

ORDINANCE NO. 550-0

AN ORDINANCE AMENDING ORDINANCE NO. 491-0 BY ADOPTING THE 1990 TROUTDALE DEVELOPMENT CODE AND PROVIDING AN EFFECTIVE DATE CLAUSE.

Whereas, the City of Troutdale commenced its' periodic review in September 1987 when the Planning Division began putting together the City's periodic review work program. Upon completion and approval of the work program in mid-November 1987 work on periodic review began.

Whereas, the Citizen Advisory Committee held numerous public meetings in 1987, 1988, and 1989 to review the Inventory, Plan and regulation updates and amendments.

Whereas, the Planning Commission held numerous public hearings to discuss the City's proposed amendments to the Plan, Inventory and associated ordinances.

Whereas, the City Council held a public hearing on 12/13/88 and adopted a local review order by Resolution No. 722-88 as the City's official response to DLCD notice.

Whereas, the Planning Commission held a public hearing on June 20, 1990 to consider adoption of the proposed final draft of the Development Code. Public notice of this public hearing was posted and published in accordance with state law.

Whereas, the proposed final draft of the Development Code is in conformance with the applicable periodic review factors.

Whereas, adjustments to the Development Code document includes clarification and streamlining of the development process and revised regulations to maintain consistency with state agency plans and programs.

Whereas, revisions to the Development Code address substantial changes in circumstances including:

- o The proposed Mt. Hood Parkway
- o Improved economic conditions
- o Industrial development in north Troutdale
- o Adoption of the Downtown Plan

Whereas, changes to the Development Code as a part of the periodic review process must be addressed in the Final Review Order,

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

The City Council does adopt the 1990 Troutdale Development Code (Exhibit A attached hereto).

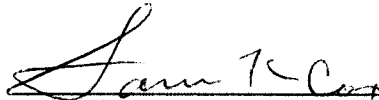
This ordinance shall become effective on the date of adoption of the Final Review Order concluding periodic review.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 14TH DAY OF AUGUST, 1990.

YEAS 5

NAYS 0

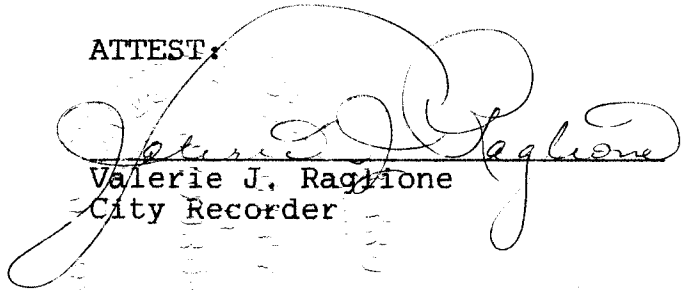
ABSTENTION 0



Sam K. Cox, Mayor

Date Signed: AUGUST 15, 1990

ATTEST:



Valerie J. Ragnione  
City Recorder

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MARION BERG, SECRETARY

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## CHAPTER 1 INTRODUCTORY PROVISIONS

- 1.010 Title. This ordinance shall be known as the Troutdale Development Code of 1990.
- 1.015 Purpose. The purpose of this code is to coordinate City regulations governing the development and use of land and to implement the Troutdale Comprehensive Plan.
- 1.020 General Definitions. As used in this code, the following words and phrases shall have the following meanings:
- .02 Abutting. Adjoining with any common boundary line(s).
  - .04 Access. The place, means or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use.
  - .06 Accessory Use or Structure. A non-residential use or structure which is subordinate to the principal use or structure on the lot serving purposes clearly incidental to the principal use or structure.
  - .08 Adjacent. Adjacent means near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as adjacent.
  - .10 Adult Foster Home (AFH). Any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage, with exclusions as noted in ORS 443.715.
  - .12 Aggregate Resource. Any and all rock, sand, soil or gravel product extracted for commercial, industrial or construction use from natural deposits.
  - .14 Alley. Any public right-of-way less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use.
  - .16 Apartment Residential Dwelling Unit. Residential dwellings contained within a building with three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).
  - .18 Attached Residential Dwelling. A residential dwelling which shares at least one common wall (including, without limitation, the wall of an attached garage or porch) and in which the dwelling has living space on the ground floor entrance. Attached residential dwellings include duplex, tri-plex, four-plex and townhouses.
  - .20 Boarding, Lodging Or Rooming House. Any building or portion thereof, containing not more than five guest rooms where rent is paid.

- .22 Building, height of. The vertical distance from the average grade to the highest point of the roof of the building.
- .24 City Administrator. The appointed chief administrative officer of the City who is responsible for the administration of all City ordinances, and who may make final determinations on all administrative decisions made by the Director or designated official.
- .26 Clinic. A building or portion of a building containing one or more offices for providing medical, dental or psychiatric services not involving overnight housing of patients.
- .28 Clustering. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.
- .30 Community Service Use. A use, including but not limited to, schools, churches, community center, fire station, library, parks and playgrounds, cemetery, or government building.
- .32 Congregate Housing. Housing for aged or elderly citizens or handicapped persons which provides a minimum of services to accommodate the needs of residents.
- .34 Day Care, Certified or Group Day Care Home. A day care facility, certified by the State of Oregon Dept. of Human Resources, located in a building constructed as a single family dwelling that is certified to care for no more than twelve children.
- .36 Day Care, Family Provider. A day care facility providing care in the provider's home in the family living quarters for six or fewer children full-time, with up to four additional full or part-time children when school is not in session during the regular school year. During the summer when school is not in session, there may be up to four additional part-time children of any age in care and shall be in care no more than four hours per day. There shall be no more than ten children at any given time, including the provider's children.
- .38 Day Care, Facility. Any facility providing full-time care to more than twelve children in a structure other than a single-family residential dwelling.
- .40 Development. Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, land division, storage on the land, tree cutting, drilling and site alteration such as that due to land surface mining, dredging, grading, paving excavation or clearing.
- .42 Development Permit. A permit issued for fences, decks, accessory structures and similar structures or accessory

uses which require zoning approval but do not require a building permit.

