

ORDINANCE NO. 1773

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1712, THE MILWAUKIE ZONING ORDINANCE (ZA 94-06).

**WHEREAS**, the City of Milwaukie desires to review, amend and revise its Zoning Ordinance on a regular basis; and

**WHEREAS**, the Planning Commission has reviewed the Zoning Ordinance amendments at two worksessions on August 23, 1994 and September 13, 1994, and at a duly noticed public hearing on September 27, 1994, resulting in a recommendation to the City Council that certain amendments be adopted to the Milwaukie Zoning Ordinance; and

**WHEREAS**, the Milwaukie City Council held a duly notice public hearing on said matter on October 18, 1994;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Findings. Findings of fact and support of the proposed amendment language contained in ZA 94-06 are as follows:

1. ZA 94-03 is a legislative action and is being processed as stipulated by provisions of Section 1011.5(B) of the Milwaukie Zoning Ordinance.
2. Zoning text amendments must meet the criteria of Sections 904 and 905 of the City Zoning Ordinance. These criteria are addressed in the subsequent findings.
3. Section 904.1A. requires:

**Applicable requirements of Section 1003.**

Section 1003 requires a completed application and site plan. An application has been completed and is included in File ZA-94-06. However, since this is a set of legislative text amendments and does not address a specific site, no site plan is required.

4. Section 904.1B. requires:

**Reasons for requesting the proposed text amendments.**

The amendments are proposed to update, make more comprehensive and remove text inconsistencies with other ordinances and standards. A new Natural Resources Overlay Zoning Map depicts specific boundary delineations previously approved by the Planning Commission and provides more detailed information on the Zoning Map.

5. Section 904.1C. requires:

**Explanation of how the proposed text amendments are consistent with other provisions of this ordinance.**

The text amendments are proposed to enhance consistency with other sections of the ordinance and other regulations. The new and revised definitions to Section 100, improve the comprehensibility of the ordinance and improve consistency with other standards, such as the Uniform Building Code. The County Rezone amendment is consistent with other basic provisions found in Section 200 and the ordinance as a whole. The new Section 500, Off-Street Parking and Loading is also consistent with Zoning Ordinance provisions. See specific findings in Exhibit A.

6. Section 904.1D. requires:

**The approval criteria of 905.**

These criteria are satisfied in the subsequent findings.

7. Section 905.1A. requires:

**The proposed amendment conform to the Comprehensive Plan goals, policies, and objectives and be consistent with other provisions of City ordinances.**

The new Overlay Zone Map conforms to Policies 1, 2, and 4 of Objective 2 of the Natural Resources Element and Section 322 of the Zoning Ordinance. Both references seek to protect natural resources or areas with natural resource values from development. The text revisions to Section 100 are consistent with Objectives #1 and #9 of the Transportation Element, and corresponding text amendments to the Residential Land Use and Housing Element (CPA-94-03). The text amendment proposed for Section 200 is consistent with the Objectives #3 and #4 of the City Growth and Relationships Element. The revised Section 500 conforms to the Neighborhood Element Goal and Objective #1, Policy 2; Objective #2, Guideline #1, Policy 2; and Objective #2, Policy 6 of the Residential Housing and Land Use Element.

All of the proposed amendments will be consistent with other provisions of City ordinances.

8. Section 905.1B. requires:

**The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and the City Council shall use its discretion to weight these factors in determining the intent of the proposed zone.**

This criterion is not applicable since ZA -94-06 does not involve a specific development proposal.

9. Section 905.1C. requires:

**The proposed amendment will meet or can be determined to reasonably meet applicable regional, State or federal regulations.**

The proposed amendments will meet applicable regional, State and federal regulations. Specifically, ZA-94-06C makes consistent provisions of the Zoning Ordinance with State standards under the Uniform Building Code and the One and Two Dwelling Code (CABO).

10. Section 905.1D. requires:

**The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.**

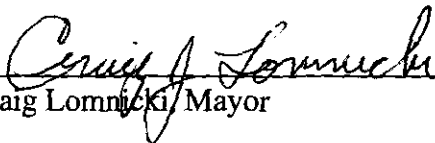
This criterion is not applicable since the amendment does not involve a specific development proposal.

Section 2. Zoning Ordinance Amendments. The Zoning Ordinance text and related map of Ordinance Number 1712 are amended as described in Exhibit A.

Read the first time on October 18, 1994, and moved to a second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on October 18, 1994.

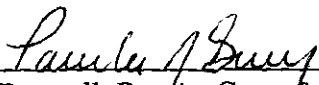
Signed by the Mayor on October 18, 1994.

  
\_\_\_\_\_  
Craig Lomnicki Mayor

ATTEST:

  
\_\_\_\_\_  
Pat DuVal, City Recorder

Approved as to form:

  
\_\_\_\_\_  
O'Donnell, Ramis, Crew & Corrigan  
City Attorney

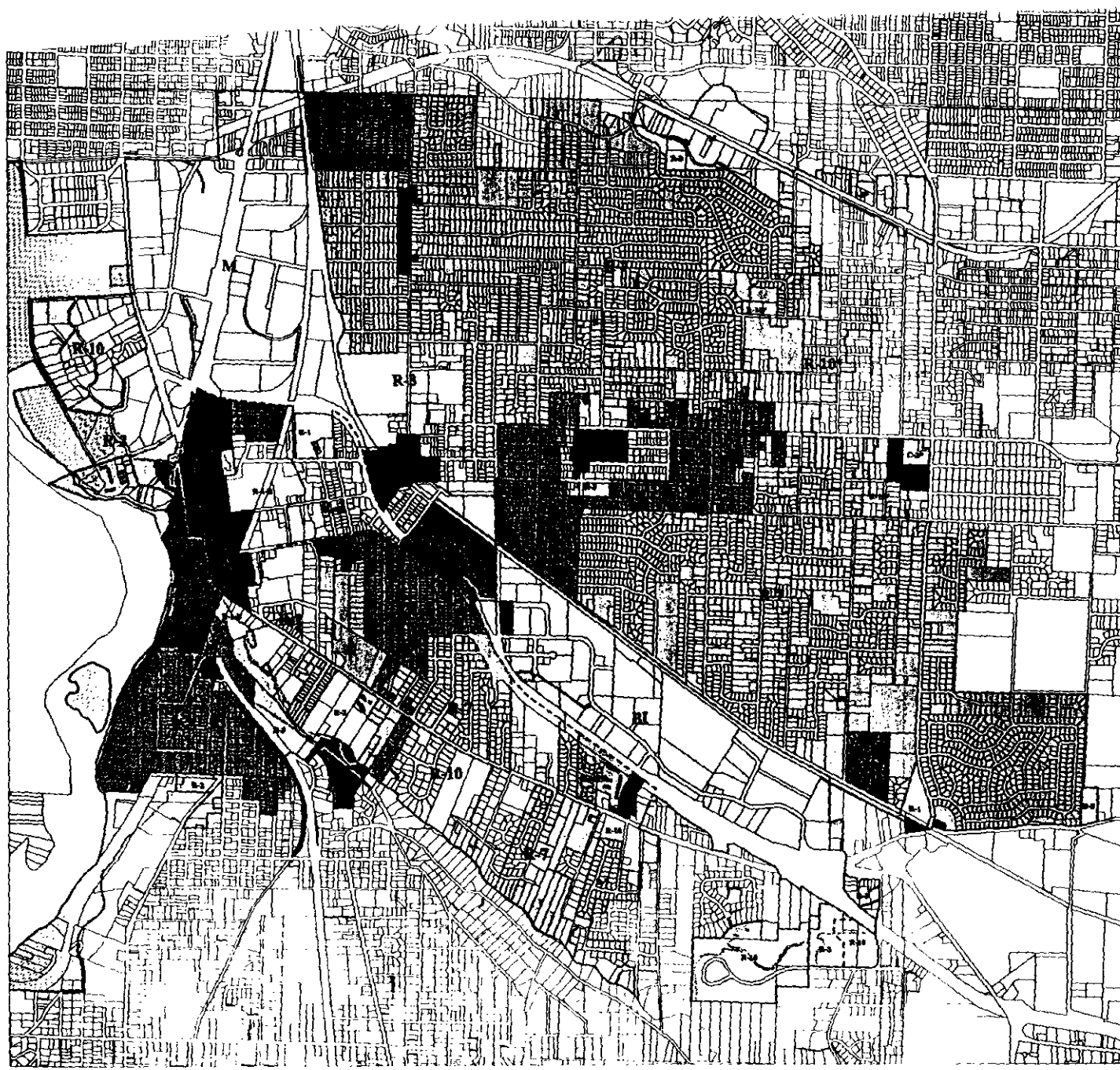
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# **EXHIBIT 1**

## **ZONING ORDINANCE AMENDMENTS**

**(ZA-94-06)**

# ZONING



## INDUSTRIAL

■ BI    □ I-3\*    ■ M

## COMMERCIAL

■ C-2\*    ■ C-N    ■ C-L  
 ■ C-C    ■ CLIMC    ■ C-C/MC  
 ■ C-G    ■ CSC

## RESIDENTIAL

□ R-1    □ R-2    □ R-1-B  
 ■ R-7PD    □ R-2.5    ■ R-10  
 ■ R-O-C    □ R-3    □ R-10\*  
 ■ HDR\*    ■ R-5    ■ R-10PD  
 ■ MR-1\*    ■ R-7

■ - WILLAMETTE GREENWAY AND  
 NATURAL RESOURCE AREAS

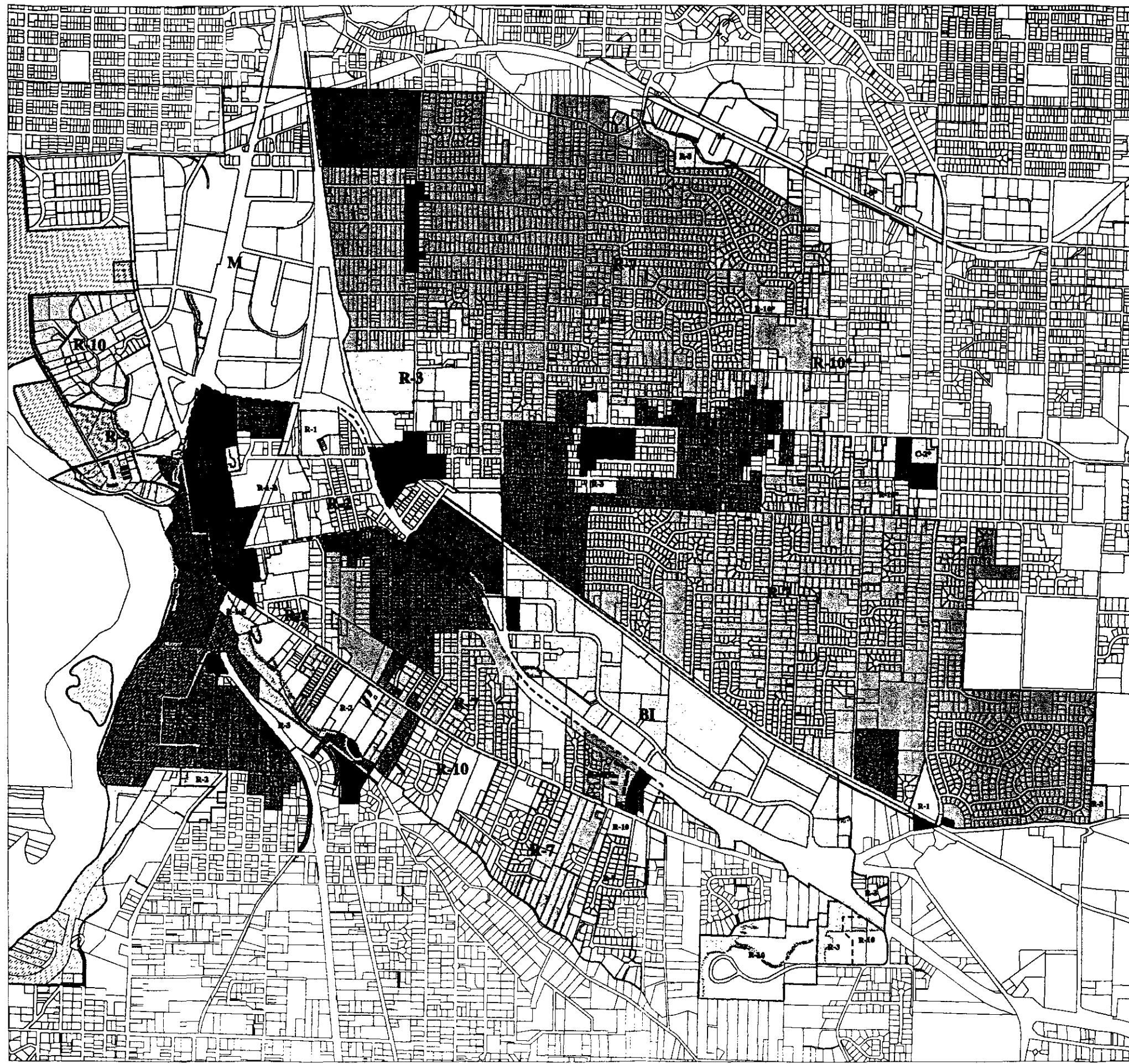
\* - Denotes Clackamas County Zoning Class  
 Within City Boundaries

