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

- A. Golf courses, except ~~midget~~**miniature** golf courses, driving ranges or similar commercial enterprises;
- B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

Chapter 17.13 – R-6/MH Single-family Dwelling District

[This Chapter zoning designation is being removed]

17.13.010 Designated.

This R-6/MH residential district allows for single-family site-built and manufactured homes on lot sizes of six thousand eight hundred square feet minimum. (Ord. 00-1003 §6, 2000; Ord. 92-1024 §4(part), 1992)

17.13.020 Permitted uses.

Permitted uses in the R-6/MH district are:

- A. Single-family dwellings (site-built and manufactured homes);
- B. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);
- E. Temporary real estate offices in model homes, located and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses and building;
- G. Family day care provider, subject to the provisions of Section 17.54.050;
- H. Site-built manufactured homes. (Ord. 94-1014 §2(part), 1994; Ord. 92-1024 §4(part), 1992)

17.13.030 Conditional uses.

The following conditional uses are permitted in the R-6/MH district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. Uses listed in Section 17.56.030. (Ord. 92-1024 §4(part), 1992)

17.13.040 Dimensional standards.

Dimensional standards in the R-6/MH district are:

- A. Minimum lot area, six thousand and eight hundred square feet;
- B. Minimum average lot width, eighty feet;
- C. Minimum average lot depth, eighty-five feet;
- D. Maximum building height, not to exceed twenty feet;
- E. Minimum required setbacks:
 - 1. Front yard, fifteen feet minimum depth;
 - 2. Interior side yard, seven feet minimum for at least one side yard; five feet minimum for the other side yard;
 - 3. Corner side yard, fifteen feet minimum width;
 - 4. Rear yard, ten feet minimum width;
 - 5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 92-1024 §4(part), 1992)

17.13.050 Placement standards.

Placement standards for manufactured homes in the R-6/MH district are:

~~A. Floor Area. The manufactured home shall be multisectional (double-wide or wider) and enclosed floor area of not less than one thousand square feet. Hitches and tipout are excluded from square footage calculations;~~

~~B. Roof. The manufactured home shall have a pitched roof with a pitch of at least a nominal three to twelve (3/12). The roof shall be covered with shingles, shakes, composition or tile. Eaves and gutters shall extend from the roof at least six inches from the intersection of the roof and the exterior wall;~~

~~C. Foundation. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with no more than twelve inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than twelve inches of the enclosing material shall be exposed on the uphill side of the home;~~

~~D. Exterior Siding. The exterior siding shall have the same appearance as materials which are comparable to the predominant materials used on surrounding dwellings within three hundred feet. Metal siding shall be painted or anodized;~~

~~E. Hauling Mechanisms. The transportation mechanisms, including the wheels, axles and hitch, shall be removed;~~

~~F. Accessory Structures. The manufactured home shall have an attached or detached garage or carport constructed of like materials, consistent with the construction of adjacent dwellings within three hundred feet. The provisions of Section 16.54.010 shall apply as applicable;~~

~~G. 1. The manufactured dwelling shall be certified by the manufacturer to have exterior thermal envelope meeting the performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.~~

~~2. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer's certification shall not be required.~~

~~H. The manufactured home shall not be sited in a conservation or historic district, or abutting to a structure or site listed on the Oregon City Inventory of Historic Resources.~~

~~I. Any extension or attachment to the manufactured home which is not part of the original factory-manufactured home and which is intended for use either as part of the dwelling unit or for storage purposes shall not occur unless it is indicated as a part of the application and is part of the approval. This application shall include plans for review and approval to insure the extension or attachment proposed is compatible and of like design and character to the existing manufactured home. A city building permit shall be obtained for such extensions or additions to manufactured homes if so required by the appropriate state statutes and regulations.~~

~~J. An on-site paved parking area shall be provided for each dwelling as per Section 17.52.010.~~

~~K. An installation/setup permit shall be required prior to placement of the manufactured home. (Ord. 92-1024 §4(part), 1992)~~

Chapter 17.16 RD-4 TWO-FAMILY DWELLING DISTRICT
Chapter 17.16 – R-3.5 Dwelling District

17.16.010 Designated.

This residential district allows single-family attached and detached residential units, and two-family dwellings. (Prior code §11-3-6(part))

17.16.020 Permitted uses.

Uses permitted in the RD-4 district are:

- A. Two-family dwellings (duplexes);
- B. Single-family detached residential unitsdwellings;
- C. Single-family attached residential unitsdwellings(A maximum of six dwelling units by be attached in a row);
- D. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
- E. Home occupations;
- F. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);
- G. Temporary real estate offices in model homes, located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- H. Accessory uses and buildings;
- I. Family day care provider, subject to the provisions of Section 17.54.050;
- J. Manufactured dwelling parks, if designated MR/MDP, and subject to the provisions of Chapter 17.66;
- K. Site-built manufactured homes. (Ord. 99-1027 §2, 1999; Ord. 94-1014 §2(part), 1994; Ord. 92-1024 §5, 1992; prior code §11-3-6(A))

17.16.030 Conditional uses.

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

- A. Golf courses, except ~~midget~~ miniature golf courses, driving ranges or similar commercial enterprises;
- B. Uses listed in Section 17.56.030. (Prior code §11-3-6(B))

17.16.040 Dimensional standards.

Dimensional standards in the RD-4 district are:

A. Minimum Lot Area.

- ~~1. Two-family dwellings, eight thousand square feet;~~
- ~~2. Single-family dwellings, six thousand square feet;~~
- ~~3. Single-family attached dwellings, four thousand square feet;~~ **1. Residential uses, three thousand five hundred square feet per lot or unit.**
- ~~4. Non-residential uses, six thousand square feet;~~ **zero minimum;**
- ~~B. Minimum average lot width, sixty-two feet, except for single-family attached units, in which case the minimum lot width per lot is forty feet;~~
- C. Minimum average lot depth, one hundredseventy-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~~ five feet minimum depth,**

2. Interior side yard, nine feet width for at least one side yard; seven feet minimum width for the other side, with the minimum nine foot side yard applying to single-family attached dwellings on the side that does not abut the common property line,

3. Corner side yard, ~~twenty~~**fifteen** foot minimum width,

4. Rear yard, ~~fifteen~~**twenty** 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 it taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.

17.16.050 Lots of record.

An existing lot of record with a minimum lot size of five thousand square feet may only be occupied by a single-family dwelling, providing that yard requirements are met. An existing lot with an area of less than five thousand square feet is subject to variance procedures, pursuant to Chapter 17.60. If the variance is granted, the only permitted use of the lot is a single-family dwelling. (Prior code §11-3-6(D))

17.16.060 Single-family attached ~~dwelling~~**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 sufficient to guarantee rights for maintenance purposes of structure and yard, but in no case shall it be less than five feet in width.

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 17.16.040(A)(3), ~~17.16.040(B) and 17.16.040(E)(2)~~, 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)

C. All duplexes and attached housing units shall comply with the Single-Family attached residential units and Duplex design standards.

Chapter 17.18 RA-2 MULTI-FAMILY DWELLING DISTRICT
Chapter 17.18 – R-2 Multi-Family Residential District

17.18.010 Designated.

The purpose of this residential district is to allow for single-family **attached residential units**, two-family and multi-family ~~dwelling~~**residential units**. (Prior code §11-3-7(part))

17.18.020 Permitted uses.

Permitted uses in the RA-2 district are:

- A. Multi-family ~~dwelling~~**residential units**;
- B. Two-family dwellings;
- C. Single-family ~~dwellings~~ **attached residential units**;
- D. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
- E. Home occupations;
- F. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);
- G. Temporary real estate offices in model homes, located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- H. Accessory buildings;
- I. Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A))

17.18.030 Conditional uses.

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

- A. Golf courses, except ~~midget~~miniature golf courses, driving ranges or similar commercial enterprises;
- B. Uses listed in Section 17.56.030;
- C. Mobile home parks. (Prior code §11-3-7(B))

17.18.040 Dimensional standards.

Dimensional standards in the RA-2 district are:

- A. Minimum lot area:
 - 1. ~~Single-family dwellings, six thousand square feet,~~
 - 2. ~~Two-family dwellings, eight thousand square feet,~~
 - 3. ~~Multi-family dwellings, four thousand square feet minimum for each of the first two units, and two thousand square feet minimum for each additional unit,~~**Residential units, 2,000 square feet per lot or unit.**
- 42. ~~Nonresidential uses, six thousand square feet~~**zero minimum;**
- B. Minimum average lot width, ~~sixty~~**twenty** feet;
- C. Minimum average lot depth, ~~one hundred~~**seventy-five** feet;
- D. Maximum building height, ~~three~~**four** stories, not to exceed ~~forty~~**fifty-five** feet;
- E. Minimum required setbacks:
 - 1. Front yard, ~~fifteen~~**five** feet minimum depth (May be reduced to zero through Site Plan and Design Review),
 - 2. ~~Interior~~**Side** yard,
 - a. ~~ten~~ **nine** feet minimum width,
 - b. **Common property line residential units, zero and nine feet;**
 - 3. Corner side yard, ~~twenty~~**fifteen** feet minimum width,
 - 4. Rear yard;
 - a. **Nonresidential and Multiple family residential units, ten feet minimum depth,**

b. Single Family attached residential units and duplex, twenty-five feet minimum depth;

5. Buffer Area. If a multi-family dwelling residential unit in this district abuts or faces an R-10, R-8, R-6 or RD-4 zone, there shall be required a yard of twenty-five feet on the side abutting or facing the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review,

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. All duplex and attached residential units shall comply with the Single-Family attached residential units and Duplex design standards. Nonresidential and Multiple-Family residential units shall comply with Chapter 17.62 – Site Plan and Design Review.