- .44 Director. The appointed city official who is responsible for the administration of community development and related ordinances.
- .46 Duplex. (see attached residential dwelling). A two family residential uses in which the dwelling units share a common wall.
- .48 Dwelling Unit. Any building, or portion thereof, with living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family.
- .50 Family. An individual or two or more persons related by blood or marriage or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
- .52 Floor Area. The area of all floors included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and exterior courts.
- .54 Frontage. The portion of a parcel of property abutting a public or private street.
- .56 Four-plex. (see attached residential dwelling). A three family use in which the dwelling units are separated by common walls.
- .58 Grade. The grade shall be as defined in the Uniform Building Code, as adopted by the City of Troutdale.
- .60 Home Occupation. A use conducted entirely within a building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- .62 Hotel/Motel. A building or group of buildings containing six or more guestrooms used for transient residential purposes which may include ancillary restaurant uses.
- .64 Junk Yard. A lot for the dismantling or "wrecking" or for the storage or keeping of junk, including scrap metals or other scrap materials.
- .66 Kennel Or Other Animal Boarding Place. Any premises where five or more dogs over one year of age are kept, for any purpose whatsoever, or any premises where dogs are bred, boarded or offered for sale as a commercial business. "Other animal boarding place" as used in this ordinance means and includes any premises where six or more cats or other animals are bred, boarded or offered for sale as a commercial business.
- .68 Legislative Action. Any action which amends City policy, including but not limited to, changes to the Comprehensive

Plan text, Development Code text, and other implementing ordinances; Map changes or amendments to the Comprehensive Land Use Plan Map, the Zoning District Map or other City adopted maps which represents a change in City land use policy.

- .70 Loading Space. An off-street space or berth used for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials.
- .72 Lot. A lot is a unit of that is created by a subdivision of land.
- .74 Lot Area. The total horizontal area enclosed within the lot lines of a lot.
- .76 Lot Coverage. The percentage of the total lot area covered by structures, including all projections except eaves, balconies, bay windows or uncovered decks 42 inches or less above grade.
- .78 Lot Depth. The horizontal distance measured mid-way between the front and rear lot lines. In the case of a corner lot, the depth shall be the length of its longest side lot line.
- .80 Lot Line Adjustment. The relocation of a recorded lot line which does not result in the creation of an additional lot or reduce any lot below minimum sizes required by this Code.
- .82 Lot Line, Front. For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating the narrowest frontage of the lot from the street.
- .84 Lot Line, Rear. A lot line not abutting a street which is opposite and most distance from the front lot line.
- .86 Lot Line, Side (Interior Lot). Any lot line which is not a front lot line or a rear lot line.
- .88 Lot Line, Side (Corner Lot). A line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.
- .90 Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- .92 Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home"

does not include park trailers, travel trailers, and other similar vehicles. (See Mobile Home).

- .94 May. As used in this ordinance, MAY is permissive and SHALL is mandatory.
- .96 Mobile Home. See manufactured home.
- .98 Nonconforming Development Or Use. A development or use lawfully existing at the time this ordinance became effective that would not otherwise be lawful.
- .100 Outdoor Business. A business all or most of which is conducted, or items displayed, in an open space area including sidewalk sales, pushcart vendors, Saturday markets and Christmas tree sales.
- .102 Owner. The owner of record of real property as shown on the tax rolls of Multnomah County, or a person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the City and the owner, "owner" also means a leaseholder, tenant or other person in possession or control of the premises or property at the time of agreement, violation of agreement, or the provisions of this title.
- .104 Parcel. A unit of land created by a partitioning of land.
- .106 Partition, Major. Creation of two or three lots, within a calendar year, and includes creation of a street.
- .108 Partition, Minor. Creation of two or three lots, within a calendar year, which does not create a street.
- .110 Principal Use. The primary purpose for which a lot, structure or building is used.
- .112 Professional Office. An office containing the activities such as those offered by a lawyer, architect, engineer, accountant, artist, teacher, real estate, or insurance sales.
- .114 Quasi-judicial Action. An action which involves the application of adopted policy to a specific development application or amendment.
- .116 Reclamation Plan. Shall have the meaning contained in ORS 5-17.750 and OAR 632-30-025 (Department of Geology and Mineral Industries).
- .118 Residential Care Facility. A facility that provides, for six or more physically disabled or socially dependent individuals, residential care in one or more buildings on contiguous properties.

- .120 Residential Facility. As defined in ORS 197.660, a facility which provides residential care and/or training and treatment for six to fifteen individuals (Definitions 118, 124, 128).
- .122 Residential Home. As defined in ORS 197.660, a facility which provides residential care and/or training and treatment for five or fewer individuals (See Definitions 122, 126, 130).
- .124 Residential Training Facility. A facility that provides, for six or more mentally retarded or other developmentally disabled individuals, residential care and training in one or more buildings on contiguous properties.
- .126 Residential Training Home. A facility that provides, for five or fewer mentally retarded or other developmentally disabled individuals, residential care and training in one or more buildings on contiguous properties, when so certified and funded by the Mental Health and Developmental Disability Service Division.
- .128 Residential Treatment Facility. A facility that provides, for six or more mentally, emotionally or behaviorally disturbed individuals or alcohol or drug dependent persons, residential care and treatment in one or building buildings on contiguous properties.
- .130 Residential Treatment Home. A facility that provides, for five or fewer mentally, emotionally or behaviorally disturbed individuals or alcohol or drug dependent persons, residential care and treatment in one or more buildings on contiguous properties.
- .132 School. Any building or portion thereof used for educational purposes.
- .134 Shall. As used in this ordinance SHALL is mandatory and MAY is permissive.
- .136 Site and Design Review Committee. A committee comprised of key staff members chaired by the Director to review applicable development proposals for compliance to the provisions of the Development Code.
- .138 Subdivision. Creation of four or more lots.
- .140 Street Lighting. The total system of wiring, poles, arms, fixtures and lamps, including all parts thereof that are necessary to light a street or pedestrian way.
- .142 Street, private. A thoroughfare or street, providing a means of access to a property or properties which is not owned by the City or other jurisdictions.
- .144 Street, public. A thoroughfare or right-of-way acquired for use by the public which affords a principal means of access to abutting property not less than 16 feet in width.