MAP DATE : 10/06/94

City of Milwaukie



# ZONING



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▨ - WILLAMETTE GREENWAY AND NATURAL RESOURCE AREAS

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MAP DATE : 10/06/94

City of Milwaukie



SECTION 100 - INTRODUCTORY PROVISIONS

ZA-94-06B	Amendments to the
AND	Zoning Ordinance
ZA-94-06C	(27 pages)
Redline	= Proposed new text
Strikeout	= Proposed deleted text

**Automobile service station:** Means a retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products, but not major automotive repairs, painting and body and fender work.

**Basement:** Means a portion of a building, not deemed a story, which has more than one half of its height (but not more than six feet) measured from finished floor to finished ceiling above the adjoining ground level grade.

**Bikeways:** Means any road, street, or path which in some manner is specifically designated for the use of bicycles or for shared use by bicycles and other transportation modes. The term "bikeway" includes bike lane, bike path, and bike route.

**Bike lane:** Means a portion of a road, street, or shoulder which has been designated for use by bicyclists through the application of a paint stripe.

**Bike path:** Means a separate trail or path on which motor vehicles are prohibited and which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians.

**Bike route:** Means a system of bikeways designated by route markers. Bike routes include shared roadways open to motor vehicles and upon which no bicycle lane is designated.

**Boarding, lodging, or rooming house:** Means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be provided. Lodging capacity is subject to provisions of the Uniform Building Code.

**Buffer area:** Means a land area with space, landscaping, and other means sufficient to protect the uses in one zone from being offensive to the uses in another zone.

**Building:** Means a structure built for the support, shelter, or enclosure of any persons, animals, chattels, or property of any kind excepting uncovered patios or decks not exceeding 18 inches in height above the average grade of the adjoining ground.

**Building height:** Means the vertical distance measured from the adjoining street centerline grade, as established by the City, to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

**Building line:** Means a line that coincides with the front side of the main building.

**Building orientation:** Means the design and placement of a structure on a lot to relate to a feature(s) of the lot and/or adjacent public right-of-way.

SECTION 100 - INTRODUCTORY PROVISIONS

**Collector street:** Means a roadway that carries local traffic from local streets to arterial streets within the city. Collectors also serve local community uses and serve as circulation magnets for local streets. Local public transit may use collector streets.

**Commercial recreation:** Means an establishment where people pay for recreation including such types as health center, places with court games, dance halls, places with machine games, and so forth.

**Cellar:** Means a room or group of rooms, usually under a building, which has more than one half of its height measured from finished floor to finished ceiling below the average grade of the adjoining ground.

**Church:** Means a structure used by a religious organization having a tax-exempt status.

**City:** Means the City of Milwaukie, Oregon.

**Congregate housing facility:** Means a multi-dwelling-unit, permanent housing center with individual or common housekeeping facilities and services provided for residents who require or desire a more supportive living environment than typically available to residents in traditional apartment or single-family residential housing. These facilities may provide regular on-premise supervision by registered medical staff or care providers. Occupants of these facilities may include the elderly, disabled, handicapped, or other persons as defined in the Federal Fair Housing Amendments Act of 1988. Congregate housing facilities are permitted outright in all R-Zones which permit multifamily apartments and require conditional use approval in those R-Zones which allow multifamily uses conditionally. In each case, density standards of the zone shall determine number of units allowed.

**Corridor design plan:** Means a plan which establishes special development standards along a transportation corridor. A corridor design plan is adopted as part of the Comprehensive Plan and is implemented through overlay zones.

**Day-care center:** Means any facility, institution, establishment, or place not a part of a school as defined in Section 103 and not meeting the definition of family day care, that provides day care to children not of common parentage, including day nurseries, nursery schools, preschools, day-care facilities, or similar units operating under any name for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

**Dormitory:** Means a room which is rented for sleeping purposes for more than four persons.

**Drinking establishment:** Means a tavern, bar, cocktail lounge, or other similar business establishment with the primary function of preparing and serving alcoholic beverages to the public for consumption on the premises. This establishment may or may not be in conjunction with an eating establishment.

**Dwelling:** Means a structure containing one or more dwelling units used, intended, or designed to be built, used, rented, let or hired out to be occupied, or which are occupied for living purposes. Dwelling types are defined in this section.

**Dwelling unit:** Means one or more rooms designed for occupancy by one family, but excluding a recreational vehicle.

**Secondary Dwelling Unit:** Means a dwelling unit allowed in conjunction with another dwelling unit either by means of existing space or by means of an addition.

SECTION 100 - INTRODUCTORY PROVISIONS

**Dwelling, single-family attached:** Means ~~two or three houses~~ dwelling units, each occupied by ~~one family~~ as a housekeeping unit, sharing common structural walls. ~~Each dwelling and lot are under single ownership.~~

**Dwelling, single-family detached:** Means a house or a manufactured home normally occupied by one family with no structural connection to adjacent units. The dwelling and lot are usually under single ownership.

~~**Dwelling, town house:** Means four or more houses, usually two-story and each normally occupied by one family, sharing common structural walls. Each dwelling and lot are under single ownership or lots are under joint ownership.~~

**Dwelling, multifamily apartment:** Means a single structure containing ~~four~~ three or more dwelling units, usually for rent, and sharing common structural walls.

**Dwelling, multifamily condominium:** Means a single structure containing ~~four~~ three or more individually owned dwelling units, with all other common elements jointly owned on a specified basis.

**Dwelling, interior single-family attached, ~~interior town house,~~ interior multi-family condominium:** Means that dwelling unit or units that are interior to the whole residential structure and does not include the dwelling units that are on the ends of the structure facing lot lines.

**Eating establishment:** Means a restaurant or other similar business establishment with the primary function of serving food, prepared to order, to the public, and may serve alcoholic beverages at the dining table. This establishment may or may not have an attached drinking establishment.

**Family:** Means any person or group of persons living within a single housekeeping unit as defined in this section.

**Family day care:** Means a private residence occupied by the family day-care provider in all areas zoned for residential or commercial purposes and used as a home occupation by the provider for the care of fewer than 13 children, including children of the provider, regardless of full-time or part-time care status.

**Fence:** Means any artificially constructed barrier of any material or combination of materials erected for purpose of enclosing, protecting, or screening areas of land and uses thereon.

**Fence, sight-obscuring:** Means a fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting, arranged in such a way as to obscure vision at least 80 percent.

**Floodway:** Means the channel of a stream and adjacent land areas which are required to carry and discharge flood waters or flood flows of a 100-Year Flood, as defined by the Corps of Engineers.

**Floodway fringe:** Means that land area which is outside of the stream floodway but is subject to periodic inundation by a 100-Year Flood, as defined by the Corps of Engineers.

**Floor area:** Means the sum of the gross horizontal area of the general floor of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings, but not including:

- a. Attic space providing headroom of less than seven feet.
- b. Basement or cellar;

SECTION 100 - INTRODUCTORY PROVISIONS

- c. Uncovered steps or fire escapes;
- d. Private garages, carports, or porches;
- e. Accessory water towers or cooling towers;
- f. Accessory off-street parking or loading spaces.

**Foster home:** Means any home maintained by a person licensed by the State of Oregon to provide care, food, and lodging in such home for not more than ten (10) children, including his or her own children, under the age of eighteen (18) years and unaccompanied by a parent or guardian.

**Frontage:** Means property abutting on a street.

**Grade, ground level:** Means the average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, the ground level shall be measured at the average sidewalk elevation.

**High-impact commercial businesses:** Means any such use that generates substantial traffic, or noise, or light, or irregular hours, or other negative impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels and motels.

**Home occupation:** Means an occupation normally carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

**Horticulture:** Means the cultivation of plants, garden crops, trees, or nursery stock.

**Hotel:** Means a building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Housekeeping unit:** Means a living arrangement within a dwelling unit in which a single common kitchen facility, laundry facility, living and dining rooms, and other general living areas of the dwelling, and the duties, rights, and obligations associated with the performance of domestic tasks and management of household affairs, are shared by the residents by virtue of legal relationship or mutual agreement.

**Institutional campus:** Means a medical or educational institution and associated uses. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or degree certified by a recognized accreditation body. Associated uses on institutional campuses may include some commercial and light industrial uses, major event entertainment, residential, and other uses.

**Institution, higher educational:** Means a college or university, accredited by the State of Oregon.

**Interior landscaping:** Means area(s) internal to a lot that is(are) devoted to buffer area(s) with plantings.

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**Junkyard:** Means any establishment or place of business that is maintained, operated or used for storing, keeping, buying, or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other scrap or old ferrous or nonferrous material, metal or nonmetal materials, and the term includes automobile graveyards, garbage dumps and scrap metal processing facilities.

**Kennel:** Means any lot or premises on which four or more dogs, more than four months of age, are kept.

**Kitchen facility:** Means an area in which something is built, installed or established to prepare food for eating by a heating process.

**Landscaping:** Means vegetation and materials including but not limited to shrubs, grass, trees, planting beds, and bark dust.

**Livestock:** Means domestic animals, such as cattle, horses, sheep, hogs, or goats, raised for home use or for profit.

**Loading space:** Means an off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

**Local street:** Means a roadway that carries residential traffic within residential neighborhoods within the city. Local streets connect to other local streets or collector streets for greater access within or between neighborhoods. Local public transit may use local streets.

**Lot:** Means a plot, parcel, or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

**Lot, corner:** Means a lot abutting on two or more streets, other than an alley, at their intersection.

**Lot coverage:** Means the area covered by a building or buildings on a lot, expressed as a percentage of the total lot area.

**Lot, depth:** Means the average horizontal distance between the front lot line and the rear lot line.

**Lot, interior:** Means a lot other than a corner lot.

**Lot line:** Means the property line bounding a lot.

**Lot line, front:** Means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; and in the case of a corner lot, a line separating the lot from the street on which the contemplated development will face.

**Lot line, rear:** Means a lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular or other-shaped lot, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.