8. 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 in residential areas.

17.18.050 Lots of record.

An existing lot of record with a minimum lot size of five thousand square feet may only be occupied by a single-family dwelling, providing that yard requirements are met. An existing lot with an area of less than five thousand square feet is subject to variance procedures, pursuant to Chapter 17.60. If the variance is granted, the only permitted use of the lot is a single-family dwelling. (Prior code §11-3-7(D))

17.18.060 Single-Family Attached Dwellings

The following standards apply to single-family attached residential units and duplex units.

- 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 sufficient to guarantee rights for maintenance purposes of structure and yard, but in no case shall it be less than five feet in width;
- B. **Conversion of Existing Duplexes.** Any conversion of an existing duplex unit into two single-family attached residential units shall be reviewed for compliance with the requirements of this Chapter 17.18, and the State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat.

Chapter 17.26 HC HISTORIC COMMERCIAL DISTRICT

The maximum height standard has be raised and additional permitted uses have been added]

17.26.010 Purpose.

Historic commercial district allows for limited commercial use in National Register Historic districts. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of architecturally compatible new ones. (Prior code §11-3-11(part))

17.26.020 Permitted uses.

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

Antique shops
Book stores
Craft stores
Gift shops
Restaurant
Coffee shop
Office
Art, gallery, store, supplies
Bakery, retail
Hair salon
Bookstore
Craft store
Delicatessen store
Drug stores
Florist shop
Gift shop
Grocery, fruit or vegetable store
Interior decoration, including drapery and upholstery
Jewelry store
Music store
Notion or variety store
Photography studio
Plant or garden shop
Studio, art, dance, music, photo
Apparel store

Uses, as approved by the Community Development Director, that are consistent with the purpose of the HC zoning district.

Uses permitted in the R-6 single-family dwelling district. (Prior code §11-3-11(A))

17.26.030 Conditional uses.

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

A. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

17.26.040 Historic building preservation.

Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the planning commission that no economically feasible return can be

gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the planning commission may grant an exception to the Historic Building Preservation Policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the Historic Building Preservation Policy in other structures in the area. The planning commission may condition the grant of any such application to these ends. The planning commission may delay action on such an application subject to consideration by the historic review board as provided in Chapter 17.40. (Prior code §11-3-11(C))

17.26.050 Dimensional standards.

A. Minimum lot area:

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 size; two thousand square feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet for new buildings. (Prior code §11-3-11(D))

CHAPTER 17.29“MUC” - MIXED USE CORRIDOR DISTRICT

SECTIONS

17.29.010 Designated
17.29.020 Permitted uses
17.29.030 Conditional uses
17.29.040 Prohibited uses
17.29.050 Dimensional standards, MUC-1
17.29.060 Dimensional standards, MUC-2
17.29.070 Dimensional standards, signage
17.29.080 Explanation of certain standards

17.29.010 DESIGNATED

The Mixed Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Mollala Avenue, 7th Street and Beavercreek Road, and along Warner-Milne Road. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Commercial uses are only allowed in conjunction with mixed-use office and residential developments, except for small stand-alone buildings. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

17.29.020 PERMITTED USES.

Permitted uses in the “MUC” 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. Dwellings, single-family detached¹
- E. Dwellings, single-family and two-family attached
- F. Dwellings, multifamily
- G. Health and fitness clubs
- H. Medical and Dental Clinics, outpatient; infirmity services
- I. Museums and Cultural Facilities
- J. Offices
- K. Postal Services

¹ Only if existing prior to the effective date of this Ordinance; new single-family detached dwelling units are not permitted

- L. Publicly owned parks, playgrounds, play fields and community or neighborhood centers
- M. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment
- N. Restaurants, eating and drinking establishments²
- O. Retail services², including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including 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 does not exceed 10,000 square feet. Retail trade may not exceed 50% of the total square footage of a mixed use project
- Q. Senior Housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes²
- R. Studios and galleries, including dance, art, photography, music and other arts
- S. 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.
- T. Veterinary clinics or pet hospitals, dog day care

17.29.030 CONDITIONAL USES

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

- A. Clubs/Lodges
- B. Drive-in or drive-through facilities
- C. Emergency Services
- D. Museums and Cultural Facilities
- E. Postal Services
- F. Religious Institutions
- G. Schools, including trade schools and technical institutes

17.29.040 PROHIBITED USES

² Residential development where each living unit has its own kitchen with a stove, sink and refrigerator will be treated as apartments, and subject to the density requirements of Section 17.29.050.H

The following uses are prohibited in the MUC District:

- A. Bulk retail or wholesale uses
- B. Car washes
- C. Hotels and motels, commercial lodging
- D. Hospitals
- E. Indoor and outdoor recreation facilities
- F. Kennels
- G. Motor vehicle and heavy equipment service³, repair, sales, rental or storage
- H. Outdoor sales or storage⁴
- I. Self-service storage
- J. Vehicle fuel sales

17.29.050 DIMENSIONAL STANDARDS, MUC-1

- A. Minimum lot areas: None
- B. Minimum Floor Area Ratio for stand-alone office and mixed-use buildings: 0.4⁵
- C. Maximum building height: 40 feet
- D. Minimum required setbacks if not abutting a residential zone:
 - 1. Front yard: None
 - 2. Interior side yard: None
 - 3. Corner side yard: None
 - 4. Rear yard: None
- E. Minimum required interior, corner and rear yard setbacks, if abutting a residential zone: 20 feet, plus one foot additional yard setback for every three feet of building height over 35 feet.
- F. Maximum allowed setbacks:
 - 1. Front yard: 20 feet
 - 2. Interior side yard: None
 - 3. Corner side yard abutting street: 30 feet

³ Heavy equipment includes but is not limited to construction equipment and machinery and farming equipment

⁴ Except secured areas for overnight parking or temporary parking of vehicles used in the business

⁵ The minimum floor area ratio shall apply to any stand-alone office development or any mixed-use development that includes a residential component. The residential floor area in a mixed-use project is included in the calculation of the FAR.

- 4. Rear yard: None
- G. Residential density:
Minimum units/acre⁶ for stand alone residential: 10
- H. Parking standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.25 may be reduced by 10% for mixed-use transit orientated projects, subject to a determination by the Planning Director that the project qualifies as a “mixed-use” project
- I. Maximum lot coverage: 80%
- J. Percent of site landscaped: 20%. In addition, street trees and parking lot trees are required.

17.29.060 PERMITTED USES, MUC –2

Those uses allowed in 17.29.020 with the following exception:

- A. Retail Trade, including 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 does not exceed 60,000 square feet. Retail trade may not exceed 50% of the total square footage of a mixed-use project

17.29.070 DIMENSIONAL STANDARDS, MUC-2

- A. Minimum lot area: None for commercial or office uses; same as RA-2 for stand alone residential projects
- B. Minimum Floor Area Ratio for stand-alone office buildings or mixed-use buildings - 0.6
- C. Minimum building height: 25 feet
- D. Maximum building height: 60 feet
- E. Minimum required setbacks, if not abutting a residential zone
 - 1. Front yard: None
 - 2. Interior side yard: None
 - 3. Corner side yard: None
 - 4. Rear yard: None
- F. Minimum required interior, corner and rear yard setbacks if abutting a residential zone: 15 feet, plus one foot additional yard setback for every three feet of building height over 35 feet.
- G. Maximum allowed setbacks
 - 1. Front yard: 10 feet
 - 2. Interior side yard: None
 - 3. Corner side yard abutting street: 20 feet
 - 4. Rear yard: None

⁶ Units per acre is defines as dwelling units per gross acre minus environmental resource lands

- H. Residential density:
 - 1. Minimum units/acre for stand alone residential: 15
 - 2. Maximum units/acre for stand alone residential: Same as the City's highest density residential zone, or 30 units per acre, whichever is less
- I. Parking standards: The minimum required off-street vehicular parking standards of Chapter 17.25 may be reduced by 25% for mixed-use projects, subject to a determination by the Planning Director that the project qualifies as a "mixed-use" project.
- J. Maximum site coverage: 90%
- K. Minimum landscaping requirement: 10%.

17.29.080 EXPLANATION OF CERTAIN STANDARDS

A. Floor Area Ratio (FAR)

1. Purpose

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

2. Standards

a. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than 10,000 square feet in floor area.

b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project buildout.

B. Building Height

1. Purpose

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.

A minimum 2-story (25') building height is established for the MUC-2 District to ensure that the Zoned MUC-2 will develop with at least two-story buildings.

2. Standards

Minimum and maximum building heights are specified in 17.29.050 and 17.29.060.

The minimum building height standard applies generally to new commercial, residential, and mixed-use buildings. The minimum height requirement does not apply to accessory structures, or to buildings with less than 1,000 square feet of floor area.

D. Other standards

See OCMC Chapter 17.62 for additional details on building setbacks, building orientation and primary entrances, and ground floor window requirements.

CHAPTER 17.31 “MUE” -- MIXED USE EMPLOYMENT DISTRICT

SECTIONS

17.31.010 Designated
17.31.020 Permitted uses
17.31.030 Limited uses
17.31.040 Conditional uses
17.31.050 Prohibited uses
17.31.060 Dimensional standards
17.31.070 Explanation of certain standards

17.31.010 DESIGNATED

The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes. Some commercial uses are allowed, within limits. The County offices and Willamette Falls Hospital are examples of such employment-intensive uses.