- .146 Technical Review Committee. A committee composed of key staff members chaired by the Director to review development proposals for technical compliance with this code and other applicable ordinances and regulations.
- .148 Townhouse. (see attached residential dwelling). A residential use where more than four (4) but less than twelve (12) dwelling units are attached by common wall with one or the other dwelling unit and in which each dwelling unit has living space on the ground floor, a separate ground floor entrance and separate front and back yards.
- .150 Tri-Plex. (see attached residential dwelling). A three family residential use in which the dwelling units are separated by common walls.
- .152 Two-family Apartment Residential Dwelling. (see apartment residential dwelling). An apartment residential dwelling with two dwelling units.
- .154 Utility Facility, Major. Administrative offices and operation centers, wet system pump stations, sewage treatment plants and lagoons, electric generation facilities, sanitary landfills, pump stations, substations (transmission and distribution), water towers and reservoirs, public wells (aboveground), telephone switching equipment, cable television receiver and transmission facilities, water treatment facilities.
- .156 Utility Facility, Minor. Street lights, underground lines and pipes, underground wells, transformers and regulator stations; closed system sanitary pump stations; private, on-site facilities such as septic tanks, wells, etc., and catch basins.
- .158 Vision clearance area. Those areas near intersections of roadways and ingress/egress points where a clear field of vision is necessary for public safety.
- .160 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.
- .162 Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as authorized by this title.
- .164 Yard, Rear. A yard extending across the full width of the lot between the main building and the rear lot line, unoccupied and unobstructed from the ground upward, except as authorized by this title. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten (10) foot line parallel to the front lot line, measured from one side line to the other.

- .166 Yard, Side. A yard between any building and the side lot line, unoccupied and unobstructed from the ground upward, except as authorized by this title.
- .168 Yard, Street Side. A yard adjacent to a street that is not a front yard, unoccupied and unobstructed from the ground upward, except as authorized by this title.
- .170 Windscreens. A fence-like structure, not to exceed six feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors.

#### 1.030 Airport Overlay Definitions

- .02 Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for a Utility Runway having only visual approaches; 1,500 feet for a runway other than a Utility Runway having only visual approaches; 2,000 feet for a Utility Runway having a nonprecision instrument approach; and 3,500 feet for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The Airport Approach Safety Zone extends for a horizontal distance of 5,000 feet at a slope of 20 feet for each foot upward (20:1) for all utility and visual runways and 10,000 feet at a slope of 34 feet for each one foot upward (34:1) for all nonprecision instrument runways other than utility.
- .04 Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- .06 Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- .08 Clear Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.
- .10 Conical Surface. Extends one foot upward for each 20 feet outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet for all nonprecision instrument runways other than utility at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.



- .12 Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.
- .14 Noise Impact. Noise levels exceeding 55 Ldn.
- .16 Place of Public Assembly. A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
- .18 Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches, 500 feet for Utility Runways having nonprecision instrument approaches and 500 feet for other than utility runways.
- .20 Transitional Zones. Extend one foot upward for each seven feet outward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
- .22 Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

#### 1.040 Flood Damage Prevention Overlay Definitions

- .02 Appeal. A request for a review of the Director's interpretation of any provision of this ordinance or a request for a variance from requirements of Chapter 4-Flood Hazard.
- .04 Area of Shallow Flooding. A designated A0 or AH Zone on the flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. A0 is characterized as sheet flow and AH indicates ponding.
- .06 Area of Special Flood Hazard. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

- .08 Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letter A or V.
- .10 Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- .12 Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (a) The overflow of inland or tidal waters and/or
  - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- .14 Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- .16 Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- .18 Floodway. The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- .20 Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the Flood Hazard regulations.
- .22 Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- .24 Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- .26 New Construction. Structures for which the "start of construction" commenced on or after the effective date of this code.
- .28 Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- .30 Structure. A walled and roofed building including a gas or liquid storage tank that is principally above ground.
- .32 Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- (a) before the improvement or repair is started, or
  - (b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- The term does not, however, include either:
- (c) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
  - (d) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- .34 Variance. A grant of relief from the requirements of Chapter 4-Flood Hazard which permits construction in a manner that would otherwise be prohibited by the standards of the FH District.

1.050 Solar Access Definitions.

- .02 Crown Cover. The area within the drip line or perimeter of the foliage of a tree.
- .04 Development. Any short plat, partition, subdivision or planned unit development that is created under the City's Development Ordinance and Development Standards documents.
- .06 Exempt Tree or Vegetation. The full height and breadth of vegetation that the Director has identified as "solar friendly" and listed in the Appendix of the Development Code and any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit as exempt.
- .08 Front Lot Line. For purposes of the solar access regulations, a lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole. (see Figure 4.701 (a)).
- .10 Non-exempt Tree or Vegetation. Vegetation that is not exempt.
- .12 Northern Lot Line. The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, or if the northern lot line is less than 35 feet, then the northern lot line shall be a line 35 feet in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 4.701 (b)).
- .14 North-South Dimension. The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 4.701 (c)).
- .16 Protected Solar Building Line. A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees (see Figure 4.701 (j)).
- .18 Shade. A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.
- .20 Shade Point. The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern

lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the mid point of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4.701 (d) and 4.701 (e)).