**Lot line, side:** Means any lot line not a front or rear lot line.

**Lot through:** Means an interior lot having frontage on two streets.

**Lot width:** Means the horizontal distance between side lot line measured at the building line.

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~~Major arterial street: Means a street that carries both local and through traffic to destinations outside the local community. The major arterial provides access to other communities, as well as access through Milwaukie. Public transit to other communities generally use major arterials. The major arterial is McLoughlin Boulevard as illustrated in the Comprehensive Plan.~~  
Means a roadway that serves as a regional facility that carries both local and through traffic to destinations within and outside of the city. Public transit serving other communities and different points in the region may use these streets.

**Manufactured dwelling:** Means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The manufactured dwelling is a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, and that is being used for residential purposes.

**Manufactured dwelling park:** Means a lot, tract, or parcel of land under one ownership, the primary purpose of which is to rent space for placement of a manufactured dwelling. A manufactured dwelling park shall contain a minimum of 2 acres, and a minimum of four manufactured dwellings.

**Manufactured home:** Means a single-family residential structure as defined in ORS 446.003(25)(a)(C) which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et. seq.) as amended on August 22, 1981.

~~Minor arterial street: Means a street that carries local traffic between neighborhood areas or to regional facilities. The minor arterial provides access from neighborhood collector streets to community services and to other neighborhoods within, or immediately adjacent to, the City. Local public transit may use minor arterial streets. (The minor arterials are illustrated in the Comprehensive Plan. These include all or portions of Harrison, King, Monroe, Lake, Railroad, Harmony, Johnson Creek, Linwood, Oatfield, 17th, River Road, and 42nd.)~~  
Means a roadway that carries local traffic from collector streets to regional facilities within the city. Minor arterials provide access to community uses and to neighborhoods within the city. Public transit serving other communities and different points in the region may use these streets.

**Mobile home:** Means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

**Motel or tourist court:** Means one or more buildings designed or used as temporary living quarters for transients.

**Nonconforming structure or use:** Means a lawful existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Off-street parking:** Means space located outside of any street right-of-way that is designed to accommodate the parking of motorized and nonmotorized vehicles.

**Open space:** Means any parcel of land or portion of a parcel without a structure, except as used and defined in the Planned Development Zone.

**Owner:** Includes an authorized agent of the owner.

**Parking space:** Means an area available for the parking of a standard American automobile or compact size.

**Perimeter landscaping:** Means an area around the edge of a lot that is devoted to a buffer area with plantings.

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**Person:** Means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

**Physical characteristics:** Means the physical, natural, and/or manmade features characteristic to a property or properties including, but not limited to, trees and other vegetation, rocks and outcrops, topography and ground features such as knolls and depressions, water bodies and wetlands, soil characteristics, excavations and fill, and embankments.

**Pleasure craft:** Means a motorized or nonmotorized boat, canoe, kayak, or other similar vessel that is used for private aquatic recreational uses.

**Poultry:** Means domestic fowl, such as chickens, turkeys, ducks or geese, raised for flesh or eggs.

**Preapplication conference:** Means a meeting between Community Development Department staff and an applicant or property owner. It provides for an exchange of information regarding applicable requirements of City codes, makes available technical assistance which will aid in the development of an application and attempts to identify procedures, policies and regulations that may pose opportunities or constraints for a proposal.

**Prefabricated construction (modular units):** Means a structural unit, conforming to the Uniform Building Code, that has been wholly or in part prefabricated at an off-site location and brought by trailer to the site for assembly.

**Public park:** Means a park, playground, swimming pool, reservoir, or athletic field within the City which is under the control, operation or management of the Milwaukie Community Services Department.

**Railroad facilities:** Means railroad switching yards, terminal structure, railroad tracks, or any other facilities connected with railroads which generate substantial noise or nuisance.

**Recreational vehicle:** Means a vehicular-like, portable structure which can be towed, hauled, or driven and is primarily designed for temporary living accommodations for recreational camping and travel use and includes, but is not limited to, travel trailers, motor homes, camping trailers, campers, and recreational vans.

**Residential home:** Means a dwelling unit operated as a single housekeeping unit for the purpose of providing a residence which includes food, shelter, personal services, and care, on a permanent basis, for the elderly, disabled, handicapped, or others requiring such a residence as defined by the Federal Fair Housing Amendments Acts of 1988.

**Residential trailer:** Means a manufactured dwelling that was constructed prior to January 1, 1962.

**School, commercial:** Means a place where instruction is given to pupils in arts, crafts, trades, or other occupational skills, and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

**School, primary, elementary, junior high, or high:** Includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

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**Senior and retirement housing:** Means a multiunit dwelling where persons who are of retirement age reside. Activity levels including traffic generation and parking of cars, is generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care and medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex or each dwelling unit may be owned separately as in a condominium. The dwelling units shall not have more than one bedroom per unit and shall not have more than 800 square feet per dwelling unit.

**Shared parking:** Means the same off-street parking area is identified by one or more uses for the parking needs of employees, customers, and/or residents.

**Specified anatomical areas:** Means and includes any of the following:

- a. Less than completely and opaquely covered genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities:** Means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in "a" through "c" of this definition.

**Story, half:** Means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

**Street:** Means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", "alley", and other similar designations.

**Structure:** Means something constructed or built and having a fixed base or, fixed connection to, the ground or another structure. (Streets and utilities are excluded from this definition.)

**Structured parking:** Means a covered structure or portion of a covered structure that provides parking areas for motor vehicles. The structure can be part of a principal structure or can be an accessory structure to a use.

**Temporary or transitional facility:** Means a facility which may provide temporary or transitional services to families or individuals including lodging where the average stay is 60 days or less. Such facilities shall be classified as Community Service Uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

**Transit stop:** Means a site designated by Tri-Met as the location at which a Tri-Met bus or light rail train will accept or discharge passengers.

**Transit street:** Means a street with existing transit service operating at 20-minute or less peak hour frequency.

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**Transition area:** Means an area where new ~~town house and~~ multifamily projects in R-3, R-2, and R-1 Zones that are adjacent to areas designated for lower densities have required transition measures.

**Use:** Means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Vegetation:** Means plantings or natural growth of trees, grass, shrubs, etc., which would permit normal percolation.

**Vehicle:** Means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**Walkway:** Means a pedestrian-only corridor that is paved with a hard surface material and connects pedestrians from parking areas to uses, between uses, and to sidewalks on adjacent public streets. Walkways are separated from parking areas and internal driveways to promote pedestrian safety.

**Yard:** Means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

**Yard, front:** Means a yard between side lot lines, and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building.

**Yard, rear:** Means a yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right to the rear lot line from the rear lot line to the nearest point of a main building.

**Yard, side:** Means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.

**Yard, street side:** Means a yard adjacent to a street between the front yard and the rear lot line, measured horizontally and at right angles from the side lot to the nearest point of the building.

**303 RESIDENTIAL ZONE R-5**

In an R-5 Zone the following regulations shall apply:

**303.1 Outright uses permitted**

In an R-5 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Single-family attached dwelling.
- C. Residential home.
- D. Agricultural or horticultural use, provided that:
  - 1. A retail or wholesale business sales office is not maintained on the premises; and
  - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 feet per head of livestock.
- E. Any other use similar to the above and not listed elsewhere.

**303.2 Conditional uses permitted**

In an R-5 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- ~~B. Town house dwelling.~~
- CB. Senior and retirement housing.
- DC. Secondary dwelling unit.
- ED. Any other use similar to the above and not listed elsewhere.

**303.3 Standards**

In an R-5 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. For single-family attached dwellings ~~and town house complexes~~ the lot area shall be an average of at least 5,000 square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single-family attached dwellings ~~and town house units~~ the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over 2 stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior, single-family attached dwellings ~~and interior town house units~~, side yards are not required.

SECTION 303 - RESIDENTIAL ZONE R-5

- D. Rear yard: A rear yard shall be at least 20 feet
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be  $2\frac{1}{2}$  stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 35 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 25 percent of the total area of the lot.
- J. Transition area: A transition area shall be maintained according to Section 413.
- K. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. The lots for interior single-family attached units ~~and town-house units~~ shall abut a public street for at least 20 feet.

SECTION 304 - RESIDENTIAL ZONE R-3

**304 RESIDENTIAL ZONE R-3**

In an R-3 Zone the following regulations shall apply:

**304.1 Outright uses permitted**

In an R-3 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family, detached dwelling.
- B. Agricultural or horticultural use, provided that:
  - 1. A retail or wholesale business sales office is not maintained on the premises; and
  - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached dwelling.
- D. Residential home.
- ~~E. Town house dwelling.~~
- ~~FE.~~ Any other uses similar to the above and not listed elsewhere.

**304.2 Conditional uses permitted**

In an R-3 Zone the following conditional uses and their accessory uses are permitted subject to provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Boarding, lodging or rooming house.
- C. Senior and retirement housing.
- D. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic.
- E. Multifamily condominium or apartment dwelling.
- F. Secondary dwelling unit.
- G. Congregate housing facility.
- H. Any other uses similar to the above and not listed elsewhere.

**304.3 Standards**

In an R-3 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. For single-family attached dwellings ~~and town-house complexes~~ the lot area shall be an average of at least 3,000

SECTION 304 - RESIDENTIAL ZONE R-3

square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single-family attached ~~and town-house~~ units the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.

- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town-house~~ and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be  $2\frac{1}{2}$  stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40 percent of the total area of the lot.
- I. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. Access requirements: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. Lots for interior single-family attached ~~and town-house~~ units will abut a public street for at least 20 feet.
- K. Transition area: A transition area shall be maintained according to Section 413.

**305 RESIDENTIAL ZONE R-2.5**

In an R-2.5 Zone the following regulations shall apply:

**305.1 Permitted uses**

- A. Single-family dwelling.
- B. Single-family attached dwelling.
- C. Residential home.
- ~~D. Town house dwellings.~~
- ED. Agricultural or horticultural uses, provided that:
  - 1. A retail or wholesale business sales office is not maintained on the premises; and
  - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- EE. Any other use similar to the above and not listed elsewhere.

**305.2 Conditional uses**

- A. Boarding, lodging or rooming house.
- B. Senior and retirement housing.
- C. Multifamily condominium or apartment.
- D. Congregate housing facility.
- E. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic.
- F. Any other use similar to the above and not listed elsewhere.

**305.3 Standards**

In an R-2.5 Zone the following standards shall apply:

- A. Lot size: Single-family dwellings - 3,000 square feet.  
Attached dwellings - 2,500 square feet average per unit.
- B. Lot dimensions: Width at building line, measured at front setback: 1) single-family dwelling - 40 feet; 2) attached dwellings - 25 feet. Depth for all types of uses - 75 feet.
- C. Set backs: Front yard - 15 feet. Side yard - A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town houses~~ and condominium units, side yards are not required.

SECTION 306 - RESIDENTIAL ZONE R-2

**306 RESIDENTIAL ZONE R-2**

In an R-2 Zone the following regulations shall apply:

**306.1 Outright uses permitted**

In an R-2 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Residential home.
- C. Agricultural or horticultural use, provided that:
  - 1. A retail or wholesale business sales office is not maintained on the premises; and
  - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- D. Single-family attached, ~~town house~~, multifamily condominiums, multifamily apartment dwellings.
- E. Congregate housing facility.
- F. Any other use similar to the above and not listed elsewhere.

**306.2 Conditional uses permitted**

In an R-2 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Boarding, lodging or rooming house.
- B. Senior and retirement housing.
- C. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic, except in transitional areas.
- D. Hotel or motel.
- E. Marina
- F. Secondary dwelling unit
- G. Any other use similar to the above and not listed elsewhere.