17.31.02 PERMITTED USES

Permitted uses in the MUE district are defined as:

- A. Auditoriums, exhibition halls
- B. Banks, savings, credit union, stocks & mortgages
- C. Banquet, conference facilities and meeting rooms
- D. Carpenter shops, wood product manufacturing¹
- E. Child care facilities
- F. Clinics, outpatient; infirmary services
- G. Employment training and business services
- H. Health and fitness clubs, including tennis courts and swimming pools, but exclusive of spectator sports facilities
- I. Hotels and motels, commercial lodging
- J. Hospitals, Medical Centers, and Emergency Service Facilities
- K. Industrial uses including design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials²

¹ All activities associated with this use shall be contained wholly within an enclosed building

² These uses shall have no or minimal off-site impacts, e.g. noise, glare, odor, and vibration, and all activities shall be conducted wholly within an enclosed building

- L. Offices
- M. Postal services
- N. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing, photo engraving
- O. Public utilities and services, including courts, libraries, and general government offices
- P. Research and development offices and laboratories, related to scientific, educational, electronics, and communications endeavors³
- Q. Software development
- R. Trade schools and technical and professional institutes, business schools, job training, vocational rehabilitation, exclusive of elementary, secondary and full curricula colleges and universities
- S. Transit and passenger rail center & station, exclusive of transit storage areas
- T. Utilities

17.31.030 LIMITED USES

The following permitted uses, alone or in combination, shall not exceed 20% of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the Planning Director.

- A. Art stores, galleries, photography studios and shops
- B. Bakeries, retail
- C. Barber shops, beauty shops, other personal services
- D. Custom dressmaking, tailoring
- E. Drug stores, pharmacies
- F. Dry cleaners
- G. Grocery, fruit or vegetable stores
- H. Office equipment (sales and service)
- I. Restaurants, eating and drinking establishments

³ Same as footnote #1

- J. Specialty retail shops, including but not limited to florist, music, gifts, confectionery, books, stationery, hobby, jewelry, bath and kitchen ware, shoes, linen, furniture, hardware, garden supply, appliances and electronics stores, delicatessens
- K. Trade schools and technical and professional institutes, business schools, job training, vocational rehabilitation, exclusive of elementary, secondary, and full curricula colleges and universities.

17.31.040 CONDITIONAL USES

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

- A. Ambulance services
- B. Building materials, sales and supplies (as described in OCMC 17.31.080(A), and not including outdoor storage or outdoor display and sales of building materials
- C. Correctional, detention and work release facilities
- D. Drive-in or drive-through facilities for banks, restaurants, pharmacies, and other commercial uses
- E. Museums and cultural institutions
- F. Private clubs and lodges
- G. Public facilities, such as sewage treatment plants, water towers, pumps stations, recycling and resource recovery centers
- H. Veterinary or pet hospital, dog daycare
- I. Schools - elementary, secondary, and full curricula colleges and universities

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
- E. Draying, trucking and automobile freighting yard
- F. Entertainment centers and facilities, outdoor

- G. Foundry casting lightweight non-ferrous metals
- H. Ice or cold storage plant
- I. Junk yards, salvage yards, wrecking yards, storage yards and recycling centers
- J. Kennels
- K. Machinery, equipment or implement sales, service or rental relating to farming and construction (heavy equipment)
- L. Motor vehicle, travel trailer, recreation vehicle, motorcycle, truck, manufactured home, and boat sales, leasing, rental or storage
- M. Recreational vehicle (RV) parks, including sites established or maintained for travel trailers, truck campers, camping trailers, and self-propelled motor homes
- N. Religious institutions, such as churches, mosques and synagogues
- O. Self-storage facilities
- P. Storage yard for contractor's equipment, transit vehicles, and related vehicle or equipment maintenance activities
- Q. Warehouse/freight movement
- R. Wholesale and bulk sales

17.31.060 DIMENSIONAL STANDARDS

- A. Minimum lot areas: None
- B. Minimum Floor Area Ratio (as described as 17.31.080(B): 0.35
- C. Minimum building height: None
- D. Maximum building height: except as otherwise provided in subsection D(1) of this section building height shall not exceed sixty feet.
 - 1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
- E. Minimum required setbacks: No side or rear yard setbacks are required, except that a 50 foot setback shall be required wherever the MUE zone directly abuts any type of commercial or residential zone
- F. Maximum allowed setbacks: No maximum limit
- G. Minimum off-street parking standards: The standard off-street, vehicular parking requirements of Section 17.25 apply

- H. Maximum site coverage: 80%
- I. Minimum landscape requirement: 20%

17.31.070 EXPLANATION OF CERTAIN STANDARDS

- A. Floor Area Ratio (FAR)

- 1. Purpose

- Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

- 2. Standards

- a. The minimum floor area ratios contained in 17.31.060 and 17.31.070 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than 10,000 square feet in floor area

- b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

- c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project buildout.

- B. Other standards

- See OCMC Chapter 17.62 for additional details on building setbacks, building orientation and primary entrances, and ground floor window requirements.

CHAPTER 17.34
“MUD” -- MIXED USE DOWNTOWN DISTRICT

SECTIONS

- 17.34.010 Designated
- 17.34.020 Permitted uses
- 17.34.030 Conditional uses
- 17.34.040 Prohibited uses
- 17.34.050 Pre-existing industrial uses
- 17.34.060 Dimensional standards, except for within overlay area
- 17.34.070 Dimensional standards, historic downtown overlay area
- 17.34.080 Dimensional standards, signs
- 17.34.090 Explanation of certain standards

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 primarily retail and service uses on the ground floor, and primarily office and residential uses on the upper floors. The emphasis is on those uses that serve a walk-in clientele. This District includes an overlay design sub-district for the historic downtown area. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

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 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. Dwellings, single-family detached
- F. Dwellings, single-family and two-family attached
- G. Dwellings, multi-family
- H. Health and fitness clubs
- I. Hotel and motel, commercial lodging

- J. Indoor recreational facilities, including theaters
- K. Marinas
- L. Medical and dental clinics, outpatient; infirmary services
- M. Museums and cultural facilities
- N. Offices
- O. Postal services
- P. Publicly owned parks, play fields and community or neighborhood centers
- Q. Religious institutions
- R. Repair shops, for office equipment, bicycles, electronic equipment, shoes and small appliances
- S. Restaurants, eating and drinking establishments
- T. Retail services, including professional, educational and financial services; laundry and dry-cleaning
- U. Retail trade, including grocery, hardware, and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the footprint of a free standing building does not exceed 60,000 square feet.
- V. Senior housing, including congregate care, residential care and assisted living, nursing homes and other types of group homes
- W. Studios and galleries, including dance, art, photography, music and other arts
- X. Utilities

17.34.030 CONDITIONAL USES

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

- A. Car washes
- B. Drive-in or drive-through facilities
- C. Emergency services
- D. Hospitals
- E. Motor vehicle service, repair, sales, rental or storage
- F. Outdoor markets, such as produce stands, craft markets and farmers markets

- G. Outdoor recreational facilities
- H. Repairs shop for small engines, such as lawnmowers, leaf blowers and construction-related equipment
- I. Retail trade, including grocery, hardware, and gift shops, bakeries, delicatessens, florists, pharmacies, and specialty stores in a free standing building exceeding a foot print of 60,000 square feet
- J. Bulk retail and wholesale uses

17.34.040 PROHIBITED USES

The following uses are prohibited in the MUD District

- A. Kennels
- B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030
- C. Self-service storage
- D. Public facilities, such as sewage and water treatment plants, water towers, pump stations, and recycling and resource recovery centers

17.34.050 PRE-EXISTING INDUSTRIAL USES

Tax Lots 100, 200 and 700 located on Clackamas County Tax Assessors Map #22E30DD have special provisions for Industrial Uses. These properties can maintain and expand their Industrial Uses on existing and abutting tax lots. New construction and substantial exterior alterations on these tax lots are subject to the Downtown Community Plan Design Standards located in OCMC 17.62.100. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 DIMENSIONAL STANDARDS, EXCEPT FOR WITHIN OVERLAY AREA

- A. Minimum lot area: None for commercial and office uses; same as RA-2 for stand alone residential projects
- B. Minimum Floor Area Ratio for stand-alone office, commercial buildings or mixed-use buildings with a residential component : 0.4
- C. Minimum building height: 25 feet
- D. Maximum building height: 75 feet, except for the following locations where the maximum building height shall be 45 feet:
 - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 - 2. Property within 500 feet of the End of the Oregon Trail Center property; and
 - 3. Property within 100 feet of single-family detached or detached units.

- E. Minimum required setbacks, if not abutting a residential zone:
 - 1. Front yard: None
 - 2. Interior side yard: None
 - 3. Corner side yard: None
 - 4. Rear yard: None
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: 15', plus one additional foot in yard setback for every three-feet in height over 35 feet.
- G. Maximum allowed setbacks:
 - 1. Front yard: 20 feet
 - 2. Interior side yard: No maximum
 - 3. Corner side yard abutting street: 20 feet
 - 4. Rear yard: No maximum
 - 5. Rear yard abutting street: 20
- H. Residential density:
 - 1. Minimum units per acre: None, except in the mandatory housing overlay sub-district
 - 2. Maximum units per acre: None
- I. Parking standards: The minimum required off-street vehicular parking standards of Chapter 17.25 may be reduced by 25% for mixed-use projects subject to a determination by the Planning Director that the project qualifies as a "mixed-use" project.
- J. Maximum site coverage: 90%
- K. Minimum landscape requirement: 10%.