- .22 Shade Reduction Line. A line drawn parallel to the northern lot line that intersects the shade point (see Figure 4.701 (f)).
- .24 Shadow Pattern. A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 4.701 (1)).
- .26 Solar Feature. A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purpose as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is to a solar feature for purposes of this ordinance.
- .28 Solar Gain Line. A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 4.701 (g)).
- .30 South or South Facing. True south, or 20 degrees east of magnetic south.
- .32 Sunchart. One or more photographs that plot the position of the sun between 10.30 am and 1.30 pm on January 21, prepared pursuant to guidelines issued by the Director. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30 minute northern latitude in 10-degree

increments and solar azimuth from true south in 15-degree increments.

- .34 Undevelopable Area. An area that cannot be used practicably for a habitable structure, because of natural conditions, such as slopes exceeding 20% in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

#### 1.060 Sign Definitions

- .02 Abandoned Sign. A structure designed for but not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.
- .04 Awning. A temporary movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for supporting framework.

An awning shall have noncombustible frames but may have combustible coverings. Every awning shall be collapsible, or capable of being folded against the face of the supporting building. A sign may be incorporated into or attached to an awning.

- .06 Banner. A sign made of fabric or other non-rigid material with no enclosing framework.
- .08 Bulletin Board. Bulletin boards for public, charitable or religious institutions when the same are located on the premises of said institutions.
- .10 Clearance. Clearance is measured from the highest point of the grade below the sign to the lowermost point of the sign.
- .12 Community-wide Event Sign. A sign for civic, patriotic or special event of community wide interest.
- .14 Corner Signs. A sign for an individual business with two site frontages (facing more than one street) shall be assigned to a frontage by the applicant and must meet all provisions for the assigned frontage.
- .16 Directional Sign. A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

- .18 Directory Sign. A sign listing civic, patriotic, municipal or religious organizations and their location, date of meetings, etc.
- .20 Electronic Message Center. A sign which is electronically or electrically controlled and upon which the message changes or can be changed, other than a time and temperature sign.
- .22 Fascia Sign. A single faced sign attached flush to a building.
- .24 Freestanding sign. A sign on a frame, pole or other support structure which is not attached to any building.
- .26 Flags. Flags of the U.S., foreign countries, the United Nations or flags of civic, fraternal or charitable institutions are permitted.
- .28 Grand Opening Displays. Temporary signs which are intended for use at grand openings of new businesses, or relocation and/or reopenings of existing businesses.
- .30 Height of signs. The overall height of a sign or sign structure is measured from the grade directly below a sign to the highest point of the sign or sign structure.
- .32 Historical Markers. Historical markers erected and maintained by a public authority or recognized historical society or organization identifying sites, buildings or structures of recognized historical value.
- .34 Incidental Sign. A permanent directional sign that guides the public to a specific place such as a building entrance, exit, handicapped parking, parking or service area, or a particular aspect of a business or establishment such as a drive-in window or cocktail lounge entrance.
- .36 Lighting methods:
  - a. Direct. Exposed lighting or neon tubes on the sign face.
  - b. Indirect. The light source is separate from the sign face or cabinet and is directed so as to shine on the sign.
  - c. Internal. The light source is concealed within the sign.
- .38 Maintenance. Normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.
- .40 Master Sign. A sign required for two or more businesses within a complex.

- .42 Marquee. A permanent roof-like or roofed structure attached to and supported by and projecting outward from a building.
- .44 Marquee Sign. A sign incorporated into, erected or maintained under, supported by or attached to a marquee or permanent canopy.
- .46 Nonconforming sign. A sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site.
- .48 Outdoor Business. A business all or most of which is conducted, or items displayed, in an open space area including sidewalk sales, pushcart vendors, Saturday markets and Christmas tree sales.
- .50 Painted wall decorations. Painted wall decorations are displays painted directly on a wall and are designed and intended as a decorative or ornamental feature.
- .52 Painted wall highlights. Painted wall highlights are painted areas which highlight a building's architectural or structural features.
- .54 Painted wall sign. A sign applied to a building wall with paint and which has no sign structure.
- .56 Permanent wall sign. A sign applied to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short term use.
- .58 Projecting sign. A sign attached to and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way, and fully on private property.
- .60 Real Estate Sign. A sign, on private property, for advertising property for sale, lease or rent.
- .62 Repair. Mending or replacement of broken or worn parts with comparable materials only. Repairs may be made with the sign in position or with the sign removed.
- .64 Roof line. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.
- .66 Rotating sign. Sign faces or portions of a sign face which revolve around a central axis.
- .68 Searchlights. An apparatus on a swivel that projects a strong, far-reaching beam of light.
- .70 Sign. An identification, description, illustration or device that is affixed to or represented directly or



indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.

**.72 Sign Face Area.**

- a. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations, supports, or other essential structures which are not serving as backdrop or border to the sign.
- b. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used unless it is clear that part of the base contains no related display or message.
- c. When signs are constructed in individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces.
- d. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.
- e. The maximum surface area visible at one time of a round or three dimensional sign is counted to determine sign area.
- f. When signs are incorporated into awnings, the entire panel containing the sign is counted as sign face unless it is clear that part of the panel contains no related display or decoration.

**.74 Sign Structure.** A structure specifically intended for supporting or containing a sign.

**.76 Special Event Sign.** A sign erected by non-profit organizations (churches, schools, fraternal or social service organizations) for the purpose of advertising fund-raising events.

**.78 Street Lighting.** The total system of wiring, poles, arms, fixtures and lamps, including all parts thereof that are necessary to light a street or pedestrian way.

**.80 Structural alteration.** Any change, addition or modification in construction or occupancy. Also includes replacement of sign structure materials with other than comparable materials, for example, metal parts replacing wood parts.

**.82 Temporary sign.** A temporary sign, other than a lawn sign, made of rigid materials such as wood, plywood or plastic not permanently attached to a building, structure, or ground.

**.84 Temporary Promotional Sign Displays.** Temporary signs to advertise a special promotional event.

.86 Vision clearance area. Those areas near intersections of roadways and ingress/egress points where a clear field of vision is necessary for public safety.