**306.3 Standards**

In an R-2 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than an average of 2,500 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. For interior single-family

SECTION 306 - RESIDENTIAL ZONE R-2

attached, ~~town house~~ and condominium units lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet. Single-family attached, ~~town house~~, multifamily condominium, and multifamily apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.

- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town house~~ and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 percent of the total area of the lot.
- I. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. Access requirements: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached, ~~town house~~ and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transition area shall be maintained according to Section 413.

SECTION 307 - RESIDENTIAL-BUSINESS OFFICE-  
COMMERCIAL ZONE R-1-B

**307 RESIDENTIAL-BUSINESS OFFICE-COMMERCIAL ZONE R-1-B**

In an R-1-B Zone the following regulations shall apply:

**307.1 Outright uses permitted**

In an R-1-B Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Agricultural or horticultural use, provided that:
  - 1. A retail or wholesale business sales office is not maintained on the premises; and
  - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached dwelling.
- D. Residential home.
- E. ~~Town house,~~ Condominium, multifamily condominium, and multifamily apartment dwellings.
- F. Congregate housing facility.
- G. Senior and retirement housing.
- H. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others whose activities generate a minimal amount of traffic.
- I. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations whose activities generate a minimal amount of traffic.
- J. Any other use similar to the above and not listed elsewhere.

**307.2 Conditional uses permitted**

In an R-1-B Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision
- B. Boarding, lodging or rooming house.
- C. Hotel or motel.
- D. Marina.
- E. Any other use similar to the above and not listed elsewhere.

**307.3 Standards**

In an R-1-B Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for each dwelling unit over one there shall be not less than an average of 1,400 square feet. Lot width shall be at least 50 feet. For interior single-family attached ~~town-house~~ and condominium units this lot width shall be at least 30 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 15 percent of the total area of the lot.
- J. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached ~~town-house~~ and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transition area shall be maintained according to Section 413.

**308 RESIDENTIAL ZONE R-1**

In an R-1 Zone the following regulations shall apply:

**308.1 Outright uses permitted**

In an R-1 Zone the following uses and accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Agricultural or horticultural use, provided that:
  - 1. A retail or wholesale business sales office is not maintained on the premises; and
  - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached, ~~town house~~, multifamily condominium, multifamily apartment dwelling.

The above type dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.

- D. Residential home.
- E. Senior and retirement housing.
- F. Congregate housing facility.
- G. Any other use similar to the above and not listed elsewhere.

**308.2 Conditional uses permitted**

In an R-1 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Boarding, lodging or rooming house.
- C. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic, except in transitional areas.
- D. Hotel or motel.
- E. Marina.
- F. Any other use similar to the above and not listed elsewhere.

308.3

Standards

In an R-1 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than 1,400 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. Lot width for single-family attached, ~~town house~~ and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet. Single-family attached, ~~town house~~, multifamily condominium, multifamily apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town house~~ and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 percent of the total area of the lot.
- I. Minimum vegetation and open spaces: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. Access requirements: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached, ~~town house~~ and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transitional area shall be maintained according to Section 413.
- L. Use restrictions: Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least fifty (50) percent of the floor area within a project shall be used for residential purposes.

SECTION 309 - RESIDENTIAL-OFFICE-  
COMMERCIAL ZONE R-O-C

309 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C

In an R-O-C Zone, the following regulations shall apply:

**309.1 Outright uses permitted**

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Single-family attached ~~and town house~~ dwelling.
- C. Residential home.
- D. Multifamily condominium dwelling.
- E. Multifamily apartment dwelling.
- F. Congregate housing facility.
- G. Senior and retirement housing.
- H. Offices.
- I. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory.
- J. Personal service business such as a barber shop, tailor shop or laundry and dry cleaning pickup station.
- K. Funeral home.
- L. Commercial recreation and motion picture theater.
- M. Eating establishment.
- N. Hotel or motel.
- O. Parking facility.
- P. Repair, maintenance or service of the type of goods to be found in any permitted retail trade establishment.
- Q. Financial institution.
- R. Trade or commercial school.
- S. Department or furniture store.
- T. Any other use similar to the above and not listed elsewhere.

**309.2 Conditional uses permitted**

In an R-O-C Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Boarding, lodging or rooming house.
- B. Any other use similar to the above and not listed elsewhere.

SECTION 309 - RESIDENTIAL-OFFICE-  
COMMERCIAL ZONE R-O-C

**309.3 Standards**

In an R-O-C Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,400 square feet. Lot width shall be at least 50 feet. Lot width for interior single-family attached, ~~town-house~~ and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town-house~~ and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Use restrictions: Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least fifty (50) percent of the floor area within a project shall be used for residential purposes.
- I. Lot coverage: Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 percent of the total area of the lot.
- J. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15 percent of the total area of the lot.
- K. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached, ~~town-house~~ and condominium units shall abut a public street for at least 20 feet.
- L. Transition area: A transition area shall be maintained according to Section 413.

**309.4 Prohibited uses**

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

311 LIMITED COMMERCIAL ZONE C-L

In a C-L Zone the following regulations shall apply:

**311.1 Outright uses permitted**

In a C-L Zone the following uses and their accessory uses are permitted outright:

- A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists and others of a professional nature.
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.
- C. Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf-goods inventory.
- D. Personal service business such as a barber shop, tailor shop or laundry and dry cleaning pickup station.
- E. Any other use similar to the above and not listed elsewhere.

**311.2 Conditional uses permitted**

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Funeral home.
- B. Marina and boat sales.
- C. Parking facility.
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment.
- E. Financial institution.
- F. Trade or commercial school.
- G. Single-family detached dwelling.
- H. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- I. Single-family attached dwelling, ~~town house dwelling,~~ multifamily apartment, and condominium dwelling.
- J. Senior and retirement housing.
- K. Residential home.
- L. Congregate housing facility.

SECTION 311 - LIMITED COMMERCIAL ZONE C-L

- M. High-impact commercial, except adult entertainment businesses.
- N. Any other use similar to the above and not listed elsewhere.

**311.3 Standards**

In a C-L Zone the following standards shall apply:

- A. Lot size: None, except as follows for dwelling: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,000 square feet. Lot width shall be at least 50 feet. Lot width for interior single-family attached-~~town-house~~ and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- C. Side yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- D. Rear yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standards set forth therein.
- F. Transition area: A transition area shall be maintained according to Section 413.
- G. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet except as permitted under the Subdivision Ordinance. Lots for interior single-family attached-~~town-house~~ and condominium units shall abut a public street for at least 20 feet.
- H. Off-street parking and loading: As specified in Section 500.
- I. Height restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less.
- J. Open use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 feet high.
- K. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15 percent of the total area of the lot.

**311.4 Prohibited uses**

The following uses and their accessory uses are prohibited:

- A. Adult entertainment businesses.

SECTION 400 - SUPPLEMENTARY REGULATIONS

Washington Street (west of Railroad) . . . . .	30 feet
7th Avenue . . . . .	30 feet
21st Street . . . . .	30 feet
32nd Street (north of Harrison) . . . . .	30 feet
40th Street (Harvey to Railroad) . . . . .	40 feet
42nd Street (north of Harvey) . . . . .	30 feet
43rd Street (south of Covell) . . . . .	30 feet

**411 BUILDING HEIGHT LIMITATIONS, GENERAL EXCEPTIONS**

Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this Ordinance, except as provided in an L-F Zone.

**412 ADDITIONAL BUILDING HEIGHT**

One additional story may be permitted in excess of the required maximum standard. An additional 10 percent of site area that is retained in vegetation beyond the minimum is required for each additional story. This provision does not apply to the R-10, R-7, or R-5 Zones.

**413 TRANSITION AREA**

**413.1 Transition measures**

In zones where ~~town house~~, multifamily, commercial, or industrial projects are proposed that are within 100 feet of areas designated for lower density, transition measures shall be made in order to minimize the impact on lower density uses. These measures shall be subject to Planning Commission review at a public hearing per subsection 1011.3, Minor Quasi-Judicial review, and shall include one or a combination of the following: The Planning Commission may apply conditions to such approval as will meet the objectives of this Section.

- A. Roadways separating projects.
- B. Open areas (developed or undeveloped) separating new structures from adjacent parcels. A minimum distance equal to the required front yard of adjacent parcels will be established and maintained as open area. Natural vegetation, landscaping or fencing will be provided to the six foot level to screen living rooms from direct view across open areas.
- C. Gradual density changes. A new project may not have a density greater than 25 percent of the allowable density on lower density residential parcels abutting the project. If abutting parcels have a variety of allowable residential densities, parcels with similar allowable densities abutting the highest percentage of the project perimeter will govern.

SECTION 400 - SUPPLEMENTARY REGULATIONS

**420.2 Definition**

For the purposes of this Section, the following definition shall apply:

- A. Recycling collection area: A specific location where recyclable materials may be deposited and contained for regular collection by a material collection service.

**420.3 Applicability**

All new multifamily apartment, ~~town house~~, and condominium dwelling projects, and projects proposing unit expansion to existing multifamily apartment, ~~town house~~, and condominium dwellings, must provide area(s) for recycling collection subject to the standards herein.

**420.4 Recycling collection area standards**

Standards for recycling collection areas are as follows:

- A. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- B. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.
- C. Recycling containers must be covered either by roof or weatherproof lids.
- D. If located outdoors, the recycling collection area must be screened from the street and adjacent properties by sight-obscuring materials.
- E. The recycling collection area(s) must have a collection capacity of at least 100 cubic feet in size for every 10 dwelling units or portion thereof.
- F. The recycling collection area must be easily accessible to collection service personnel between the hours of 6 a.m. and 6 p.m.
- G. The recycling collection area and containers must be clearly labeled to indicate the type and location of materials accepted and properly maintained to ensure continued use by tenants.
- H. City Fire Department approval will be required for all recycling collection areas.
- I. Review and comment for all recycling collection areas will be required from the appropriate franchise collection service.

**420.5 Review of recycling collection areas**

- A. Review of recycling collection areas for new multifamily dwelling projects that require conditional use approval shall be made by the Planning Commission following the procedures of Section 1011.3, Minor Quasi-Judicial review.

SECTION 600 - CONDITIONAL USES

- B. Production from an open pit or the removal of sand and gravel shall not leave a slope exceeding one foot horizontal for one foot vertical.
- C. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.
- D. A rock crusher, washer, or sorter, shall not be located nearer than 500 feet to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

**602.5 Junk or wrecking yard**

In considering a conditional use application for a junk or wrecking yard, the Planning Commission shall require that it be enclosed by a sight-obscuring fence not less than six feet high.

**602.6 High-impact commercial use**

In considering a conditional use application for a high-impact commercial use the Planning Commission shall consider the following:

- A. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.
- B. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.
- C. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.
- D. Hours of operation
- E. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to insure that such establishments do not become unduly or unnecessarily disruptive.

**602.7 Single-family attached ~~and town-house~~ dwellings**

In considering a conditional use application for single-family attached ~~or town-house~~ dwellings, the Planning Commission shall consider the following:

- A. Whether a structure of a similar type is within 200 feet.
- B. Relationship to neighboring uses.
- C. Street access.
- D. Terrain of the site. The project shall not cause traffic to move through the adjoining lower density areas.

ZA-94-06D	Amendments to the Zoning Ordinance (21 pages)
Redline	= Proposed new text
Strikeout	= Proposed deleted text

**SECTION 500**

**OFF-STREET PARKING AND LOADING**

**501 PURPOSE**

The purpose of this Section is to provide adequate off-street parking and loading, to avoid congestion on the streets, to avoid unnecessary conflicts between vehicles and pedestrians, to encourage the use of bicycles and mass transit, and to facilitate access from streets to off-street parking lots and from structures to off-street parking and loading spaces.

