

An Ordinance amending ordinance No. 167 passed by the City Council on August 10, 1971 regulating the use of land and structures in Troutdale and establishing zones for that purpose; to establish certain new standards for R-10 and A-2 zones, and to establish certain new procedures for the PD zone, and to re-affirm and officially adopt the zoning ordinance of the City of Troutdale.

WHEREAS, the Common Council finds it necessary to make amendments to the zoning ordinance of the City of Troutdale, and

WHEREAS the Common Council finds it necessary to make certain amendments to the R-10 and A-2 standards, and

WHEREAS the Common Council finds it necessary to make certain amendments to the PD procedures, and

WHEREAS the Common Council finds it necessary to adopt the zoning ordinance in its entirety, including said amendments.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF TROUTDALE DOES HEREBY ORDAIN AS FOLLOWS:

Section 5.122(a) of the zoning ordinance of the City of Troutdale is hereby amended to read:

5.122 Yard Requirements.

- (a) Front Yard. There shall be a front yard having a minimum depth of twenty-five (25) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the set-backs of the main structure on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the set-back shall be the set-back of the occupied lot, plus one-half the remaining distance to the required twenty-five (25) foot set-back.

Section 5.422(b) of the zoning ordinance is hereby amended to read:

5.422 Yard Requirements.

- (b) Side Yard. Sideyards shall be a minimum of one (1) foot horizontally for every three (3) feet of building height, but not less than five (5) feet. On corner lots an additional five (5) feet, for a total of not less than ten (10) feet, is required on the side abutting the street.

Section 5.422 (e) of the zoning ordinance is hereby amended to read:

5.422 Yard Requirements.

- (e) Distance Between Buildings. A minimum distance of ten (10) feet shall be maintained between buildings designed for dwelling purposes on the same lot. A minimum distance of ten (10) feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot.

Section 8.20 of the zoning ordinance of the City of Troutdale is hereby amended to read:

8.20 PLANNED DEVELOPMENT DISTRICT - PD

8.21 PURPOSE

The purpose of the Planned Development District is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Development District is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems and utility networks while providing building groupings for privacy, useable and attractive open spaces, safe circulation and the general well-being of the inhabitants.

8.22 PROCEDURE

8.2201 Preliminary Development Plan and Program

- a. The applicant shall submit a Preliminary Development Plan and Program to the Planning Commission for an approval in principle. Such presentation shall consist of a preliminary plan in schematic fashion and a written program containing the following elements:
 1. Plan Elements
 - (a) Proposed land uses and densities
 - (b) Building types and intensities
 - (c) Circulation pattern
 - (d) Parks, playgrounds, open spaces
 - (e) Existing natural features
 2. Program Elements
 - (a) Applicant's market analysis of proposed use
 - (b) Proposed ownership pattern
 - (c) Operation and maintenance proposal, i.e.
Homes Association, Condominium, Co-op or other
 - (d) Waste disposal facilities
 - (e) Lighting
 - (f) Water Supply
 - (g) Public transportation
 - (h) Community facilities, i.e. schools, libraries, fire protection and shopping
 - (i) General timetable of development
 - (j) Qualifications of the proposed design team for the preparation of the General Plan and Program. The design team shall be designated on the basis of the extent and complexity of the Planned Development and shall consist of one or more persons with qualifications such as an Urban Planner, an Architect, an Engineer, a Landscape Architect, a Designer, an Attorney or other similar professionals or technicians.

- b. The applicant shall petition for an amendment of the Zoning Map as set forth in Section 10.30. Notice for the hearing shall be given as provided in Section 10.30
- c. The Planning Commission shall review the preliminary Development Plan and Program at a regular meeting and may act to grant preliminary approval, approval with recommended modifications or denial. Such action shall be based upon the Comprehensive Plan, the standards of this ordinance and other regulations and the suitability of the proposed development in relation to the character of the area.
- d. Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their inter-relationships and shall not be construed to endorse precise location of uses nor engineering feasibility. The Planning Commission may require the development of other information than that specified in Section 8.2202 to be submitted with the General Development Plan and Program.
- e. The Planning Commission shall review and may recommend expansion, additions or modifications in the qualifications of the proposed design team for the preparation of the General Plan and Program.
- f. The Planning Commission shall determine the extent of any additional market analysis to be included in the General Development Plan and Program.