1.060 Scope and Compliance.

A parcel of land may be used, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as permitted by this code. The requirements of this code apply to the person undertaking a development or the user of a development and to the person's successors in interest.

1.070 Consistency with Plan and laws.

Actions initiated under this code shall be consistent with the adopted Comprehensive Plan of the City of Troutdale and with applicable state and federal laws and regulations as these plans, laws and regulations may now or hereafter provide.

## CHAPTER 2 PROCEDURES FOR DECISION MAKING

- 2.00 Types of Procedures for Taking Public Action. Three separate procedures are established for processing development applications (quasi-judicial) and one procedure is established for public actions (legislative) which do not involve land use permits or which require consideration of a plan amendment, land use regulation or city policies. These are Types I-III and Type IV respectively (see Table 2.00 below):

Table 2.00

### DECISION-MAKING PROCEDURES

Type I Procedure  
(Objective Decisions)

Little, if any, discretion required.

Because of minimal or no effect on others, issuance of permits is not dependent on involving others.

Participation of applicant only.

Type III Procedure  
(Complex or Subjective Decisions)

Discretion required.

Possible significant effect on on some persons or broad effect on a number of persons.

In addition to the applicant, others affected are invited to present information.

Type II Procedure  
(Objective Decisions)

Little, if any, discretion required.

Application of the standards may require knowing of some effect upon others.

Nearby property owners invited to respond to a tentative decision.

Type IV Procedure  
(Complex or Subjective Decisions)

Discretion required.

Possible significant effect on on some persons or broad effect on a number of persons.

In addition to applicant, others affected are invited to present information.

2.010 Procedures For Processing Permits.

- A. An application shall be processed under either a Type I, II, III or IV procedure as these procedures are described in Section 2.090 to 2.120. The differences between the procedures are generally associated with the different nature of the decisions as described in Table 2.00 above.
- B. When an application and proposed development is submitted, the Director shall determine the type of procedure the code specifies for its processing and the potentially affected agencies. When there is a question as to the appropriate type procedure, the application proposal shall be resolved in favor of the higher type number. An application shall be processed under the highest numbered

procedure required for any part of the development proposal.

2.020 Coordination Of Permit Procedure. The Director shall be responsible for the coordination of the permit application and decision-making procedure and shall issue any necessary permits to an applicant whose application and proposed development is in compliance with the provisions of this code. Sufficient information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II, or Type III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing any permits, the Director shall be provided with the detail required to establish full compliance with the requirements of this code.

2.030 Pre-application Conference. The applicant or authorized representative shall request that the Director arrange a pre-application conference, unless the applicant and Director agree that the conference is not needed. The conference shall be held within 15 days of the request. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the code, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance which will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Director, if requested by the applicant, shall provide the applicant with a written summary of the conference within 5 days of the conference. The summary should include confirmation of the procedures to be used to process the application, a list of materials to be submitted and the criteria and standards which may apply to the approval of the application.

2.040 Application Materials. An application shall consist of the materials specified in this section, plus any other materials required by this code.

- A. A completed application form.
- B. An explanation of intent, stating the nature of the proposed development, reasons for the request, pertinent background information, information required by the Development Code and other information that may have a bearing in determining the action to be taken.
- C. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property.
- D. Legal description of the property affected by the application.
- E. List of Affected Property Owners.

1. Type II - all owners of property directly abutting and adjacent to the parcel identified in an application.
  2. Type III - all owners of properties within 250' of the property boundaries of parcel identified in an application.
  3. Type IV - all owners of parcels proposed for a change.
- F. Additional information required by other sections of this code because of the type of development proposal or the area involved.

2.050 Submission Of Application. Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted. Within 5 days from the date of submission, the Director shall determine whether an application is complete. If the Director determines that the application is incomplete or otherwise does not conform to the provisions of this code, the Director shall immediately notify the applicant of the negative determination by mailing or otherwise conveying an explanation to the applicant. An application for which a negative determination has been made may be resubmitted after revision to overcome the reasons for the negative determination. If an application is complete and in conformance with the provisions of this code, the Director shall accept it and note the date of acceptance and the approvals needed for approving the request on the required copies.

2.060 Referral And Review Of Applications. Within 5 days of accepting an application, the Director shall do the following:

- A. Transmit one copy of the application, or appropriate parts of the application, to each referral agency for review and comment, including those responsible for determination of compliance with state and federal requirements identified in Section 1.070. If the referral agency does not comment within 10 days, it is presumed to have no comment unless an extension of up to 10 days is requested by the agency and granted by the Director. The Director shall grant an extension only if the application involves unusual circumstances or if due to circumstances related to a Type III or Type IV procedure.
- B. Transmit an application involving approval by others for disposition as provided by the applicable sections of this code. The Director shall, whenever feasible, consolidate action on approvals.
- C. If a Type III procedure is required, provide for notice and hearing as set forth in Chapter 16.

2.070 Development Decision.

- A. Within 30 days of the date of accepting an application not involving approval by others or within 10 days of receiving required approval by others, the Director shall grant or

the conditions are necessary to avoid imposing burdensome public service obligations on the City, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the City, and to otherwise fulfill the criteria for approval. If the application is approved, the Director will issue any necessary permits when the applicant has complied with the conditions set forth in the Final Order and other requirements of this code.

- B. A decision of the Commission may be appealed by a party to the hearing in accordance with Chapter 16.

2.120 Type IV Procedure. The City Council is the decision-making body under this procedure. Actions taken under this procedure may be either quasi-judicial or legislative. This procedure is for situations that do not involve approval of specific development proposals or when consideration of a development proposal requires consideration of a plan amendment, adoption of a land use regulation, or a master development plan required by an RMU Regional Mixed Use Plan designation.