**502 APPLICABILITY OF PROVISIONS**

The standards and procedures of Section 500 shall apply to all development, remodeling, and changes of use that increase parking and loading demand.

The standards and procedures of this Section shall also apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or change in use occurs.

**503 OFF-STREET PARKING STANDARDS**

**503.1 General provisions**

- A. Off-street parking shall be required in all districts except for the C-C Zone (which may be considered under subsection 507.C) and in connection with all uses. Off-street parking shall be provided at the time the structure is erected, prior to the issuance of a certificate of occupancy, at the time any use of a structure or land is enlarged, or when there is an increase in density or intensity.
- B. Off-street parking shall be provided on the site unless joint use or shared parking is approved and is located within 300 feet of the principal structure or use.
- C. It shall be the obligation of the property owner to comply with the regulations of Section 500 and to maintain the parking area.
- D. Parking areas shall be available for the parking of operable vehicles of residents, customers, and employees and shall not be used for the storage of vehicles or materials.

**503.2 Shared parking**

Shared parking shall be permitted for two or more uses when there is no conflict in operating hours. Parking spaces shall be no further than 300 feet from the principal structure(s) or use(s). Legal documentation shall be recorded with the County, and provided to the City, between separate developers sharing parking prior to obtaining a building permit.

SECTION 500 - OFF-STREET PARKING AND LOADING

503.3 Number of required off-street parking spaces

Minimum to maximum off-street parking requirements:

Uses	Spaces per unit of measure
<b>A. Residential uses</b>	
1. 1- and 2-unit attached home; manufactured home; single-family detached	2 spaces per dwelling unit, one of which shall be covered.
For approved flag lots:	1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.
2. Attached dwellings containing 3 or more dwelling units	1.25 to 2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.
3. Mobile home park	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.
4. Residential employees, staff, caregivers, and caretakers	1 space per each full-time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.
<b>B. Residential support uses</b>	
1. Church	1 space per 3 to 5 seats, or 1 space per 8 to 12 lineal feet of bench.
2. College, university, institute of higher learning	1 space per 2 to 3 students.
3. Day-care center	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 to 8 pupils.
4. School - elementary or junior high	1.5 to 1.75 spaces per classroom.
5. School - senior high	.25 to .33 space per student, plus 1 space per staff.

SECTION 500 - OFF-STREET PARKING AND LOADING

Uses	Spaces per unit of measure
C. Lodging places	
1. Motel, hotel	.9 to 1.1 spaces per lodging unit.
2. Boarding house	1 to 1.25 spaces per guest room.
3. Bed and breakfast establishment	1 space per guest room, plus 1.5 to 2 spaces per permanent residents
D. Places of public assembly	
1. Auditorium or meeting room (other than church or school)	1 space per 3 to 4 seats, or 1 space per 45 to 60 square feet of floor area.
2. Club, lodge, or association	1 space per 3 to 4 persons allowed within the maximum occupancy load as established by local, State, fire, building, or health codes.
3. Library, museum, art gallery	1 to 1.2 spaces per 1,000 square feet of gross floor area.
E. Commercial uses - recreational	
1. Amusement park	1 space for each 1,000 square feet of gross floor area.
2. Billiard hall	1 space per table, plus 1 space per employee of the largest shift.
3. Bowling alley	2 to 4 spaces for each alley, plus 1 space per employee of the largest shift.
4. Dance hall, skating rink, or gymnasium	1 space per 50 to 100 square feet of gross floor area.
5. Golf driving range	1 to 1.5 spaces per each driving tee.
6. Indoor arena or theater	1 space per 3 to 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.
7. Miniature golf	1.25 to 1.5 spaces per hole.
8. Race track or stadium	1 space per 3.5 to 4 seats, or 1 space for 6 to 8 feet of bench length.
9. Indoor racquet courts	2 to 3 spaces per court, plus 1 space per employee of largest shift.

SECTION 500 - OFF-STREET PARKING AND LOADING

Uses	Spaces per unit of measure
F. Commercial uses - retail goods	
1. Eating and drinking establishments	
a. Sit-down	10 to 15 spaces per 1,000 square feet of gross floor area.
b. Fast food	10 to 15 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.
2. Convenience store	4 to 5 spaces per 1,000 square feet of gross floor area.
3. Grocery store	1 to 1.25 spaces per 200 square feet of gross floor area.
4. Apparel and department stores	3 to 4 spaces per 1,000 square feet of gross floor area.
5. Furniture and home furnishings	1 to 1.5 spaces per 1,000 square feet of gross floor area.
6. Gas stations	
a. Gas-only	1 to 1.25 spaces per 4 pumps.
b. Full-service	1 to 1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.
7. Auto, boat, or trailer sales	1 to 2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.
G. Commercial uses - services	
1. Banking	
a. Automatic teller	2 spaces per machine.
b. Bank (walk-in only)	3 to 4 spaces per 1,000 square feet of gross floor area.
c. Bank (with drive-in windows)	3 to 3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.

## SECTION 500 - OFF-STREET PARKING AND LOADING

Uses	Spaces per unit of measure
2. Barber shop or beauty parlor	1 space per 100 to 125 square feet of floor area.
3. Health practitioners office	4 to 5 spaces per 1,000 square feet of floor area.
4. Animal hospital/veterinary clinic	4 to 5 spaces per 1,000 square feet of floor area.
5. Hospital	1 to 2 spaces per bed.
6. Nursing, convalescent, and extended-care facilities	1 space per 3 to 4 beds.
7. Professional services	1 space per 250 to 300 square feet of floor area.
8. Personal services	1 space per 100 to 125 square feet of floor area.
9. Repair shops (items other than motorized vehicles)	1 space per 300 to 350 feet of gross floor area.
10. Car wash	
a. Self-serve	2 spaces, plus 1 to 2 spaces per wash bay (clear of the right-of-way)
b. Full-serve	1 space per 1,000 square feet of gross floor area.
11. Dry cleaners	1 space per 300 to 350 square feet of gross floor area.
12. Mortuary/funeral home	1 space per each 4 to 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.
13. Automotive, truck, and trailer rental	1 space per 350 to 400 square feet of gross floor area.
H. Industrial uses	
1. Manufacturing	1 to 1.25 spaces per 1,000 square feet of gross floor area.
2. Storage, warehouse, wholesale establishment	1 space per 1,000 to 1,500 square feet of gross floor area.
3. Miniwarehouse; self-service storage	1 space per 10 to 12 storage units, plus 1 space per employee of the largest shift.

SECTION 500 - OFF-STREET PARKING AND LOADING

**503.4 Reduction in required parking**

Commercial and industrial developments may reduce the required number of parking spaces by 10 percent if:

- A. the development is within 500 feet of a transit route;
- B. the development is utilizing shared parking;
- C. the developer seeks to protect additional open space; or
- D. the developer provides at least one carpool/vanpool space near the entrance of the structure/use.

In no case shall any development be allowed a greater than 20% reduction in the number of parking spaces.

Multifamily developments may reduce the number of required parking spaces by 20 percent if located within 500 feet of a transit route.

**503.5 Determination of unlisted uses and/or alternative parking plans**

The Community Development Director shall determine the appropriate required number of parking spaces for unlisted uses, and approve alternative parking plans pursuant to Section 1011.1, unless there is an application under review by the Planning Commission; then the Planning Commission shall make the determination. The City's decision shall be based on the applicant's submittal of required parking, which shall be based on a similarly listed use from the Institute of Transportation Engineers (ITE) or Urban Land Institute (ULI) standards. For alternative parking plans, an applicant may submit a parking plan that provides adequate technical data and analyses using ULI or ITE standards or similar justification for parking needs.

**503.6 Off-street parking space standards**

- A. A minimum of 50 percent of spaces shall be regular-sized spaces and a maximum of 50 percent can be compact spaces. Handicapped spaces shall be according to federal and State requirements.
- B. The minimum dimensions for required off-street parking spaces shall be as follows:

SECTION 500 - OFF-STREET PARKING AND LOADING

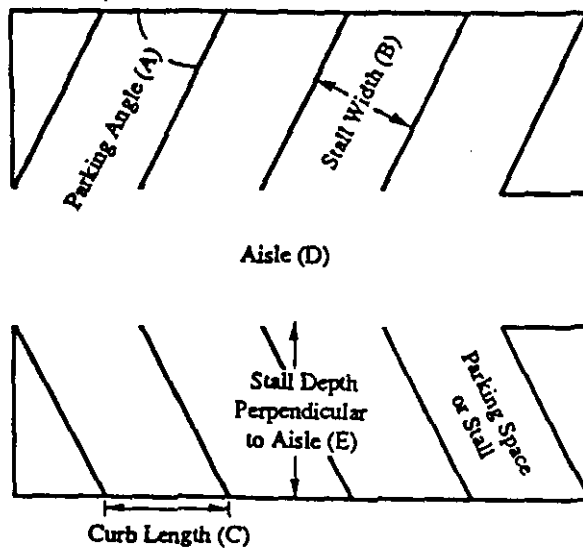
Table 503.6 Minimum Parking Space and Aisle Dimensions [1] [2]						
Angle (A)	Type	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Regular	9 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
30°	Regular	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Regular	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Regular	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Regular	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.

Notes:

[1] See Figure 503.6

[2] See State and federal (Americans with Disabilities Act) requirements for the number and dimensions of required disabled parking spaces.

Figure 503.6  
Parking Dimension Factors



SECTION 500 - OFF-STREET PARKING AND LOADING

**503.7 Paving and striping**

Paving and striping shall be required for all maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways.

**503.8 Curb cuts**

Curb cuts to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street.

**503.9 Aisles**

Aisles shall be required in parking areas greater than 3 spaces. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

**503.10 Connections**

Parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.

**503.11 Lighting**

Lighting of a parking area shall be required and shall be designed to enhance safe access for vehicles and pedestrians on the site. Parking area lighting shall be situated to avoid glare and be deflected so as not to shine on adjacent property.

**503.12 Drainage**

All areas used for circulation and parking shall meet City standards for surface water runoff.

**503.13 Pedestrian access**

Pedestrian access through parking areas shall be attractive, separated from vehicular circulation and parking, lighted, and provide direct access. Walkways shall be required in parking areas over 20 spaces and shall be buffered by landscaping or a curb.

**503.14 Park-and-ride facilities**

Park-and-ride facilities may be encouraged or required as part of development review for uses along transit routes. These uses have days and hours not in conflict with weekday use (e.g., churches, fraternal organizations) and may be encouraged or required to allow a portion of their parking area to be used for a park-and-ride lot.

**503.15 Landscaping**

Parking area landscaping shall be required in all districts and for all uses other than single-family and duplex residences. Landscaping shall be based on the following standards.