17.34.070 DIMENSIONAL STANDARDS, HISTORIC AREA OVERLAY

- A. Minimum lot area: None for commercial and office uses; same as RA-2 for stand-alone residential projects
- B. Minimum Floor Area Ratio for stand-alone office or commercial buildings or mixed-use buildings with a residential component: 0.6
- C. Minimum building height: 25 feet
- D. Maximum building height: 58 feet
- E. Minimum required setbacks, if not abutting a residential zone:
 - 1. Front yard: None
 - 2. Interior side yard: None
 - 3. Corner side yard: None
 - 4. Rear yard: None

- F. Minimum required interior, corner and rear yard setback if abutting a residential zone: 20', plus one foot additional yard setback for every three feet in building height over 35 feet.
- G. Maximum allowed setbacks:
 - 1. Front yard: 10 feet
 - 2. Interior side yard: No maximum
 - 3. Corner side yard abutting street: 10 feet
 - 4. Rear yard: No maximum
 - 5. Rear yard abutting street: 10 feet
- H. Residential density:
 - 1. Minimum units per acre: No minimum
 - 2. Maximum units per acre: No maximum
- I. Parking standards: The minimum off-street vehicular parking requirements of Chapter 17.25 may be reduced by 50%. Off-street, vehicular parking requirements may be waived by the Director if the property is within a parking management district.
- J. Maximum site coverage: 100%
- K. Minimum landscape requirement: None. Development within the Historic Overlay District is exempt from required landscaping standards in 17.62.050(A)(1). However, some 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.

17.34.080 EXPLANATION OF CERTAIN STANDARDS

- A. Floor Area Ratio (FAR)
 - 1. Purpose

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
 - 2. Standards
 - a. The minimum floor area ratios contained in 17.34.050 and 17.34.060 apply to all non-residential and mixed-use building developments.
 - b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or

through other binding legal mechanism, that the required density for the project will be achieved at project buildout.

B. Building Height

1. Purpose

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.

The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of 58 feet measured from Main Street. The maximum building height limit of 58 feet will ensure that no new building will be taller than the Masonic Hall.

A minimum 2-story (25') building height is established for the Historic Downtown Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

2. Standards

Minimum and maximum building heights are specified in 17.34.050, 17.34.060 and 17.34.070. The minimum building height standard applies generally to new commercial, residential, and mixed-use buildings. The minimum height requirement does not apply to accessory structures, or to buildings with less than 1,000 square feet of floor area.

C. Setbacks

1. Purpose

Building setbacks work with standards for building height and floor area ratios to ensure placement of buildings in a way that creates an attractive streetscape and pleasant pedestrian experience. These regulations also ensure compatibility of building orientation, leading to a consistent street character.

2. Standards

- a. Minimum and maximum building setbacks are specified in 17.34.050, 17.34.060 and 17.34.070.

D Other Standards

See OCMC Chapter 17.62 for additional details on building setbacks, building orientation and primary entrances, and ground floor window requirements.

Chapter 17.36 M-1 LIGHT INDUSTRIAL DISTRICT
Chapter 17.36 GI – GENERAL INDUSTRIAL

17.36.010 Designated.

The ~~light~~**General Industrial** district is designed to allow ~~low-impact~~ uses relating to manufacturing, processing and distribution of goods. **The uses permitted on the General Industrial Lands are intended to protect existing Industrial and Employment Lands to improve the region's economic climate and protect the supply of jobs for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the Industrial areas. (Prior code §11-3-15(part))**

17.36.020 Permitted uses--Within buildings.

A. In the ~~M-1~~**GI** district, the following uses are permitted if enclosed within a building:
Carpenter shop and wood product manufacture, excluding planing mill and lumber mill

Commercial or industrial laundry

Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety

Electroplating, machine or welding shop

Existing industrial uses not requiring a conditional use permit under Section 17.56.030

Foundry casting lightweight nonferrous metals

Frozen food lockers

Ice or cold storage plant

Photo engraving

Veterinary or pet hospital, kennel or hatchery

Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited).

Retail sales – Single building.

Retail uses with less than 60,000 square feet of gross leasable area in a single building, or retail uses with a total of less than 60,000 square feet in retail sales area on a single lot or parcel, or on contiguous lots or parcels – including those separated only by transportation right-of-way.

Retail uses with more than 60,000 square feet of gross leasable area will be considered conforming if:

- 1. The use existed on or before January 1, 2003;**
- 2. Transportation facilities adequate to serve the retail uses will be in place at the time the uses begin operation; and**

3. The Comprehensive Plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.

New retail uses with more than 60,000 square feet of gross leasable area are allowed if the uses:

1. Generate no more than 25% increase in site-generated vehicle trips above permitted non-industrial uses; and
2. Meets the maximum permitted parking.

B. The following uses may occupy a building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard; further provided, that such wall or fence shall not be used for advertising purposes:

Storage facilities

Concrete mixing and sales

Contractor's equipment yard

Draying, trucking and automobile freighting yard

Retail feed or fuel yard

Retail lumber yard and building material yard, excluding concrete mixing

Small boat yard for the building or repair of boats not exceeding sixty-five feet in length. (Ord. 00-1003 §9, 2000: prior code §11-3-15(A)(1), (2))

17.36.030 Conditional uses.

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

~~Concrete mixing and sales~~

Public recycle drop/receiving center

Public recycle warehouse

Railroad terminal and railroad freighting facilities

Solid waste transfer facility

Solid waste processing facility

Plants or facilities engaged in resource recovery as defined in Section 8.20.020

Industrial uses, defined as all uses not permitted or conditional in the GI – General Industrial zone provided that such uses do not present an undue hazard to the public health, welfare and safety. Wrecking yards are not permitted.

Uses listed in Section 17.56.030
(Ord. 93-1022 §§1(part), 2, 1993; prior code §11-3-15(B))

17.36.040 Dimensional standards.

Dimensional standards in the **M-IGI** district are:

A. Minimum lot area, minimum not required;

B. Maximum building height, three stories, not to exceed forty feet;

C. Minimum required setbacks:

1. Front yard, ten feet minimum depth,
2. Interior side yard, no minimum width,
3. Corner side yard, ten feet minimum width.
4. Rear yard, ten feet minimum depth;

D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial zone, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential zone and commercial zones 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 he/she determines that the requirement is unnecessary in the particular case. (Ord. 93-1022 §1(part), 1993; prior code §11-3-15(C))

Chapter 17.37 (CI) CAMPUS INDUSTRIAL DISTRICT

17.37.010 Designated.

The campus industrial district allows a mix of clean, employee-intensive industries, and offices with associated services. These areas provide jobs that strengthen and diversify the economy. The uses permitted on Campus Industrial Lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.

17.37.020 Permitted uses.

The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:

- A. Experimental, film or testing laboratories;
- B. Industries which manufacture from, or otherwise process, previously prepared materials;
- C. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing;
- D. Trade schools including technical, professional, vocational, and business schools
- E. Corporate or government headquarters or regional offices served by public or private transit and with fifty will accommodate for the initial occupant at least 1000 or more employees.
- F. Computer component assembly plants
- ~~G. Veterinary or pet hospital, kennel or hatchery~~
- ~~H. Recreational indoor racing wholly conducted within an enclosed structure.~~
- ~~I. Distribution warehouse~~
- ~~J. Postal Distribution Center~~
- ~~KG. Information and Data processing centers~~
- ~~LH. Software and Hardware development~~
- MI. Engineering, architectural and surveying services
- NJ. Non-commercial, educational, scientific and research organizations
- OK. Research and development activities
- PL. Industrial and professional equipment and supply stores, including service and repair of same
- QM. Retail sales and services, including eating establishments for employees (I.E. a café or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5% of the building square footage, whichever is less, and the retail sales and services shall not occupy more than five percent of the net developable portion of all contiguous Regionally Significant Industrial Lands.;
- N. Financial, insurance, real estate, or other professional office uses unless they are necessary to a permitted industrial use.

17.37.030 Conditional uses.

The following conditional uses may be established in a campus industrial district subject to review and action on the specific proposal, pursuant to the criteria and review procedures in Chapters 17.50 and 17.56:

A. ~~Uses permitted in Section 17.36.020(A)~~Distribution or warehousing

~~B. Offices, except corporate or government headquarters or regional offices allowed under Section 17.37.020 above may occupy up to seventy percent of the total floor area of the development.~~

EB. Financial institutions, as an accessory use to a permitted use located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited.

C. Corporate or government headquarters served by public or private transportation that will accommodate for the initial occupant at least 50 employees.

~~D. Limited residential uses which are subject to the following criteria:~~

~~1. Adult congregate living facilities for senior citizens is defined as any institution, building, or buildings, residential facilities for elderly and disabled persons or other place which undertakes, through its ownership or management to provide housing, meals and the availability of other support services;~~

~~2. The uses in subsection D(1) of this section shall not occupy more than five acres within all lands zoned campus industrial;~~

~~3. Residential densities shall not exceed the density permitted in the RA-2 zone;~~

~~4. Additional setbacks, buffering, and additional landscaping may be required to reduce the possible adverse effects on adjacent properties in the underlying zone.~~

ED. Any other use which, in the opinion of the planning commission, is of similar character of those specified in Sections 17.37.020 and 17.37.030. In addition, the proposed conditional uses:

1. Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;

2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;

3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;

4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites. (Ord. 99-1026 §1(A), 1999; Ord. 93-1022 §3(part), 1993)

17.37.040 Dimensional standards.

Dimensional standards in the ~~M-1~~ (CI) district are:

A. Minimum lot area: no minimum required.

B. Maximum building height: except as otherwise provided in subsection B(1) of this section building height shall not exceed forty feet.

1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.

C. Minimum required setbacks:

1. Front yard: twenty feet minimum depth;
2. Interior side yard: no minimum width;
3. Corner side yard: twenty feet minimum width;
4. Rear yard: ten feet minimum depth.

D. Buffer zone: If a use in this zone abuts or faces a residential or commercial zone, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.