- A. The Type IV procedure is for use where indicated in this code. Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Chapter 16 and this section before the Planning Commission. The form of notice and persons to receive notice are as required by the relevant sections of this code. At the public hearing the staff and interested persons may present testimony relevant to the proposal. If pertinent, they may give information on whether the proposal does or does not meet appropriate criteria and standards for approval or their proposals for modifications they consider necessary for approval. If criteria are involved, the Planning Commission shall make a finding for each of the criteria applicable, including whether the proposal conforms to criteria found in the Comprehensive Plan. A written report and recommendation shall be submitted to the City Council.
- B. If the Planning Commission has recommended against a proposal or has failed to act on a proposal, the City Council may terminate further consideration of the proposal. For a proposal on which the Planning Commission has made a favorable recommendation and for other proposals that have not been terminated, the City Council shall conduct a public hearing pursuant to Chapter 16. The Director shall set a date for the hearing. The form of notice and persons to receive notice are as required by the relevant sections of this code. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved and, if approved, the nature of the provisions to be contained in approving action.

- C. To the extent that a finding of fact is required, the City Council shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.
- D. To the extent that a policy is to be established or revised, the City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.

2.130 Legislative Enactments Not Restricted. Nothing in Chapter 2 shall limit the authority of the City Council to make changes in zoning districts or requirements as part of some more extensive revision of the Comprehensive Plan or the implementing ordinances. Nothing in this article shall relieve a use or development from compliance with other applicable laws.

deny the request. The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others. The Director shall notify the applicant and, if required, others entitled to notice of the disposition of the application.

The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Chapter 16.

B. The Director shall approve a development if he finds that applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of this code.

C. The Director shall deny the development if required approvals are not obtained or the application otherwise fails to comply with code requirements. The notice shall describe the reason for denial.

2.080 Action On Resubmission Of Denied Application. Within one year from the date of final determination denying an application, an applicant may make appropriate alterations to a proposal and resubmit it with payment of any additional fees required. If a previously denied application is resubmitted within one year, previous approvals need not be reconsidered unless the Director finds that changed conditions or changes in the proposal warrant such reconsideration.

2.090 Type I Procedure.

A. Under the Type I procedure an application shall be processed without a need for public hearing or notification of other property owners. As provided for by other provisions of this code, the nature of the development proposed may require a technical review committee to determine compliance with standards. When that is required, the action of the Director to approve or deny the development will include implementation of the determination of the committee.

B. A decision of the Director or committee under the Type I procedure may be appealed by an affected party or referred by the Director in accordance with Chapter 16, except that review of a Type I decision is a review of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Director or committee.

2.100 Type II Procedure.

A. Except as provided by Chapter 16 under the Type II procedure, an application shall be processed without a need for a public hearing. If the Director determines, taking into account the determination of a technical review committee, if applicable, that the development proposal appears to meet the required standards, the Director shall



mail notice of the proposal for which approval is forthcoming pursuant to Chapter 16. The notice shall summarize the standards and facts that justified the decision and shall be sent to the persons designated to receive notice by the relevant sections of this code. The notice shall invite persons to submit information relevant to the standards that are pertinent to the proposal within 10 days, giving reasons why the application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards. The notice also shall advise the person's right to appeal the decision on the proposed development if the person's concerns are not resolved.

- B. If the Director or committee contemplates that persons other than the applicant can be expected to question the application's compliance with the code, the Director or committee may initiate a public hearing. The Director shall set a date for the public hearing and mail notice pursuant to Chapter 16 to the persons designated to receive notice by the relevant sections of this code. At the public hearing, the applicant and interested persons may present information and arguments relevant to the proposal, including reasons why the application should be approved or denied or proposing modifications the person believes necessary for approval.
- C. The Director or committee shall review any information received under subsection (A) or (B) and make a finding for each of any points in dispute and make a decision on the application by approving, conditionally approving, or denying the application. A decision of the Director or committee may be appealed by the applicant, referred by the Director, appealed by a person who responded to the notice or, if a hearing was conducted, appealed by a party to the hearing. The procedure for the appeal is in accordance with Chapter 16, except that review of a Type II decision is a review of the record supplemented by oral commentary relevant to the record presented by parties to the prior deliberations.

#### 2.110 Type III Procedure.

- A. Under the Type III procedure an application is scheduled for public hearing pursuant to Chapter 16 before the Planning Commission which may approve, approve with conditions or deny an application. The form of notice and persons to receive notice are as required by the relevant sections of this code. At the public hearing, the staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval. The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the standards in granting an approval if the Planning Commission determines

## CHAPTER 3 - ZONING DISTRICTS

All areas within the City limits of Troutdale are divided into the following zoning districts. The use of each tract and ownership of land within the corporate limits of the City of Troutdale shall be limited to those uses permitted within the applicable zoning district.

### 3.000 Zoning District Outline.

<u>DISTRICT NAME</u>	<u>MAP</u>	<u>SYMBOL</u>	<u>MINIMUM LOT SIZE</u>
<b>LOW DENSITY RESIDENTIAL</b>			
Single-Family	R-20		Twenty thousand (20,000) square feet per single-family dwelling.
Single-Family	R-10		Ten thousand (10,000) square feet per single family dwelling.
Single-Family	R-7		Seven thousand (7,000) square feet per single-family dwelling.
<b>MEDIUM DENSITY RESIDENTIAL</b>			
Single-Family	R-5		Five thousand (5,000) square feet per single-family dwelling.
Attached Residential	R-4		Four thousand (4,000) square feet per single-family dwelling and three thousand five hundred (3500) square feet for a two-family dwelling.
<b>HIGH DENSITY RESIDENTIAL</b>			
Apartment	A-2		Two thousand (2,000) square feet average per dwelling unit.
<b>COMMERCIAL</b>			
Neighborhood	NC		
Community	CC		
General	GC		
Central Business District	CBD		
Subareas A - D			
<b>INDUSTRIAL</b>			
Industrial Park		IP	