SECTION 500 - OFF-STREET PARKING AND LOADING

- A. Perimeter landscaping of parking areas may be considered as part of site landscaping already required. Perimeter landscaping shall meet the following standards which are illustrated in Figures 503.15.A.1 and 503.15.A.2.
1. A minimum of 8 feet of landscaped buffer area between off-street parking area and right-of-way shall be provided, as measured from inside of curb to inside of curb or edge of right-of-way.
  2. A minimum of 6 feet of landscaped buffer area shall be provided, as measured from inside of curb to inside of curb, between off-street parking area and lot line when not next to right-of-way.
  3. A minimum of 6 feet of landscaped buffer area shall be provided, as measured from inside curb to inside curb, between off-street parking area and other uses on the site; e.g., buildings, open space, storm water system. Landscaped islands may be used as an alternative to a landscaped buffer area between buildings.
  4. A minimum of 8 feet of landscaped buffer area shall be provided, as measured from the inside of curb to inside of curb, on both sides of driveway into off-street parking area.
  5. One landscaped island shall be required per every 8 parking spaces. The islands shall be a minimum of 6 feet in width, as measured from the inside of curb to inside of curb, and shall include 1 tree per island. If 2 islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.
  6. Landscaping requirements for perimeter buffer areas shall be as follows: 1 tree to be planted every 40 lineal feet of landscaped buffer area. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.
  7. Where off-street parking areas abut a property boundary, continuous screening of plant materials shall be provided along the perimeter buffer area. Provision of screening may be phased in multiphase projects and is optional along access drives, where not contiguous to off-street parking areas or buildings.
- B. Interior landscaping of parking areas shall be required and shall meet the following standards which are illustrated in Figures 503.15.B.1, 503.15.B.2, and 503.15.B.3.
1. One landscaped island shall be required per every 8 parking spaces. The interior islands shall be a minimum of 6 feet in width, as measured from the inside of curb to inside of curb, and shall include 1 tree per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.

SECTION 500 - OFF-STREET PARKING AND LOADING

2. Divider medians of a minimum of 6 feet in width shall be provided, as measured from inside of curb to inside of curb. This may substitute for interior islands, provided that 1 tree is planted every 40 feet and that the remainder of the buffer area shall be landscaped as identified in subsection 503.15.A.6 above.
3. A row of parking spaces shall be terminated on each end by a terminal island, of a minimum 6 feet in width from inside of curb to inside of curb. This shall be provided that 1 tree is planted every 40 feet and the remainder of the buffer area shall be landscaped as identified in subsection 503.15.A.6 above.
- C. Parking bumpers or wheel stops, of a minimum of 4 inches in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways.
- D. Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff's review.
- E. Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the City.
- F. Parking area landscaping shall be maintained in good and healthy condition by the property owner, owner's agent, or the holder of the certificate of occupancy, as determined by the City.
- G. An applicant may propose an alternative landscaping plan as part of undergoing an alternative parking plan, as required in subsection 503.5.
- H. A landscaping plan shall be required. It shall be drawn to scale and shall accompany development permit applications for all developments, excluding single-family and two-family dwelling structures. The plan shall show the information required for the parking plan in subsection 503.16, and the following additional information:
  1. a list of existing vegetation by type, including number, size, and species of trees;
  2. a proposal to protect existing trees;
  3. a list of existing natural features;
  4. the location and space of existing and proposed plant materials;
  5. a list of plant material types by botanical and common names;
  6. notation of trees to be removed;
  7. size and quantity of plant materials;
  8. irrigation plan; and

SECTION 500 - OFF-STREET PARKING AND LOADING

9. method for maintenance of landscaping.

503.16 Parking plan

A parking plan shall be required. It shall be drawn to scale and shall accompany development permit applications for all developments, excluding single-family and two-dwelling structures. The plan shall show that all elements related to Section 500 are met, and shall include but is not limited to:

- A. delineation of individual spaces;
- B. circulation area necessary to serve spaces;
- C. access to streets, alleys, and properties to be served;
- D. curb cuts;
- E. type of landscaping, fencing, or other materials;
- F. abutting land uses;
- G. grading, drainage, surfacing, and subgrading details;
- H. location of lighting fixtures;
- I. delineation of all structures and obstacles to on-site circulation; and
- J. specification of signs and wheel stops.

503.17 Off-street vehicle parking in residential zones

This section is intended to preserve residential neighborhood character by providing for off-street parking standards in residential zones.

- A. Off-street parking for vehicles in residential zones shall be located on the same lot as the dwelling. Any additional required parking, such as for multifamily dwellings, may be located on a separate parcel, not greater than 300 feet from the space to the building entrance, to be measured as the most direct pedestrian route.
- B. The required off-street paved parking spaces in residential zones shall not be located in the side yard setbacks.
- C. The uncovered required parking for one- and two-family dwellings in residential zones shall be permitted in the front yard setback.
- D. Off-street residential parking areas and driveways shall be paved with a minimum driveway width of 9 feet and parking space dimension of 9 by 20 feet.
- E. Commercial vehicles over 1½ ton shall not be permitted to be parked or stored in residential zoning districts.

503.18 Recreational vehicles and pleasure crafts

This Section is intended to preserve residential neighborhood character by minimizing the impacts of parking and storage activities in residential zones.

SECTION 500 - OFF-STREET PARKING AND LOADING

Recreational vehicles and pleasure crafts may be parked and stored on private residential property subject to the following conditions:

- A. The vehicle located in the yard of a residential lot shall be kept in a clean and neat appearance and in usable condition at all times.
- B. On lots less than 1 acre, only 1 recreational vehicle or private pleasure craft which is not located in an enclosed structure such as a garage, shall be allowed per residential lot. Canoes and other crafts less than 12 feet in length shall be exempt from this requirement.
- C. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a residential lot.
- D. Vehicles that require State licensing shall have a current vehicle registration plate at all times.
- E. A recreational vehicle or pleasure craft may be parked anywhere on a residential lot for up to 24 hours for the purposes of loading or unloading the vehicle.
- F. A recreational vehicle or pleasure craft is encouraged to be parked or stored in the side or rear area of a residential lot provided it is located at least 3 feet from any lot line. It may be parked or stored on a gravel surface. Recreational vehicles or pleasure crafts greater than 10 feet in height shall be set back 7½ feet from a side or rear lot line.
- G. No recreational vehicles or private pleasure crafts shall be parked or stored in the public right-of-ways.

**504 OFF-STREET LOADING STANDARDS**

**504.1 General provisions**

- A. Off-street loading shall be required for commercial, industrial, public, and semipublic uses, as appropriate, for the receipt or distribution of merchandise by vehicles. Such uses shall have 1 or more spaces for standing, loading, and unloading of vehicles.
- B. Loading areas shall be provided on the site; shall be separated from parking areas; and, in cases where 2 separate uses exist on 1 parcel of land, the total required off-street loading shall be the sum of the requirements for each use separately.
- C. It shall be the obligation of the property owner to comply with the regulations of this Section and to maintain the loading area(s).

SECTION 500 - OFF-STREET PARKING AND LOADING

504.2 Number of loading spaces required

The minimum number of loading spaces required for commercial, industrial, public, and semipublic uses shall be as follows:

<u>Building size</u>	<u>Required loading spaces</u>
Under 5,000 square feet	0
From 5,000 to under 25,000 square feet	1
From 25,000 to under 60,000 square feet	2
60,000 square feet and over	3

504.3 Loading space standards

The minimum size dimensions for an off-street loading space shall be: width of 12 feet, clearance of 16 feet, and length for local delivery of 30 feet, or 60 feet for semitrailer trucks.

504.4 Site standards

- A. Off-street loading areas shall observe the minimum front and side yard setbacks for structures.
- B. Off-street loading areas shall be located where not a hindrance to travel lanes, walkways, public or private streets, or adjacent properties.

504.5 Paving

Off-street loading areas shall be paved and have a durable hard surface.

504.6 Lighting

Lighting of loading areas shall be required and shall be designed to be situated so as to avoid glare and be deflected so as not to shine on adjacent property where dwellings exist.

504.7 Storage prohibited

The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods.

505 BICYCLE PARKING

505.1 Applicability

Bicycle parking shall be provided for all new commercial, Business Industrial (BI), Community Service (CSO), and multifamily development, except for temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units. Bicycle parking shall be provided in the C-C Zone.

505.2 Number of spaces

The number of bicycle parking spaces shall be at least 10 percent of the required automobile parking for the use. In no case shall less than 2 spaces be provided.

SECTION 500 - OFF-STREET PARKING AND LOADING

505.3 Space standards and racks

The dimension of each bicycle parking space shall be a minimum of 2½ by 6 feet. A 5-foot-wide access aisle must be provided. If spaces are covered, 7 feet of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.

505.4 Location

A. Bicycle parking facilities shall be:

1. located within 50 feet of the main building entrance;
2. closer to the entrance than the nearest automobile parking space;
3. designed to provide direct access to a public right-of-way;
4. dispersed for multiple entrances;
5. in a location that is visible to building occupants or from the main parking lot;
6. designed not to impede pedestrians along sidewalks or public right-of-ways; and
7. separated from vehicle parking areas by curbing or other similar physical barriers.

B. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. If a public sidewalk is used for parking, a minimum of 4 feet of clear, unobstructed sidewalk must be maintained.

See Figure 505 below for illustration of space and locational standards.

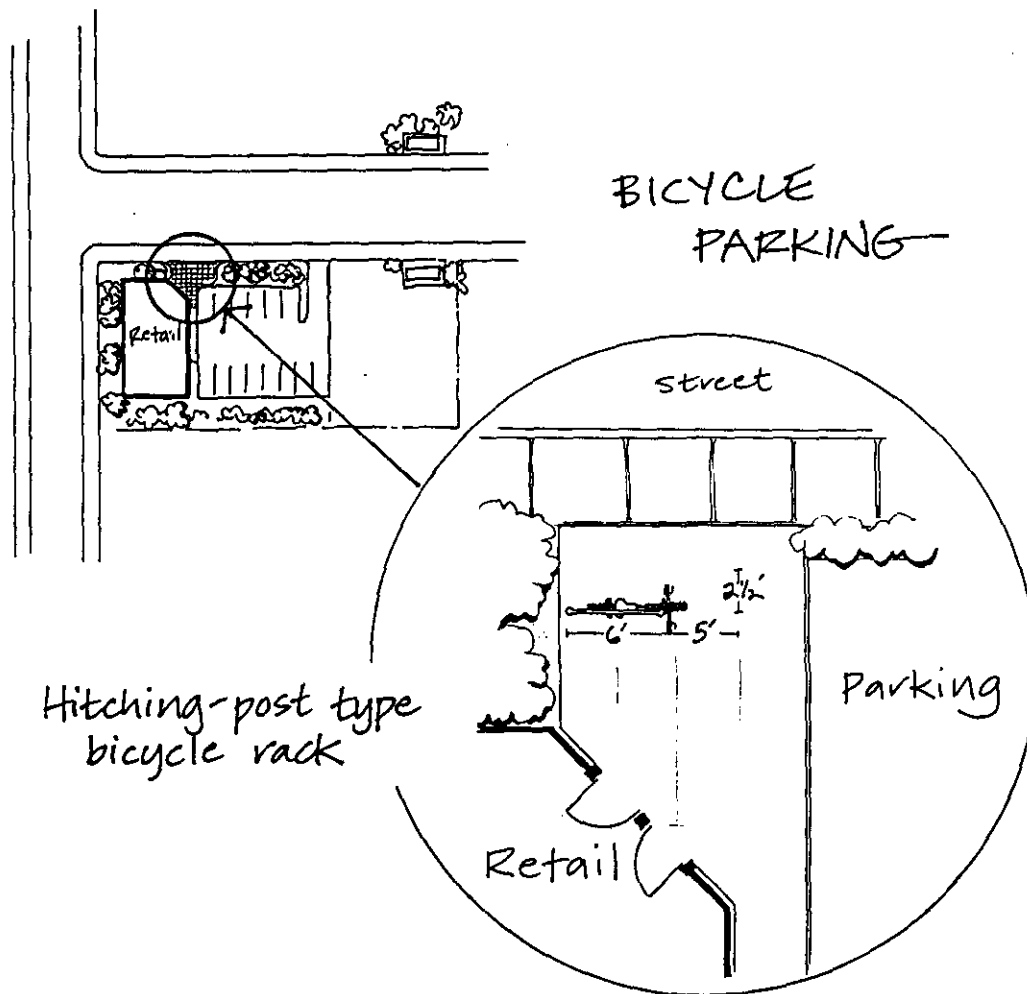
505.5 Covered parking

Covered bicycle parking shall be provided when 10 percent or more of automobile parking is covered. If more than 10 bicycle parking spaces are required, then a minimum of 50 percent of the spaces shall be covered.