8.2202 Action and Findings

- a. The Planning Commission, after public hearing as provided in Section 10.30, may recommend approval of the Planned Development district and the General Development Plan and Program, with or without modifications or may deny the application. A decision to recommend approval of a Planned Development district shall be based upon the following findings:
 - 1. That the proposed development is in substantial conformance with the Comprehensive Plan for the City.
 - 2. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
 - 3. That the proposal is in harmony with the surrounding area or its potential future use.
 - 4. That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable.
 - 5. That the approval will have a beneficial effect on the area which could not be achieved under other zoning districts.
 - 6. That the proposed development, or a unit thereof, can be substantially completed within four (4) years of the approval.
- b. A resolution for approval shall be considered by the City Council according to the provisions of Section 10.30. A Planning Commission action to deny the application may be appealed to the City Council as provided in Section 12.00.
- c. The City Council may by resolution approve the Planned Development District and the Preliminary Development Plan and Program with or without modifications or may deny the application.

8.2203 General Development Plan and Program

- a. After receiving approval in principle of the Preliminary Plan and Program, from the City Council the applicant shall have a General Development Plan and Program prepared by the professional design team having the qualifications recommended or approved by the Planning Commission.

b. Upon receipt of the petition accompanied by the General Development Plan and Program, the Planning Commission shall hold another public hearing in accordance with the provisions of Section 10.30.

c. The General Development Plan and Program shall contain the following elements:

1. Plan Elements

- (a) General Development Plan in conformance with the approved Preliminary Plan.
- (b) Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.
- (c) Location, widths and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks, or other public open spaces and land uses within 500 feet of the boundaries of the development.
- (d) Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
- (e) Proposed sewers or other disposal facilities, water mains and other underground utilities.
- (f) A preliminary subdivision plan if the property is proposed to be divided.
- (g) A land use plan indicating the uses planned for the development.
- (h) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or other uses dedicated or reserved to the public, if any.
- (i) Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
- (j) A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
- (k) Location and dimensions of pedestrian walkways, malls, trails or easements.
- (l) Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.
- (m) Location, arrangement and dimensions of truck loading and unloading spaces and docks, if any.
- (n) Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- (o) A preliminary tree planting and landscaping plan including areas of ground cover and approximate finished grades, slopes, banks and ditches. All existing trees over 12" in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
- (p) The approximate location, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.
- (q) The stages, if any, of the development construction. Such stages shall be clearly marked on the General Development Plan.

2. Program Elements

- (a) Narrative statement of the goals and objectives of the planned development.
- (b) A completed market analysis, if required by the Planning Commission.
- (c) Evidence of resources available to develop the project.

- (d) Tables showing the total number of acres, the distribution of use, the percentage designated for each dwelling type, on street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.
 - (e) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
 - (f) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, of required dedications or reservations of public open spaces and of any dedications of development rights.
- d. The Planning Commission may approve the General Development Plan and Program with or without modifications.

8.2204 Final Plan and Program

- a. Following approval of the planned Development District and General Development Plan and Program by the Planning Commission, the applicant shall prepare a Final Plan and Program which shall be submitted to the Planning Director to check for compliance with the approved General Development Plan and Program.
- b. If the Final Plan and Program is found to be in compliance, it shall be so certified by the Planning Director and recorded by the applicant in the offices of the Department of Records and Elections as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the Final Program.
- c. The standards of the Subdivision Regulations shall be met if the property is to be divided or streets are to be dedicated.
- d. All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.
- e. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Commission prior to the issuance of any building permit.

8.23 DEVELOPMENT STANDARDS

8.2301 Application of Standards

- a. In cases of conflict between standards of the underlying district and the Planned Development District, the standards of the Planned Development District shall apply.

8.2302 Minimum Site Size

- a. Planned Development Districts shall be established only on parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes of this Section.
- b. A Planned Development District shall not be established on less than four (4) acres of contiguous land unless the Planning Commission finds that property of less than four (4) acres is suitable as a Planned Development District by virtue of its unique character, topography, or landscaping features, or by virtue of its qualifying as an isolated problem area as determined by the Planning Commission.