Light Industrial LI

General Industrial GI

OTHER

Open Space OS

OVERLAYS

Aggregate Resource AR Overlay

Airport Landing Field ALF Overlay

Community Resource CR Overlay

Hillside HS Overlay

Congregate Housing CH Overlay

Hillside HS Overlay

Planned Development PD Overlay

3.005 Zoning District Map.

- A. The Zoning District Map is incorporated herein and is deemed as much a part of this code as if fully set forth. If a conflict appears between the Zoning District Map and the written portion of this code, the written portion shall control. The map and each amendment shall remain on file in the City Recorder's office.
- B. The boundaries of all districts are established as shown on the Zoning District Map which is made a part of this code. All notations and references and other matters shown shall be and are hereby made part of this code.
- C. Zoning district boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads, or the extension of such lines as they existed at the time of the adoption of this code except where reference is made on the map to a street line, political boundary or other designated line by dimensions shown on said map.
- D. The exact location of zoning district boundary lines shall be interpreted by the Director or designated official.
- E. Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thereforth be subject to all regulations of the extended zoning district or districts.

3.010 SINGLE-FAMILY RESIDENTIAL.

R-20

3.011 Purpose. This district is intended primarily for single-family dwellings at the lowest development density provided for in this ordinance. Such density is considered appropriate in areas developed at this density level or lower, and where natural features such as slope, floodplain, soil condition, etc., make these areas difficult to serve or inefficient to develop at higher densities.

3.012 Permitted Uses. The following uses and their accessory uses are permitted in the R-20 district:

- A. Single-family dwellings.
- B. Residential Home (ORS 197.660 [2]; ORS 443.400-443.825).
- C. Parks and playgrounds.
- D. Livestock, poultry, small animals, greenhouses, and nurseries, as accessory uses, provided no retail or wholesale business sales office is maintained on a lot of less than two acres, and provided no poultry or livestock, other than household pets, shall be housed within one hundred (100) feet of any residence other than a dwelling on the same lot.
- E. Utility Facilities, minor.
- F. Other uses similar in nature to those listed above.

3.013 Conditional Uses. The following uses and their accessory uses are permitted in an R-20 district:

- A. Community service uses.
- B. Day care centers in association with an established community service uses.
- C. Guest or parental residence and servant's quarters.
- D. Bed and breakfast inns.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

3.014 Lot Size And Dimensional Standards.

- A. Lot Size, Width, Depth and Frontage
  - 1. Minimum Lot Size: Twenty thousand (20,000) square feet per dwelling unit.
  - 2. Minimum Average Lot Width: Seventy (70) feet.

3. Minimum Lot Depth: One hundred (100) feet.

4. Minimum Lot Frontage: Twenty (20) feet.

B. Setbacks

1. Front Yard Setback: Minimum of thirty (30) feet.

2. Side Yard and Street Side Yard Setback: Minimum of ten (10) feet.

3. Rear Yard Setback: Minimum of twenty-five (25) feet.

4. Projections into Setbacks. See Chapter 5.020.

5. Accessory Buildings in Setback Areas. See Chapter 5.010.

C. Height Restrictions. No structure shall exceed thirty-five (35) feet in height.

3.015 Additional Requirements.

A. Design Review and landscaping required for all uses except single-family residential uses.

B. All lots in this district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

D. Single-family dwellings are allowed when the proposal is consistent with the following standards:

1. All applicable standards of this district.

2. DEQ approved water supply systems.

3. DEQ approved individual subsurface sewage disposal systems.

3.020 SINGLE-FAMILY RESIDENTIAL. R-10

3.021 Purpose. This district is intended primarily for single-family dwellings in a low-density residential neighborhood environment.

3.022 Permitted Uses. The following uses and their accessory uses are permitted in an R-10 district:

- A. Single-Family dwellings (detached).
- B. Single-Family dwelling (zero lot line or attached) when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
- C. Residential Home (ORS 197.660 [2]; ORS 443.400-443.825).
- D. Parks and Playgrounds.
- E. Utility Facilities, minor.
- F. Other uses similar in nature to those listed above.

3.023 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in an R-10 district:

- A. Community Service Uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Two-family dwellings (duplex) at intersections of any two streets of at least neighborhood collector status and with frontage on one street. Lot size must comply with R-10 requirements.
- D. Nursing homes and homes for the aged.
- E. Utility Facilities, major.
- F. Other uses similar in nature to those listed above.

3.024 Lot Size And Dimensional Standards.

- A. Lot Size, Width, Depth and Frontage:
  - 1. Minimum Lot Size: Ten thousand (10,000) square feet.
  - 2. Minimum Average Lot Width: Seventy (70) feet and seventy (70) feet wide at the building line.
  - 3. Minimum Average Lot Depth: One hundred (100) feet.
  - 4. Minimum Lot Frontage: Twenty (20) feet.
- B. Setbacks:

1. Front Yard Setback: Minimum of twenty (20) feet.
2. Side Yard and Street Side Yard Setback: Minimum of ten (10) feet.
3. Rear Yard Setback: Minimum of twenty (20) feet.
4. Projections into Setbacks: See Chapter 5.020.
5. Accessory Buildings in Setback Areas: See Chapter 5.010.

C. Height Limitations. The maximum height of a structure shall be thirty-five (35) feet.

3.025 Additional Requirements.

- A. Design Review and landscaping required for all uses except single-family residential uses.
- B. All lots in this district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.030 SINGLE-FAMILY RESIDENTIAL.

R-7

3.031 Purpose. This district is intended primarily for single-family dwellings in a low-density residential neighborhood environment.