505.6 Lighting

Lighting shall be provided in bicycle parking areas to illuminate facilities at least as well as automobile parking areas.

Figure 505  
Bicycle Parking



**506 CARPOOL AND VANPOOL PARKING**

New industrial, institutional, and commercial development with 50 or more employees shall provide carpool/vanpool parking. Carpool/vanpool parking shall be provided for at least 10 percent of the required parking.

**507 STRUCTURED PARKING**

**507.1 Permitted zones**

Structured parking, including underground parking, shall be permitted in the C-L, C-C, C-G, M, C-CS, CSO, and BI Zones.

**507.2 Height**

Height of parking structure shall not exceed the maximum height requirement of the underlying zone, unless otherwise permitted by the City based on review of site plan and impacts on adjacent properties.

SECTION 500 - OFF-STREET PARKING AND LOADING

**507.3 Design standards for structured parking**

- A. Exterior finish shall be similar to principal building.
- B. Shall be compatible in appearance, size, scale, and bulk of the supported use(s).
- C. Shall meet minimum setback and yard requirements.
- D. Shall comply with perimeter landscaping requirements of surface lots.
- E. Must provide commercial on first floor of structured parking in commercial zones.
- F. Shall provide safe pedestrian connections between parking structure and principal building.
- G. Shall provide adequate lighting to ensure motorist and pedestrian safety within the structured parking facility and connecting pedestrian ways to the principal building.

**507.4 Incentives for provision of structured parking**

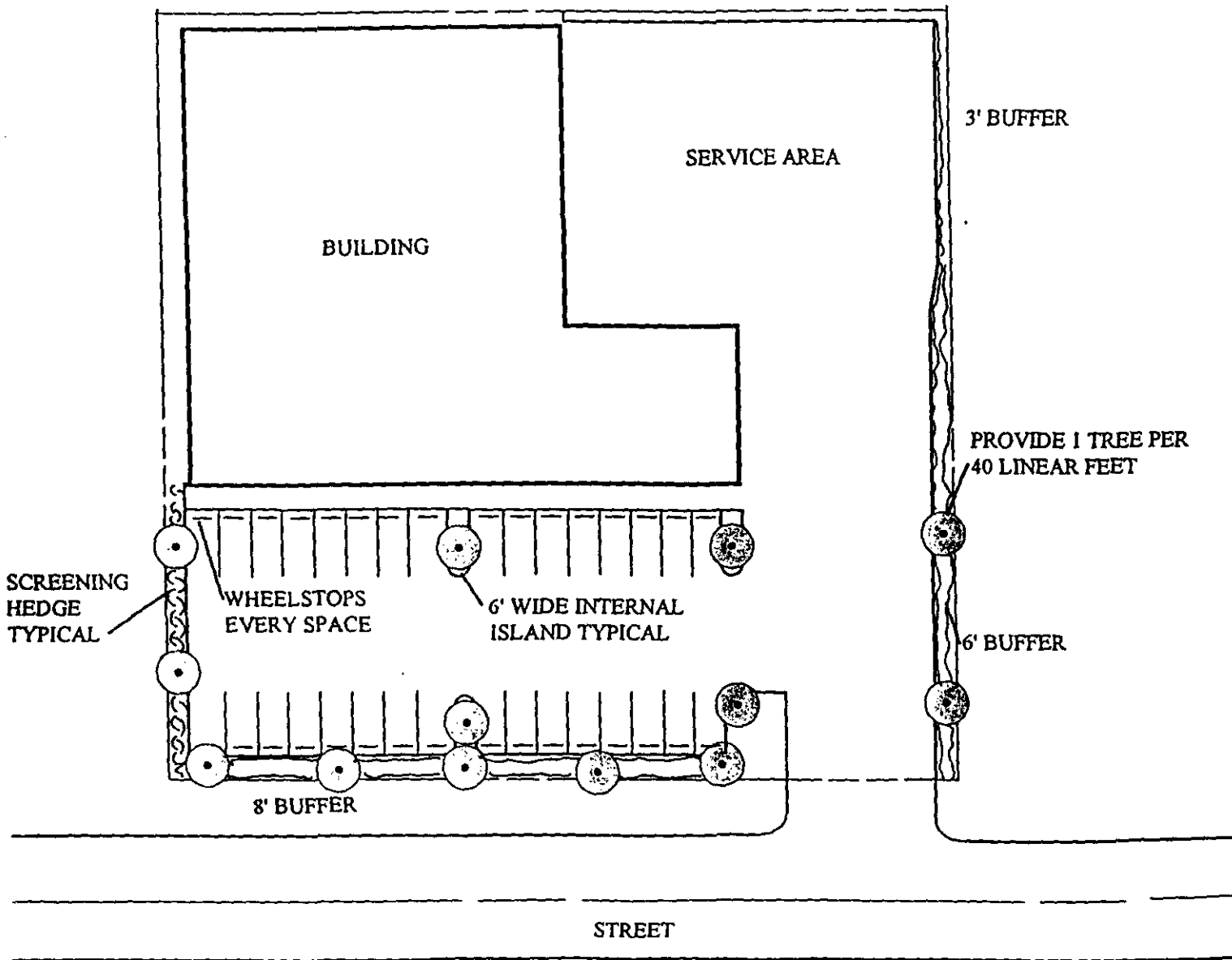
- A. An applicant shall be allowed an additional .5 square feet of development for every 1 square foot of structured parking provided. The applicant shall meet the other requirements of the Zoning Ordinance.
- B. If structured parking is underground, the applicant shall be relieved from providing the required off-street parking landscaping and can locate the underground structure within any part of the setback and yard area.

**507.5 Alternative parking plan required**

An applicant that seeks to provide structured parking shall provide an alternative parking plan, reflecting the requirements of this Section, for approval by the City.