If the height of the building exceeds forty feet, as provided in subsection B(1) of this section for every additional story built above forty feet, an additional twenty-five foot buffer shall be provided. (Ord. 99-1026 §2, 1999; Ord. 93-1022 §3(part), 1993)

17.37.050 Development standards.

All development within the ~~M-1~~(CI) district is subject to the review procedures and application requirements under Chapter 17.50, and the development standards under Chapter 17.62. **Multiple building developments are exempt from the setback requirements of Chapter 17.62.055.** In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:

1. Enhance the appearance of the site internally and from a distance;
 2. Include street trees and streetside landscaping;
 3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
 4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;
 5. Provide buffering or transitions between uses;
 6. Encourage outdoor eating areas conveniently located for use by employees;
 7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.
- B. Parking.** No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.

C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.

D. Signs. One ground-mounted sign may be provided for a development. Other signage shall be regulated by Title 15.

E. Outdoor Storage and Refuse/Recycling Collection Areas.

1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual

barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;

2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street. (Ord. 93-1022 §3(part), 1993)

F. Division of lots or parcels.

1. Lots or parcels less than 50 acres may be divided into any number of smaller lots or parcels;
2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels so long as the resulting division yields the maximum number of lots or parcels or at least 50 acres;
3. Notwithstanding sections 1 and 2 above, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.222;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use;
 - d. To reconfigure the pattern of lots and parcels pursuant to subsection F of this section; or
 - e. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

G. Lot reconfiguration.

Lots or parcels less than 50 acres in area may be reconfigured if the resulting area would be more conducive to a permitted use and would result in no net increase in the total number of lots and parcels. Lots or parcels of 50 acres or greater in area may also be reconfigured so long as the resulting area of any such lot or parcel would not be less than 50 acres.

Chapter 17.38 M-2 HEAVY INDUSTRIAL DISTRICT

~~17.38.010 Designated:~~

~~The heavy industrial district allows high-impact manufacturing, processing and distributing activities as conditional uses:~~

~~17.38.020 Permitted uses:~~

~~Uses permitted in the M-2 district are:~~

~~A. The following uses are permitted if enclosed within a building:~~

~~Carpenter shop and wood product manufacture, excluding planing mill and lumber mill~~

~~Commercial or industrial laundry~~

~~Distributing, wholesaling and warehousing, excluding explosives and substances which are an undue hazard to the public health, welfare and safety~~

~~Electroplating, machine or welding shop~~

~~Existing industrial uses not requiring a conditional use permit under Section 17.56.030~~

~~Foundry casting lightweight non-ferrous metals~~

~~Frozen food lockers~~

~~Ice or cold storage plant~~

~~Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited)~~

~~Photo engraving~~

~~Veterinary or pet hospital, kennel or hatchery~~

~~B. The following uses may occupy a building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge no less than six feet in height located outside of the required yard; further provided that such wall or fence shall not be used for advertising purposes:~~

~~Concrete mixing and sales~~

~~Contractor's equipment yard~~

~~Drying, trucking and automobile freighting yard~~

~~Retail feed or fuel yard~~

~~Retail lumber yard and building material yard~~

~~Small boat yard for the building and repair of boats not exceeding sixty-five feet in length.
(Prior code §11-3-16(A))~~

~~17.38.030 Conditional uses:~~

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

~~Freighting or railroad terminal and facilities~~

~~Heavy industrial uses, defined as all uses not permitted or conditional in the M-1 light industrial district, provided that such uses do not present an undue hazard to the public health, welfare and safety. Wrecking yards are not permitted.~~

~~Plants or facilities engaged in resource recovery as defined in Section 8.20.020~~

~~Public recycle drop/receiving center~~

~~Public recycle warehouse~~

~~Solid waste processing facility~~

~~Solid waste transfer facility~~

~~Uses listed in Section 17.56.030~~

~~17.38.040 Dimensional standards:~~

~~Dimensional standards in the M-2 district are:~~

~~A. Minimum lot area, minimum not required;~~

~~B. Maximum building height, six stories, not to exceed seventy 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;~~

~~D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial zone, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.~~

Chapter 17.40 HISTORIC OVERLAY ZONE

[This section gives a clearer definition of new construction for properties located in the Historic Overlay Zone. New construction is reviewed by the Historic Review Board for conformance with the goals and policies of the overlay district.]

17.40.020 DEFINITIONS

“New Construction”: An additional new building or structure separate from the existing building mass that is larger than 200 square feet on all properties located within a Historic Overlay District. Any building addition that is 30 percent or more in area (be it individual or cumulative) of the original structure shall be considered new construction.

17.40.060 EXTERIOR ALTERATION AND NEW CONSTRUCTION:

A. Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. **Any building addition that is thirty percent or more in ~~size~~ area of the ~~original historic~~ building (be it individual or cumulative) shall be considered new construction in a district.** Further, no major public improvements shall be made in a district unless approved by the board and given a certificate of appropriateness.

Chapter 17.49 – Water Resource Overlay District

17.49.040 Administration.

A. This chapter establishes a water quality resource area overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document. The official map is on file in the office of the city recorder.

1. The Oregon City local wetland inventory, as amended, shall be a reference for identifying areas subject to the water quality resource area overlay district.

2. Applicants are required to provide the city with a field-verified delineation of the water quality resource areas on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the city. If the protected water feature is not located on the subject property and access to the water feature is denied, then existing data may be used to delineate the boundary of the water quality resource area. **The Water Resource determination shall be processed as a Type II application.**

3. The standards for development contained in this chapter are applicable to areas located within a water quality resource area. Applications for development on a site located in the water quality resource area overlay district may request a determination that the subject site is not in a water quality resource area and this is not subject to the standards of Section 17.49.050. **The Water Resource Exemption determination shall be processed as a Type I application.**

a. Applicants for a determination under this section shall submit a site plan meeting the following requirements:

i. The site plan must be drawn at a scale of no less than one inch equals twenty feet;

ii. The site plan must show the location of the proposed development and the lot lines of the property on which development is proposed;

iii. The site plan must show the location of the protected water feature. If the protected water feature is a wetland, the delineation must be made by a qualified wetlands specialist pursuant to the 1987 Corps of Engineers Delineation Manual. For all other protected water features, the location must be established by a registered professional engineer or surveyor licensed by the state of Oregon.

iv. The site plan must show the location of the water quality resource area;

v. If the proposed development is closer than two hundred feet to the protected water feature, the site plan must include contour intervals of no greater than five feet; and

vi. If the vegetated corridor is fifteen feet, the site plan must show the protected water feature's drainage area, including all tributaries.

b. Alternatively, an applicant may have the city staff gather the information necessary to determine the location of the water quality resource area by making an application therefor and paying to the city a fee as set by resolution of the city commission.

c. Determinations under this section will be made by the planning manager, or designee, as a Type II decision.

Chapter 17.50 – ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the city's decision-making processes.

The following decision-making processes chart shall control the city's review of the indicated permits:

Table 17.50.030

PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	ELD
Compatibility review	X				
Code interpretation and similar use determination			X		
Conditional use permit (CUP)			X		
Extension		X			
Final plat	X				
Historic review			X		
Lot line adjustment and abandonment	X				
Major modification to a prior approval	X	X	X	X	X
Minor modification to a prior approval		X			
Partition		X			X
Planned unit development preliminary "PUD" plan			X		
Planned unit development final "PUD" plan	X				
Reconsideration	X				
Revocation				X	
Site plan and design review		X			
Subdivision		X			X
Minor variance		X			
Zone change & plan amendment				X	
Zone change upon annexation with no discretion	X			X	
Zone change upon annexation with discretion				X	
Water Resource Exemption	X				
Water Resource Review		X			

Chapter 17.52 – Off-Street Parking and Loading

[The State Transportation Planning Rule calls for the reduction of vehicle miles traveled per capita and restrictions on new parking space construction as a means of responding to the transportation and land use impacts of growth. A compact urban form requires that each land use be carefully considered and that more efficient forms are favored over less efficient ones. Parking can result in less efficient land usage and lower floor space-to-area ratios. To be consistent with Metro's Urban Growth Management Functional Plan the City shall amend its Comprehensive Plan and implementing regulations to be consistent with the minimum parking standards for certain land uses specified in the Urban Growth Management Functional Plan: Title 2. The City has established parking maximums at ratios no greater than those listed in the Urban Growth Management Functional Plan for the area illustrated in the Regional Parking Maximum Map. The parking standards were adopted in 2001 as part of Oregon City's Transportation System Plan (TSP). These standards replace the existing standards in 17.52.010/Number of spaces required.]

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. ~~If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property, but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. 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.~~

TO BE REMOVED

Use	Standard
RESIDENTIAL	
One-family dwelling, Two-family dwelling or	Two parking spaces for each dwelling unit.
Multi-family dwelling	At least one of the two required spaces shall not be located in a required yard.
Boarding or lodging house	To be determined as part of the conditional use processes.
Mobile homes	Two parking spaces for each mobile home. One of the parking spaces may be located in the required accessway.