8.2303 Compatibility with Neighborhood

- a. The plans and program shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to insure compatibility with the Comprehensive Plan and the character of the neighborhood.
- b. Periphery yards of a Planned Development District site shall be at least as deep as those required by the yard regulations of the adjoining district unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.

8.2304 Lot

Lot coverage shall be the same as the underlying district unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.

8.2305 Open Space

- a. Open space in a Planned Development District means the land area to be used for scenic, landscaping or open recreational purposes within the development.
 1. It shall not include street rights-of-way, driveways or open parking areas.
- b. Open space shall be adequate for the recreational and leisure use of the population occupying the Planned Development District and designed to enhance the present and future value of the development.
- c. To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
- d. In order to assure that open space will be permanent, dedication of development rights to the City of Troutdale for other than open space use may be required.
- e. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.
- f. The Planning Commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, then and in such event the City may at its option cause such maintenance to be done and assess the costs to the affected property owners.

8.2306 Density

- a. In order to preserve the integrity of the Comprehensive Plan and relate it to the Planned Development, the number of dwelling units permitted shall be determined as follows:
 1. Divide the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located.
 - (a) Net development area shall be determined by subtracting the area set aside for churches, schools or other non-residential uses from the gross development area and deducting twenty per cent (20%) of the remainder.
 2. A greater number of dwelling units may be permitted by the Planning Commission in the event the applicant proposes a development which effectively limits the overall density of the project to the standard of the underlying district through restrictions on age, family composition or other effective means.
 - (a) If the applicant proposes to utilize this provision, full written details shall be presented in the program section of the Preliminary Development Plan.

8.2307 Subdivision Lot Sizes

Minimum area, width, depth and frontage requirements for subdivision lots in a Planned Development District may be less than the minimums specified in the underlying district if in accordance with the approved General Development Plan and Program and the density standards of this Section. The balance of the total tract area shall be devoted to open space as defined herein.

8.2308 Staging.

- a. The applicant may elect to develop the site in successive stages in a manner indicated in the General Development Plan and Program. Each such stage shall be substantially complete within itself.

- b. The Planning Commission may require that development be done in stages if public facilities are not ~~able to~~ provide the entire development initially.

8.24 PERMITTED USES

8.2401 For Residential Districts

The following uses are permitted in a Planned Development District:

- a. Housing concepts may include but are not limited to single family residences, duplexes, row houses, townhouses, cluster units or multiple family dwellings.
- b. Related commercial uses which are designed exclusively to serve the development of which they are a part, when approved by the Planning Commission.
- c. Related community service uses which are designed to serve the development of which they are a part, when approved by the Planning Commission.
 1. Such community service uses may also be designed to serve the adjacent area if considered desirable by the Planning Commission upon examination of the plan.
- d. Accessory buildings and uses.

8.2402 For Commercial and Industrial Districts

- a. Uses permitted in the underlying district.
- b. Community service uses approved by the Planning Commission.
- c. Other uses as approved by the Planning Commission as consistent with the Plan and Program.
- d. Accessory buildings and uses.

8.25 CHANGES AND MODIFICATIONS

8.2501 Major Changes

Major changes in the General Development Plan and Program after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.

8.2502 Minor Changes

- a. Minor changes in the General Development Plan and Program may be approved by the City Planner provided that such changes:
 1. Do not increase the densities
 2. Do not change boundaries
 3. Do not change any use
 4. Do not change the location or amount of land devoted to specific land uses.

b. Such changes may include:

1. Minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan.

8.26 EXPIRATION

If substantial construction or development has not taken place within four (4) years from the date of approval of the General Development Plan and Program, the Planning Commission shall review the district at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall recommend to the City Council that the Planned-Development District on the property be removed.


Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the people of the City of Troutdale in the judgement of the Common Council, now therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Common Council of the City of Troutdale and its signing by the mayor.

Passed by the Common Council of the City of Troutdale this 19th day of April, 1977.

Yeas: 3

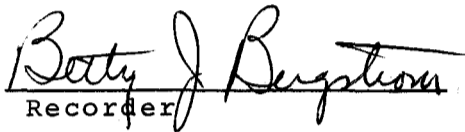
Nays: 0

Signed by the Mayor this 20th day of April, 1977.



R.M. Sturges, Mayor

ATTEST
Betty Bergstrom



Recorder