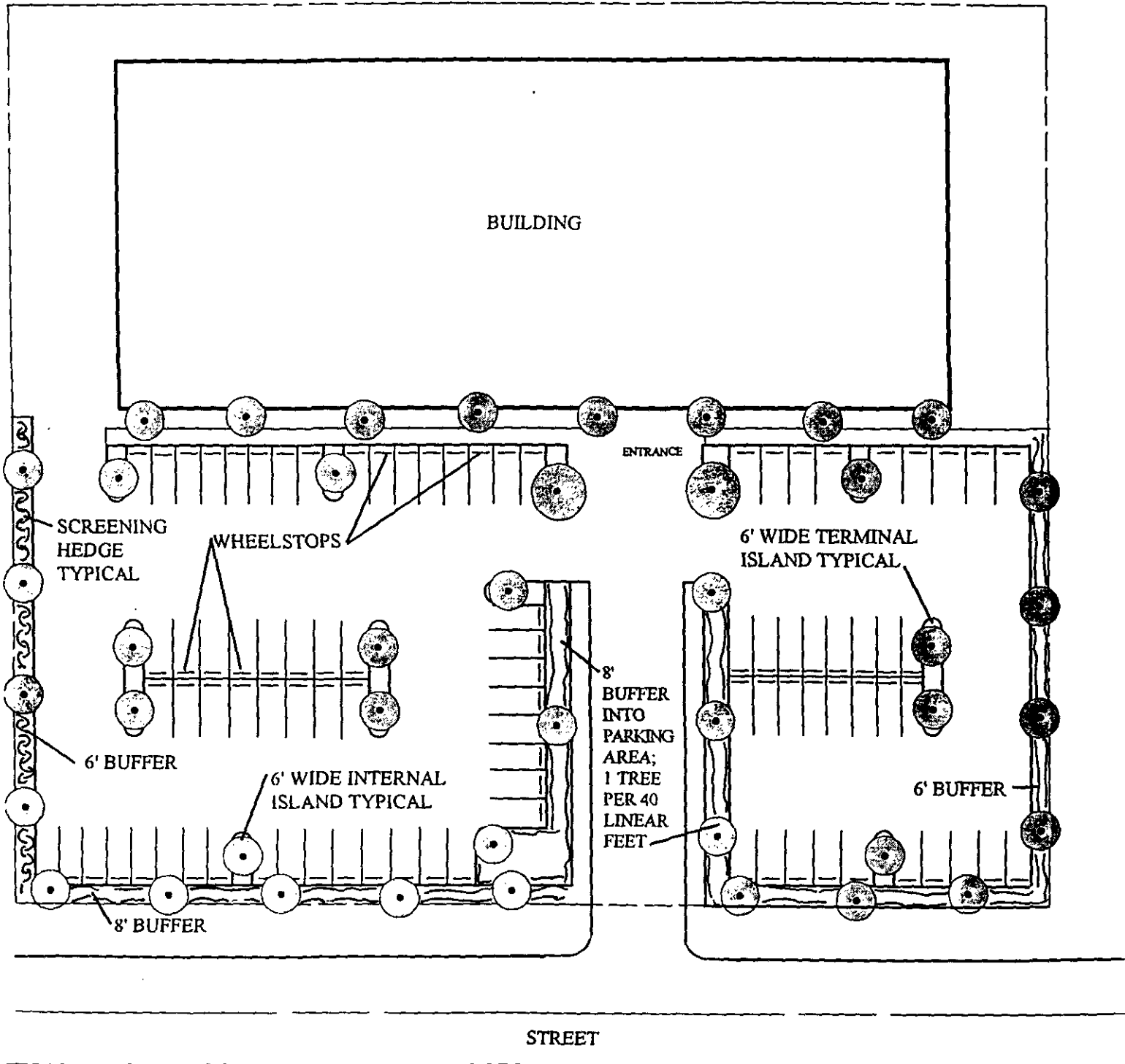
SECTION 500 - OFF-STREET PARKING AND LOADING

Figure 503.15.A.1  
Perimeter Buffer Adjacent to Road Right-of-Way



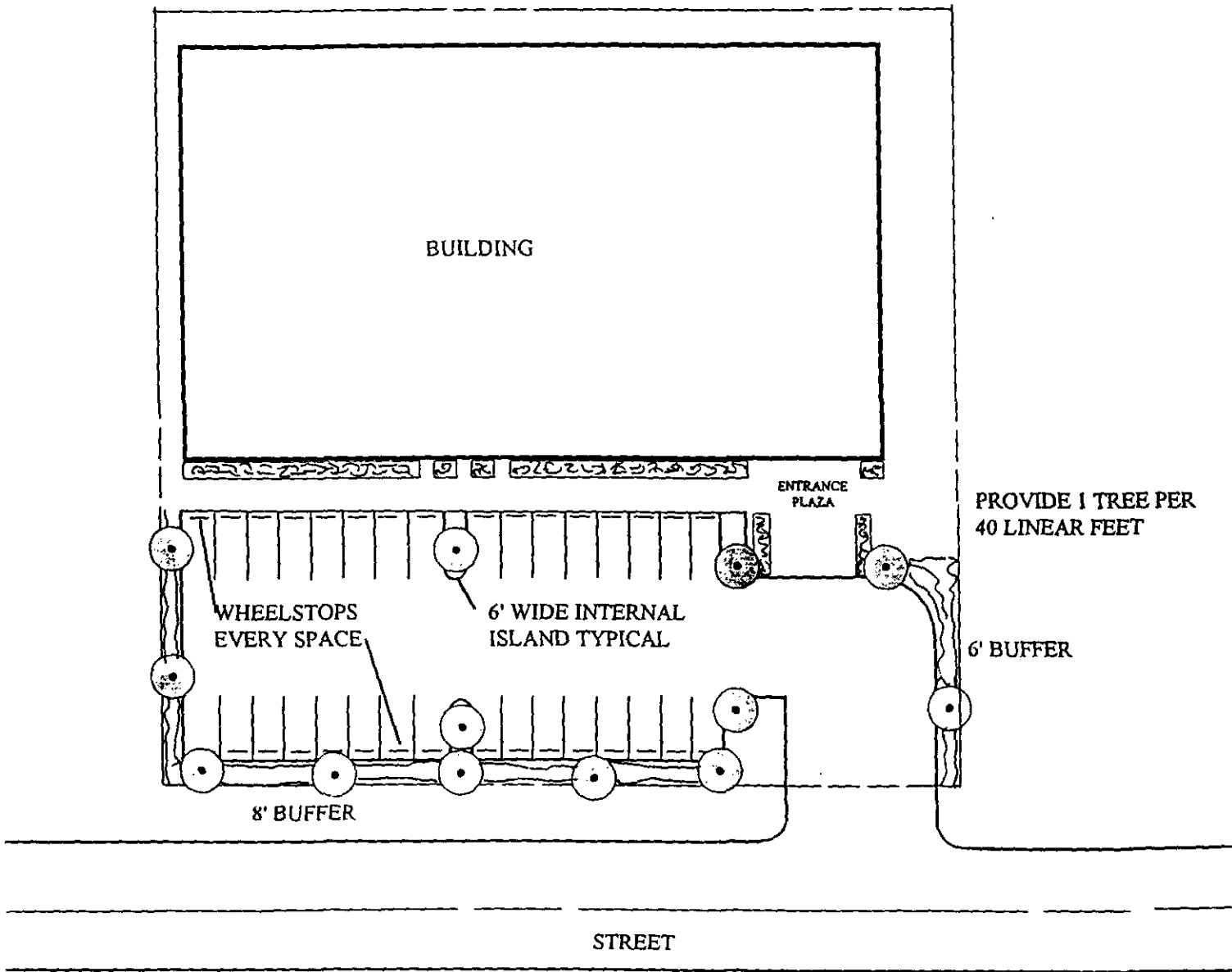
SECTION 500 - OFF-STREET PARKING AND LOADING

Figure 503.15.A.2  
Perimeter Buffer Adjacent to Parking Area Driveway



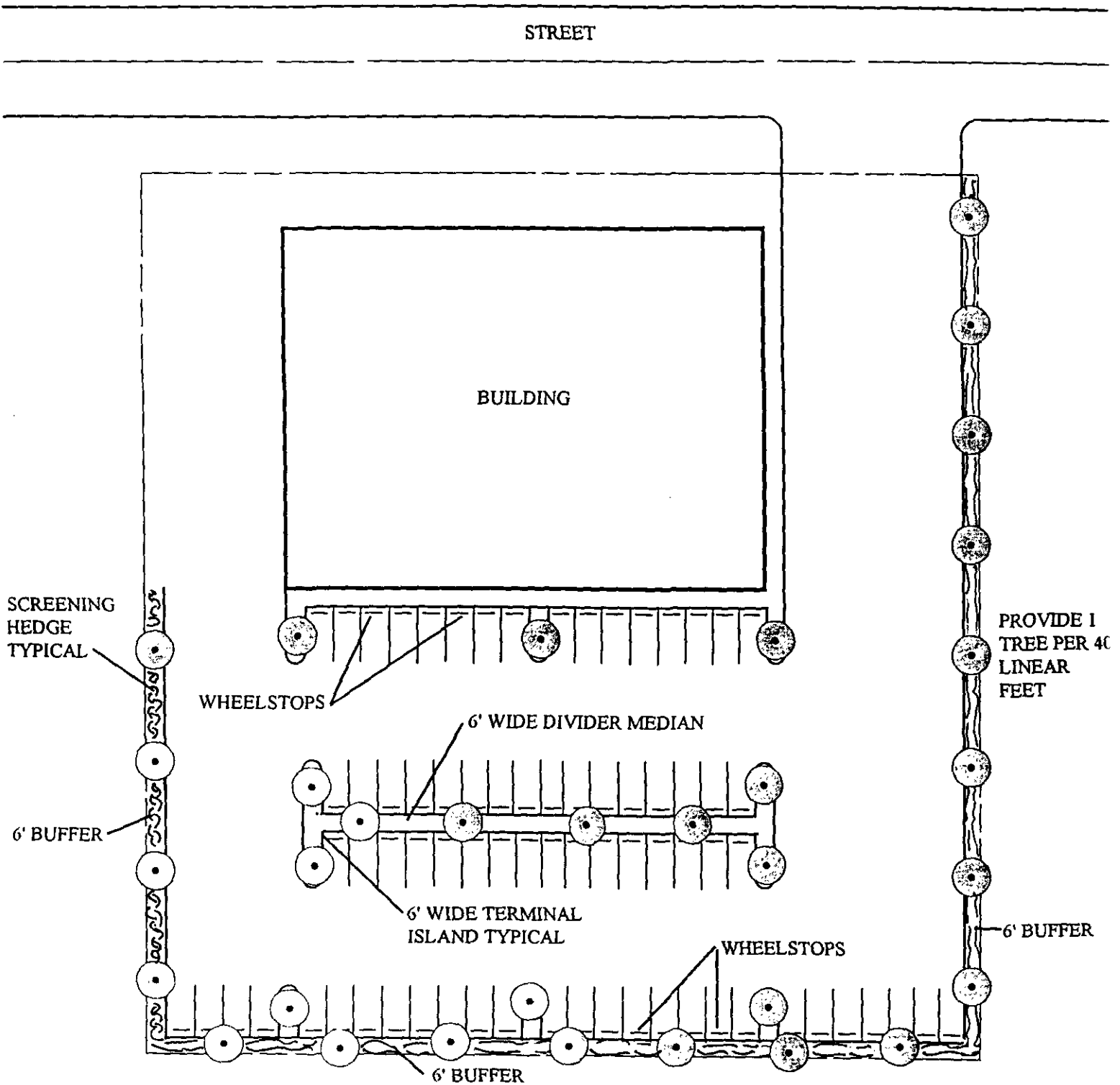
SECTION 500 - OFF-STREET PARKING AND LOADING

Figure 503.15.B.1  
Internal Islands



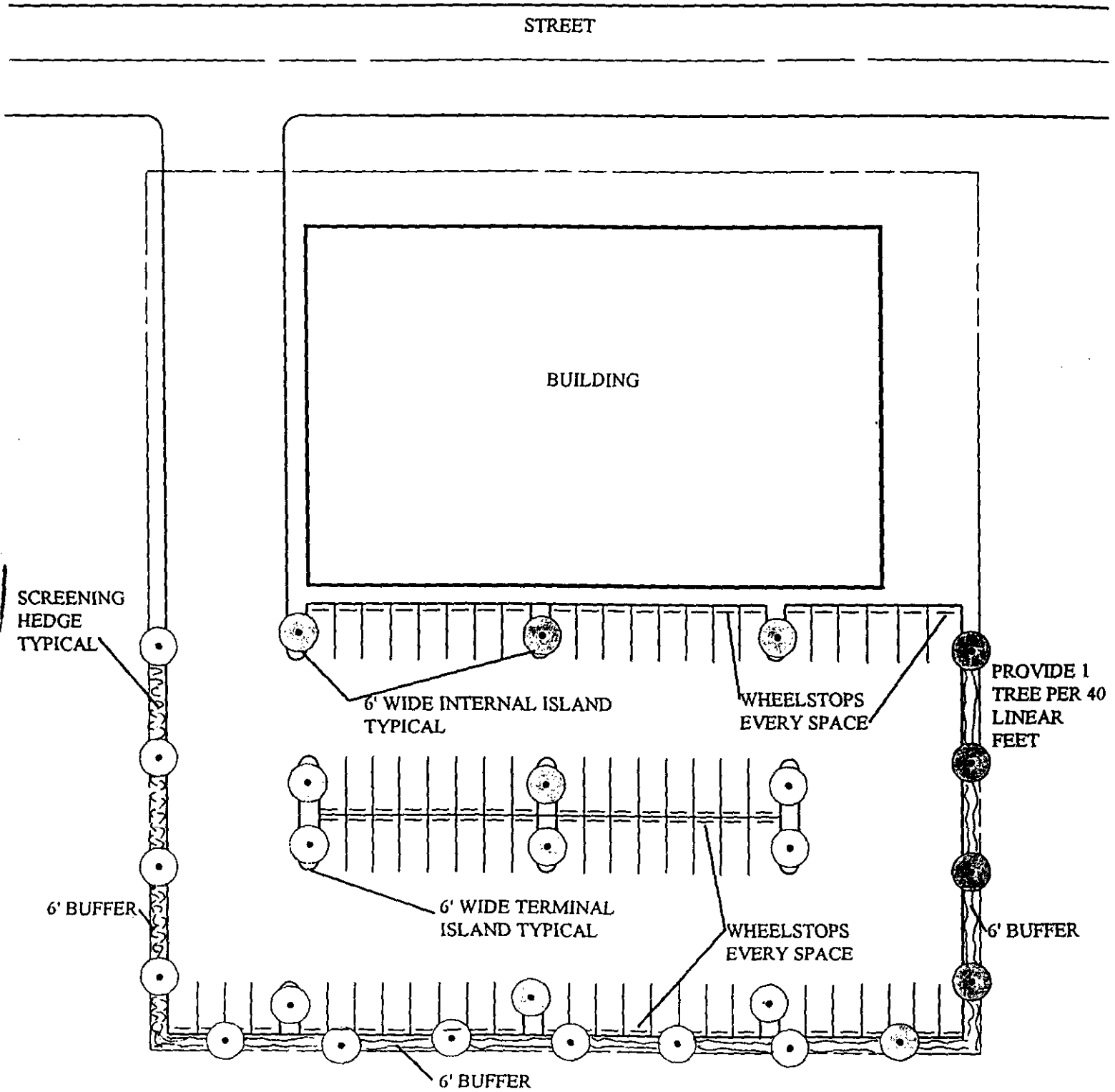
SECTION 500 - OFF-STREET PARKING AND LOADING

Figure 503.15.B.2  
Divider Medians



SECTION 500 - OFF-STREET PARKING AND LOADING

Figure 503.15.B.3  
Terminal Islands



ZA-94-06E Amendments to the  
Zoning Ordinance  
(1 page)  
Redline = Proposed new text  
Strikeout = Proposed deleted text

205 ZONING MAPS

A Zoning Map or Zoning Map amendments adopted by Section 203 of this Ordinance, or by an amendment, shall be prepared by authority of the City Planning Commission or be a modification by the City Council of a map or map amendment. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment.

A certified print of the adopted map or map amendment shall be maintained without change in the office of the City Recorder as long as this Ordinance remains in effect.

206 ZONING OF ANNEXED AREAS

~~Area annexed to the City shall be included within the boundaries of zones established in this Ordinance. The Planning Commission shall recommend to the City Council which shall adopt by ordinance appropriate zoning as follows:~~

~~206.1 Area not zoned before annexation~~

~~Area not zoned before annexation shall be in the R-10, single-family residential, Zone, or the zone indicated by the adopted Comprehensive Plan of the City.~~

~~206.2 Area already zoned before annexation~~

~~Area already zoned before annexation shall be in the City zone most closely approximating the zoning in effect prior to annexation or the zone indicated by the adopted Comprehensive Plan of the City.~~

Area annexed to the City shall be included within the boundaries of zones established in this Ordinance and in accordance with the appropriate Comprehensive Plan Map designation. The Planning Commission shall recommend appropriate zoning to the City Council which shall be adopted by Ordinance.