COMMERCIAL RESIDENTIAL	
Hotel and motel	One space per guest room.
Club; lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
INSTITUTIONAL	
Welfare or correctional institution	One space per five beds for patients or inmates.
Nursing home, sanitarium rest home, home for the aged	One space per five beds for patients or residents.
Hospital	One space per one and one half beds.
PLACE OF PUBLIC ASSEMBLY	
Church or other religious assembly building	One space per four seats or eight feet of bench length in the auditorium.
Library, reading room	One space per four hundred square feet of floor area.
Preschool nursery; kindergarten	Two spaces per teacher.
Elementary, junior high school or high school	One space per classroom plus one space per administrative employee plus one space per four seats or eight feet of bench length in the auditorium, assembly room or stadium, whichever is greater.
College, commercial school for adults	One space per five seats in classroom.
Other auditorium; meeting room	One space per four seats or eight feet of bench length.
COMMERCIAL AMUSEMENT	

Stadium, arena, theater	One space per four seats or eight feet of bench length
Bowling alley	Two spaces per alley.
Dance hall, skating rink	One space per two hundred square feet of floor area.
Moorages	One space per boat berth.
COMMERCIAL	
Retail store except as provided for shopping centers	One space per two hundred square feet of floor area.
Shopping center	One space per two hundred square feet of floor area.
Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture	One space per six hundred square feet of floor area.
Bank, office, medical and dental clinic	One space per three hundred square feet of floor area.
Eating and drinking establishment, billiard and pool halls	One space per two hundred square feet of floor area.
Mortuaries	One space per four seats or eight feet of bench length in chapel.
Swimming pools and gymnasiums	One space per two hundred square feet
Tennis courts, racquet ball courts	Two spaces per court.
INDUSTRIAL	
Storage warehouse; rail or trucking freight terminal	One space per fifteen hundred square feet of floor area.
Manufacturing establishment; wholesale	One space per six hundred square feet of floor

establishment	area:
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(Prior code §11-5-1)

TO BE ADDED

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
Residential Unit (<500 sq-ft)	1.00 per unit	2.00 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	2.00 per unit
Boarding/Lodging House	Case Specific	Case Specific
Mobile Homes	N/A	2.00 per unit
Hotel/Motel	1.0 per guest room	1.0 per quest 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

17.52.020 Administrative provisions.

A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title. Use of property in violation is a violation of this title. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it is unlawful and a violation of this title to begin or maintain such altered use until the required increase of off-street parking or loading is provided.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission, based upon the requirements of comparable uses listed.

C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. Shopping centers shall be considered a retail use.

D. Owners of two or more uses, structures, or parcels of land, may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory documentation is presented to the planning department.

E. Off-street parking for dwellings shall be located on the same lot with the dwelling. ~~Other required parking spaces shall be located not farther than five hundred feet from the building or use they are required to serve dwelling.~~ Other required parking spaces shall be located not farther than five hundred feet from the building or use they are required to serve, measured in a straight line from the building.

F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

~~G. Any use may develop more parking than required, provided other requirements such as landscaping are met. However, any proposal to develop more than twice as much parking as required must be referred to the planning commission, which may approve or deny the number of spaces. Energy conservation shall be the principal criteria for such review.~~

HG. Completion Time for Parking Lots. Required parking spaces shall be improved and available for use before the final inspection is completed by the building inspector. An extension of time, not

to exceed one year may be granted by the building inspector providing that a performance bond, or its equivalent, is posted equaling one hundred fifty percent of the cost of completion of the improvements as estimated by the building inspector, provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the improvements shall be constructed under the direction of the city, utilizing the proceeds of the performance bond or its equivalent as necessary.

IH. Lesser Requirements Allowed by Planning Commission. The planning commission may permit lesser requirements than those specified in the parking and loading requirements above where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the enforcement of the above off-street parking and loading restrictions would cause an undue or unnecessary hardship. Section 17.60.030 shall be the grounds for establishing lesser requirements. (Prior code §11-5-2)

17.52.030 Design review.

A. Development of parking lots shall require site plan review.

~~**B. Screening.** Public lots and other areas used for the parking, service, sale or storage of vehicles shall be separated from public right-of-ways by a landscaped area at least five feet in width, or by a low wall approximately thirty inches in height, excepting only necessary driveway access. There shall be similar separation from all other necessary driveway access. There shall be similar separation from all other abutting property lines, excepting in those locations where access or parking is shared between adjoining land owners. Where parking areas abut an R district, there shall be a wall, sight-obscuring fence, or sight-obscuring landscaping not less than six feet in height.~~

CB. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

DC. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained.

ED. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city Public Works Stormwater and Grading Design Standards.

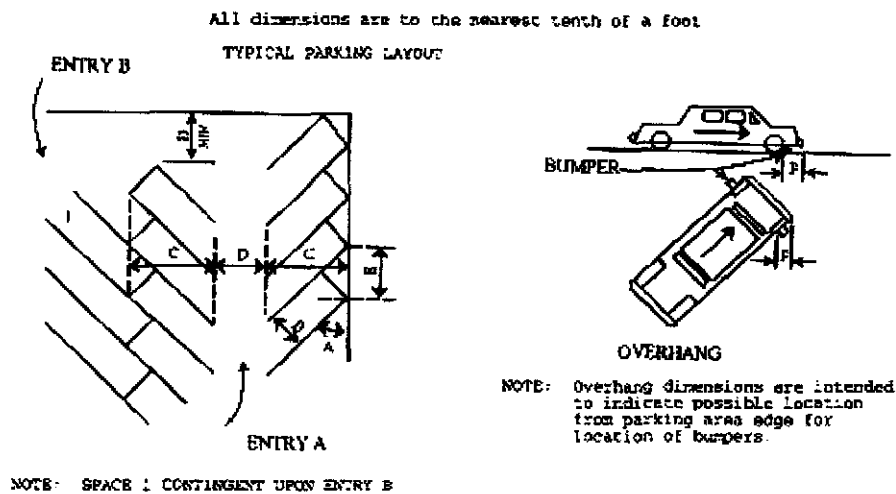
~~**FE. Lighting.** Artificial lighting which may be provided shall not create or reflect a substantial glare in a residential zone or on adjacent dwellings.~~ enhance security, be appropriate for the use, and avoid adverse impacts on surrounding properties. The lighting shall not cause a measurement in excess of 0.5 footcandles of light on other properties.

~~**GF. Dimensional Requirements.** Parking spaces shall be a minimum of nine feet by twenty-feeteight and one half feet by eighteen feet; parking at right angles to access aisles shall require twenty-four feet backing distance in aisle width. Requirements for parking developed at varying angles are according to the table included in this section. With the approval of the site plan review, up to twenty-five percent of the required parking may be reduced in size to eight feet in width by sixteen feet in length and marked for the use of compact cars only. Any parking in excess of the number of spaces required may also be eight feet by sixteen feet, if marked for the use of compact cars only. In no case may aisle widths be reduced for compact cars parking. An overhang of one and one-half~~

feet from face of curb may be included in the length of a parking space. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. (Ord. 99-1029 §9, 1999; prior code §11-5-3)

PARKING STANDARD/PARKING ANGLE SPACE DIMENSIONS

A Parking Angle	B Stall Width	C Stall Curb	D to Aisle Width	E Curb Length	F Overhang
0 degrees	98.5	9.0	12	23	0
	9.5	9.5	12	23	
	10	10.0	12	23	
45 degrees	98.5	19.8	13	12.7	1.4
	9.58.5	20.1	13	13.4	
	10	20.5	13	14.1	
50 degrees	98.5	20.4	16	11.7	1.5
	98.5	20.7	16	12.4	
	10	21	16	13.1	
60 degrees	98.5	21	18	10.4	1.7
	98.5	21.2	18	11.0	
	10	21.5	18	11.5	
70 degrees	98.5	21.0	19	9.5	1.9
	98.5	21.2	18.5	10.1	
	10	21.2	18.0	10.6	
90 degrees	9	20.0	24	9	2.0
	98.5	20.018.0	24	98.5	
	10	20.0	24	10	



[The City of Oregon City benefits from a large number of trees consisting both of natural growth and those planted throughout the years. The retention of trees and wooded areas, and the establishment of street trees adds to the livability of the community by enhancing its aesthetic beauty and providing aesthetic and water quality improvements.]

17.52.090 Parking lot landscaping.

A. Purpose.

The purpose of this code section includes the following:

to enhance and soften the appearance of parking lots; to limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas; to shade and cool parking areas; to reduce air and water pollution; to reduce storm water impacts and improve water quality, and to establish parking lots that are more inviting to pedestrians and bicyclists.

B. Definitions.

"Parking Lot" means public lots and other areas used for the parking, service, sale, or storage of vehicles.

"Interior parking lot landscaping" means landscaping located inside the surfaced area used for on-site parking and maneuvering.

"Perimeter parking lot landscaping" means a minimum five-foot wide landscaped planter strip landscaping located outside of, and adjacent to, the surfaced area used for on-site parking and, maneuvering, and pedestrian access.

C. Parking lot landscaping is required for all uses, except for single- and two-family residential dwellings. A licensed landscape architect shall prepare the landscaping plan.

1. The landscaping shall be located in defined landscaped areas ~~which~~ that are uniformly distributed throughout the parking or loading area. Interior ~~P~~parking lot landscaping ~~can~~shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1). ~~One tree shall be planted for every eight parking spaces. These trees~~Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade. Where parking areas abut a residential district, there shall be a wall, sight-obscuring fence, or sight-obscuring landscaping not less than six feet in height. Slight modifications to landscaping location may be proposed for review that enhances the reduction of non-shaded impervious parking lot area.

2. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-way Screening.

Parking Lot Entryways and Perimeter Parking Lot Landscaping areas not abutting the building or where access/parking is shared between adjoining land owners shall be bordered by a minimum five-foot wide landscaped planter strip with:

- a) trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
- b) ground cover, such as wild flowers, covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
- c) an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians.

Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

3. Parking area/Building Buffer.

Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

- a) minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
- b) trees spaced a maximum of thirty-five feet apart;
- c) ground cover such as wild flowers, covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
- d) an evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average.

- e) seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

4. Interior Parking Lot Landscaping.

In addition to Perimeter Parking Lot Landscaping, surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. In addition, the Perimeter Parking Lot Landscaping shall not be included in the ten percent requirement.

- a) a minimum of one tree per six parking spaces.
 - b) ground cover, such as wild flowers, covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
 - c) shrubs shall be spaced no more than four feet apart on average.
 - d) when provided, interior landscape strips between rows of parking shall be a minimum of six feet in width to accommodate:
 - i) pedestrian walkways and shade trees spaced every thirty-five feet in three-foot by five-foot tree wells; or
 - ii) trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
 - e) to provide internal parking lot shade an internal landscaped area shall be provided for every eight contiguous parking spaces.
6. Alternative Landscaping Plan. The city encourages alternative designs that utilize innovative "green" designs for water quality management of parking lot stormwater. An applicant may prepare an Alternative Landscaping Plan and specifications which meet the intent of the requirements in subsection 1-5 above and the intent of the district.

~~2. Landscaped areas both internal and perimeter shall have a minimum width of at least five feet. Landscaped areas shall contain:~~

- ~~a. Shade trees spaced as appropriate to the species, not to exceed forty feet apart on average;~~
- ~~b. Shrubs, spaced no more five feet apart on the average; and~~
- ~~c. Ground cover such as grass, wild flowers or other landscaping material covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.~~

~~3. The amount of interior landscaped area is based upon the number of required parking spaces.~~

~~a. Parking lots with over twenty spaces shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. In addition, the perimeter landscaping shall not be included in the ten percent figure.~~

~~b. Parking lots with ten to twenty spaces shall have a minimum five percent of the interior of the gross area of the parking lot devoted to landscaping. The perimeter landscaping shall not be included in the five percent measurement.~~

~~c. Parking lots with fewer than ten spaces shall have the standard perimeter landscaping and at least two shade trees.~~

4. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

5. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.

6. Irrigation facilities shall be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation.

7. Off-street loading areas and garbage receptacles shall be located so as not to hinder travel lanes, walkways, public or private streets or adjacent properties.

8. Garbage receptacles and other permanent ancillary facilities shall be enclosed and screened appropriately.

9. All plant materials, including trees, shrubbery and ground cover, shall be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City native plant list are strongly encouraged and species found on the Oregon City nuisance plant list are prohibited.

10. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.

11. Required landscaping trees shall possess the following characteristics:

a. ~~Three~~Two-inch minimum caliper size, according to American Nurseryman Standards;

b. Generous spreading canopy for shade;

c. A canopy that spreads at least six feet up from grade in, or adjacent to, parking lots, roads or sidewalks unless the tree is columnar in nature;

d. Roots that do not break up the adjacent paving;

e. No sticky leaves or sap dripping trees;

f. No seed pods or fruit bearing trees (flowering trees are acceptable);

g. Resistance to disease;

h. Compatibility to planter size;

- i. Tolerance to drought unless irrigation is provided;**
- j. Attractive foliage or form in all seasons; and**
- k. A mix of deciduous and coniferous trees**

Chapter 17.54 – Supplemental Zoning Regulations and Exceptions

[This is a new section in the zoning code.]

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. Fences, Hedges and Walls. No fence, hedge or wall in any single-family dwelling districts shall exceed five feet in height in a front yard, subject also to the provisions of Chapter 10.32.~~

AB. Signs. Signs shall be permitted as provided in Chapter 15.28.

BC. Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory structures and uses:

1. Two Hundred Square Feet or Less. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure which is two hundred square feet or less in area and does not exceed a height of ten feet. No portion of any such structure shall project across a lot line.

2. Two Hundred One to Five Hundred Square Feet. 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 four feet;

b. Do not exceed a height of ten feet. The three foot setback requirement will be increased one foot for each foot of height over ten feet to a maximum of fifteen feet in height. This setback need not exceed the setback requirements required for the principal building. No accessory structure shall exceed one story;

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. Over Five Hundred Square Feet. One accessory structure in excess of five hundred square feet in area may be approved by the planning division. An accessory structure in excess of five hundred square feet in area 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 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 square footage of the accessory structure shall not exceed the square footage of the ground floor of the primary structure. In no case may the accessory building exceed eight hundred square feet in area, or exceed one story.

d. The accessory structure shall not be used to house a home occupation.

e. The accessory structure shall not exceed the height of the primary structure.

CD. 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.

DE. 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.

EF. 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.

FG. 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.

GH. 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. (Prior code §11-4-1)

17.54.020 Projections from buildings.

A. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards not more than twenty-four inches.

B. Porches and Uncovered balconies, decks or fire escapes more than thirty inches from the ground may project not more than five feet into any required rear or front yard. (Prior code §11-4-2)

Chapter 17.54.100 Fences

A SIGHT OBSCURING FENCE; SETBACK AND HEIGHT LIMITATIONS

A sight or non-sight obscuring fence may be located on the property or in a yard setback area subject to the following:

1. The fence, hedge or wall is located within:
 - a. A required front yard area, and it does not exceed 42 inches.
 - b. A required side yard which abuts a street and is within that portion of the side yard which is also part of the front yard setback area and it does not exceed 42 inches.
 - c. A required side yard, which abuts a street and is within that portion of the side yard which is not also a portion of the front yard setback area and it does not exceed six feet.
 - d. A required rear yard which abuts and does not exceed six feet; or;
 - e. A required side yard area, which does not abut a street, or rear yard and it does not exceed six feet.
- B. Fence, hedge, or wall on retaining wall. When a fence, hedge or wall is built on a retaining wall or an artificial berm, the following standards shall apply:
 1. When the retaining wall or artificial berm is 30 inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
 2. When the retaining wall or earth berm is greater than 30 inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed 8 ½ feet.
 3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of 30 inches above finished grade may exceed the total allowed combined height of 8 ½ feet provided that the fence or wall is located a minimum of two feet from the retaining wall and the fence or wall height shall not exceed six feet.

(Diagrams showing fence heights and location to be included)

[This new section spells out the procedures for placing an accessory dwelling unit in single family zones.]

ACCESSORY DWELLING UNITS

17.54.090- ACCESSORY DWELLING UNITS

Definitions

Purpose and Intent

Standards and Criteria

Application Procedures

DEFINITIONS

1. "Accessory Dwelling Unit" (ADU) is a habitable living unit that provides the basic requirements of shelter, heating, permanent cooking, and sanitation.
2. "Principle Dwelling Unit" is the existing and primary residence for a particular Tax Lot.

PURPOSE AND INTENT

A. The installation of an ADU in new and existing single-family dwellings (herein after Principle Dwelling Units) shall be allowed in single-family zones subject to specific development, design, and owner-occupancy standards. This section is not applicable to licensed residential care homes or facilities.

B. The purpose of allowing ADUs is to:

1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the Principle Dwelling Unit, rental income, companionship, security, and services.
2. Add affordable units to the existing housing inventory.
3. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the City.
4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Section.

STANDARDS AND CRITERIA

A. ADUs shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.

2. When there are practical difficulties involved in carrying out the provisions of this Section, the Planning Division may grant approvals for individual cases.

3. Any additions to the existing dwelling unit shall not encroach into the existing setbacks in the underlying zone. However, access structures (e.g. stairs or ramps) may be allowed within the setback if no access can be granted to the unit without encroaching into the setback area.

4. The ADU may be attached to, or detached from, the Principle Dwelling Unit. The detached ADU may not be located in front of the primary dwelling unit.

5. Only one ADU may be created per lot or parcel.

6. An ADU may be developed in either an existing or a new residence.

7. The ADU shall not exceed the height of the Principle Dwelling Unit

8. The property owner, which shall include title holders and contract purchasers, must occupy either the Principle Dwelling Unit or the ADU as their permanent residence, for at least 7 months out of the year, and at no time receive rent for the owner-occupied unit.

9. In no case shall an ADU be more than 40 percent of the Principle Dwelling Unit's total floor area, nor more than 800 square feet, nor less than 300 square feet, nor have more than 2 sleeping areas. The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the street. If an ADU is part of an accessory building, such as a garage, the combined size shall not exceed 1,000 square feet.

10. The ADU shall be compatible with the Principle Dwelling Unit, specifically in:

a. Exterior finish materials. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the Principle Dwelling Unit

b. Trim. Trim must be the same in type, size, and location as the trim used on the Principle Dwelling Unit.

c. Windows. Windows must match those in the Principle Dwelling Unit in proportion (relationship of width to height) and orientation (horizontal or vertical).

d. Eaves. Eaves must project from the building walls at the same proportion as the eaves on the Principle Dwelling Unit.

11. Parking.

a. Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site. More parking is required when a vacant lot is being developed because, generally, the site can more easily be designed to accommodate two parking spaces while minimizing impervious surface. In situations where an accessory dwelling unit is being added to a site with an existing dwelling

unit, it is appropriate to not require additional impervious surface if adequate on-street parking is available.

b. The following parking requirements apply to accessory dwelling units.

(1) No additional parking space is required for the accessory dwelling unit if it is created on a site with a Principle Dwelling Unit and the roadway for at least one abutting street is at least 28 feet wide.

(2) One additional parking space is required for the accessory dwelling unit as follows:

i When none of the roadways in abutting streets are at least 28 feet wide; or

ii When the accessory dwelling unit is created at the same time as the Principle Dwelling Unit.

APPLICATION PROCEDURE

1. Application for a building permit for an ADU shall be made to the building official in accordance with the permit procedures established in OCMC 15.12, and shall include:

a. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, for 7 months out of each year.

2. The registration application or other forms as required by the building official shall be filed as a deed restriction with Clackamas County Records Division to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.

3. The building official shall report annually to the Community Development Director on ADU registration with the number of units and distribution throughout the City.

4. Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the building official for recording at the Clackamas County Records Division, or may occur as a result of enforcement action.

Chapter 17.60 - Variance

[The State Transportation Planning Rule calls for the reduction of vehicle miles traveled per capita and restrictions on new parking space construction as a means of responding to the transportation and land use impacts of growth. A compact urban form requires that each land use be carefully considered and that more efficient forms are favored over less efficient ones. Parking can result in less efficient land usage and lower floor space-to-area ratios. To be consistent with Metro's *Urban Growth Management Functional Plan* the City shall amend its Comprehensive Plan and implementing regulations to be consistent with the minimum parking standards for certain land uses specified in the *Urban Growth Management Functional Plan: Title 2*. The City has established parking maximums at ratios no greater than those listed in the *Urban Growth Management Functional Plan* for the area illustrated in the Regional Parking Maximum Map. The parking standards were adopted in 2001 as part of Oregon City's Transportation System Plan (TSP). These standards replace the existing standards in 17.52.010/Number of spaces required.]

17.60.030 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.

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).

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. ~~Ten percent variances to required number of parking spaces. (Ord. 00-1003 §12, 2000; prior code §11-8-4)~~

Chapter 17.62 – Site Plan and Design Review

17.62.035 Minor Site Plan and Design Review

This section provides for a minor site plan and design review process. This section is a Type II decision subject to administrative proceedings described in OCMC 17.50. This section may only be utilized as the appropriate review process when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standard for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings. Minor site plan and design review applies to uses and activities, such as:

1. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
2. Addition of five percent or less of total square footage of a commercial, office, institutional, public, multi-family, or industrial building.
3. Revisions to parking alignment and/or related circulation patterns.
4. Accessory buildings smaller than 1,000 square feet on commercial, office, institutional, public, multi-family, or industrial properties.
5. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/ use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

The application for the minor site plan and design review shall contain the following elements:

- a. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in 17.62.035 (A) and (B).
- b. Site plan drawings showing existing conditions and proposed conditions.
- c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
- d. Mailing labels of property owners within 300 feet of the subject property.
- e. Additional submittal material may be required by the Community Development Director on a case-by-case basis.

One original application form must be submitted with signatures by the property owner(s). Three copies at the original scale and one copy of a reduced to 11 X 17 inches or smaller of all drawings and plans must also be submitted.

17.62.036 Development Standards for Minor Site Plan and Design Review

All development shall comply with the Section 17.62.050(1-6 and 8-15) when deemed applicable by the Community Development Director.

If applicable, the Community Development Director may review the proposal based on selected standards for a site plan and design review as described in Section 17.62.050 and add conditions

to ensure the proposed modification meets the intent of the site plan and design review standards.

Chapter 17.62.050.A 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 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.
6. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52. Off-street parking and loading-unloading facilities shall be provided in a safe, well-designed and efficient manner. ~~and shall be buffered from the street and from adjacent residential zones by means of landscaping or by a low fence or wall not greater than three feet six inches in height, but not to the extent of restricting visibility necessary for safety and security.~~ Off-street parking design shall consider the layout of parking, opportunities to reduce the amount of impervious surface, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points; and the surfacing, lighting, screening, landscaping, concealing and other treatment of the same. The review authority, at its discretion, may reduce the required number of off-street parking spaces for the purpose of preserving an existing specimen tree. ~~Carpool, vanpool and bicycle parking shall be provided in accordance with Section 17.52.040 through 17.52.070.~~
11. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. Trees of six-inch caliper or greater measured four feet from ground level shall, whenever practicable, be preserved. ~~outside buildable area.~~ Where the planning manager determines that it is impractical or unsafe to preserve such trees, the trees shall be replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper, and the plan must at a minimum meet the requirements of Table 16.12.310-1. ~~of similar character at least two inches to two and one-half inches in caliper~~

Table 16.12.310-1 Tree Replacement Requirements	
Size of tree removed (inches in diameter)	Number of Trees to be planted.
6 to 12	3 trees
13 to 18	5 trees
19 to 24	8 trees
25 to 30	10 trees

31 and over	15 trees
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Specimen trees shall be preserved where practicable. Where these requirements would cause an undue hardship, the review authority may modify the requirements in a manner which, in its judgment, reasonably satisfies the purposes and intent of this subsection. The review authority may impose conditions to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if deemed necessary by the review authority, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance and management program to provide protection to the resources as recommended by the arborist or horticulturist.

23. For a residential development, site layout shall achieve at least 80% of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through water resource and steep slopes, and required open space or park dedication.

[Requiring a minimum 3-foot foot-candle lighting has been shown to be too bright overall. Averaging the lighting over the entire site will allow for proper pedestrian lighting standards without producing excessive light.]

17.62.070 On-site pedestrian access.

C. The on-site pedestrian circulation system shall be lighted to a minimum level of ~~three~~ *0.5 foot-candles*, a 1.5 foot-candle average, and a maximum to minimum ratio of 7:1 to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to a 0.5 foot-candle average and a maximum to minimum ratio of 10:1 ~~designed to light the walkway and enhance pedestrian safety.~~

17.62.080 Special development standards along transit streets.

2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be ~~four~~ *three foot-candles*. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.

Chapter 17.64 – PLANNED UNIT DEVELOPMENT

17.64.020 Definitions.

The following definitions and conventions shall apply in the application of this chapter:

“Commercial use” is an activity involving the sale of goods or services carried out for profit.

~~“Common wall” development means a development design where buildings or other structures are built on the common property line with no setback. This development type includes single structures, consisting of two or more separate dwelling units, that are physically connected and the property line runs through the structure, between the two dwelling units. This development type also includes residential developments where the side yard or driveway of one house is located against the property line and the house of the adjacent lot is located on the other side of the property line with little or no setback.~~

~~“Condominium” means a building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.~~

“Decision maker” means the city representative vested with the authority under this title to render a particular decision or make a particular determination. Depending upon the context and stage in the local appeal process, decision maker may be the planning manager, the planning commission or the city commission.

“Duplex” means a building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwellings.

“Gross area” means the total area of the subject property including unbuildable portions such as wetlands, natural features, slopes, streets, rights-of-way and the like.

“Gross density” shall be expressed as the number of residential units per acre of gross area.

“Mixed-use” means the development of a tract of land, building or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, retail, public, or entertainment, in a compact urban form.

“Multiple-Family Residential Unit” means a structure containing three or more attached dwelling units in any vertical or horizontal arrangement.

~~“Multi-family” means a building containing three or more dwelling units, including units that are located one over the other.~~

“Neighborhood commercial” means a small scale commercial area with uses designed to serve a convenience need for residents in the surrounding low density neighborhood.

“Net developable area” means the area of the subject property that is developable and is equal to the gross area minus all portions that are undevelopable due to wetlands, natural features, steep slopes, open spaces or street rights-of-way. Unless the applicant shows otherwise, street rights-of-way will be presumed to occupy twenty percent of the gross area of the subject site.

“Net density” shall be expressed as the number of residential lots per acre of net developable area.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communication equipment.

“Public facilities” are facilities for providing electric power, storm water management, water, sewer and public rights-of-way.

“Single-Family Attached Residential Unit” means two or more dwelling units attached side by side with some structural parts in common at a common property line on separate tax lots.

“Single-Family Detached Residential Unit” means one dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot.

~~“Row house” means an attached dwelling separated from others in a row by a vertical, common fire resistant, unpierced wall extending from basement to roof.~~

~~“Townhouse” means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire resistant walls. (Ord. 00-1005 §2, 2000; Ord. 97-1024 §1(part), 1997)~~

17.64.040 Permitted uses and basic PUD requirements.

This section provides the uses allowed in a PUD as well as the basic elements required of all PUDs.

A. Uses Permitted Outright. Notwithstanding the use provisions of the underlying residential zone, the following uses and their accessory uses are allowed outright as part of the PUD:

1. Detached single-family ~~residential units~~**wellings** and duplexes on individual lots;
2. Attached single-family ~~residential units~~**wellings** and multiple-family ~~residential units~~**wellings**, such as townhouses, condominiums, common wall units and row houses;
3. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts;
4. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools;
5. Common public and private open space;
6. Hiking and/or bicycle riding trails;
7. Accessory structures and uses permitted in the existing underlying zone.

B. Conditional Uses. Notwithstanding the use provisions of the underlying residential zone, all uses allowed outright in the neighborhood commercial zone are allowed, with appropriate conditions, as part of a PUD. A separate conditional use permit is not required for these uses so long as the applicant demonstrates that:

1. The commercial development is accessory to, and compatible with, the PUD and primarily for the convenience and benefit of the residents of the neighborhood;
2. The gross area of the PUD is at least ten acres in size;
3. The neighborhood commercial uses occupy no more than twenty percent of the net developable area; and
4. The neighborhood commercial uses will be planned and constructed so as to support and be compatible with the entire PUD and will not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.

H. Mixed-use. To ensure development within a PUD contains the correct blend of mixed uses, no more than eighty percent, but at least fifty percent, of the total net developable area shall consist of single-family ~~detached residential development~~**units**. Twenty percent of the net developable area shall consist of residential uses other than single—family ~~detached residential units~~**wellings**. If the subject property is ten acres or more, it may contain neighborhood commercial uses. ~~If common wall units are proposed, a minimum of thirteen thousand square feet~~

~~is required for up to, but not more than four common wall units, and a minimum of seven thousand square feet is required for every two common wall units. In no cases, shall a detached single-family residential lot be smaller than five thousand square feet. Duplex, single-family attached, and multiple-family residential uses shall not be smaller than three thousand five hundred square feet per lot or unit. (Ord. 00-1005 §4, 2000; Ord. 97-1024 §1(part), 1997)~~

17.64.140 Design review.

PUDs shall comply with the site plan and design review requirements in Chapter 17.62 of this title.

Single-family detached residential homes-units are exempt from this requirement. An applicant may seek concurrent review of the preliminary PUD plan and design review, in which case the applicant shall submit a landscaping plan, architectural drawings and a materials board as provided in Section 17.62.040(B)--(D) in addition to the submittal requirements for the preliminary PUD plan. (Ord. 97-1024 §1(part), 1997)