3.032 Permitted Uses. The following uses and their accessory uses are permitted in an R-7 district:

- A. Single-Family dwellings (detached).
- B. Single-family dwellings (zero lot line or attached) when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
- C. Two-family dwellings (duplex) at intersections of any two streets of at least neighborhood collector status and with frontage on one street, as approved by the Planning Commission or on lots in a subdivision approved for duplex development and meeting all the provisions for two-family development in the R-5 district except for lot size, which must comply with R-7 requirements.
- D. Residential Home (ORS 197.660 [2]; ORS 443.400-443.825).
- E. Parks and Playgrounds.
- F. Utility Facilities, minor.
- G. Other uses similar in nature to those listed above.

3.033 Conditional Uses. The following uses and their accessory uses are permitted in an R-7 district as conditional uses:

- A. Day care centers.
- B. Golf courses (excluding miniature golf courses and driving ranges).
- C. Nursing homes and homes for the aged.
- D. Community service uses.
- E. Utility Facilities, major.
- F. Other uses similar in nature to those listed above.

3.034 Lot Size And Dimensional Standards.

- A. Lot Size, Width, Depth and Frontage.
  - 1. Minimum Lot Size: Seven thousand (7,000) square feet for a single-family dwelling; ten thousand (10,000) square feet for a two-family dwelling.
  - 2. Minimum Average Lot Width: Sixty (60) feet and sixty (60) feet wide at the building line.



3. Minimum Average Lot Depth: Eighty (80) feet.

4. Minimum Lot Frontage: Twenty (20) feet.

B. Setbacks.

1. Front Yard Setback: Minimum of twenty (20) feet.

2. Side Yard and Street Side Yard Setback: Minimum of seven and one-half (7 1/2) feet and ten (10) feet on corner lots abutting a street.

3. Rear Yard Setback: Minimum of twenty (20) feet.

4. Projections into Setbacks: See Chapter 5.020.

5. Accessory Buildings in Setback Areas: See Chapter 5.010.

C. Height Limitations. The maximum height of a structure shall be thirty-five (35) feet.

3.035 Additional Requirements.

A. Design Review and landscaping required for all uses except single-family residential uses.

B. All lots in this district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.040 SINGLE-FAMILY RESIDENTIAL.

R-5

3.041 Purpose. This district is intended primarily for single-family dwellings in a medium density residential neighborhood environment.

3.042 Permitted Uses. The following uses and their accessory uses are permitted in an R-5 district:

- A. Single-family dwellings including zero lot line homes.
- B. Single-family attached duplex dwellings when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
- C. Manufactured home subdivisions and planned developments.
- D. Residential Home (ORS 197.660 [2]; ORS 443.400-443.825).
- E. Parks and playgrounds.
- F. Utility Facilities, minor.
- G. Other uses similar in nature to those listed above.

3.043 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in an R-5 district.

- A. Day care centers.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Nursing homes and homes for the aged.
- D. Community service uses.
- E. Utility Facilities, major.
- F. Other uses similar in nature to those listed above.

3.044 Lot Size And Dimensional Standards.

- A. Lot Size, Width, Depth and Frontage
  - 1. Minimum Lot Area: 5,000 square feet for a single-family detached, attached or zero lot line dwelling; 8,000 square feet for a two-family dwelling structure.
  - 2. Minimum Average Lot Width: Fifty (50) feet and fifty (50) feet wide at the building line for single-family detached dwellings. For single-family attached and zero lot line dwellings: Forty (40) feet and forty (40) feet wide at the building line.

3. Minimum Average Lot Depth: Seventy (70) feet.

4. Minimum Lot Frontage: Twenty (20) feet.

B. **Setbacks**

1. Front Yard Setback: Minimum of twenty (20) feet.

2. Side Yard and Street Side Yard Setback: Minimum of five (5) feet and ten (10) feet on corner lots abutting a street. For single-family attached dwellings, common walls shall be located on the common property line with each dwelling situated on its own lot.

3. Rear Yard Setback: Minimum of twenty (20) feet.

4. Projections into Setbacks: See Chapter 5.020.

5. Accessory Buildings in Setback Areas: See Chapter 5.010.

C. **Height Limitation.** The maximum height of a structure shall be thirty-five (35) feet.

3.045 Additional Requirements.

A. Design Review and landscaping is required for all uses except single-family residential uses.

B. All lots in this district shall have frontage or approved access to public street, public water and public sewer before construction shall be permitted.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.050 ATTACHED RESIDENTIAL. R-4

3.051 Purpose. This district is intended primarily for attached residential dwellings in a medium-density residential environment.

3.052 Permitted Uses. The following uses and their accessory uses are permitted in an R-4 district.

- A. Attached residential dwellings including single-family, duplex, tri-plex, four-plex, rowhouses, and townhouses.
- B. Single-family detached dwellings including zero lot line homes.
- C. Manufactured home subdivisions and planned developments.
- D. Manufactured home parks.
- E. Residential Home (ORS 197.660 [2]; ORS 443.400-443.825).
- F. Residential Facility (ORS 197.660 [1]; ORS 443.400-443.460).
- G. Parks and playgrounds
- H. Utility Facilities, minor.
- I. Other uses similar in nature to those listed above.

3.053 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-4 district:

- A. Day care centers.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Nursing Homes and homes for the aged.
- D. Congregate Housing Facilities.
- E. Community service uses.
- F. Utility Facilities, major.
- G. Other uses similar in nature to those listed above.

3.054 Lot Size And Dimensional Standards.

- A. Lot Size, Width, Depth and Frontage
  - 1. Minimum Lot Area: 4,000 square feet for all single-family detached dwellings; three thousand five hundred (3,500) sq.ft. for each attached or zero lot line dwelling.

2. Minimum Average Lot Width: Forty (40) feet and forty (40) feet wide at the building line for detached dwellings. For attached dwellings: thirty (30) feet and thirty (30) feet wide at the building line. For rowhouses/townhouses: twenty (20) feet and twenty (20) feet at the building line.
3. Minimum Average Lot Depth: Seventy (70) feet.
4. Minimum Lot Frontage: Twenty (20) feet.

B. **Setbacks**

1. Front Yard Setback: Minimum of twenty (20) feet.
2. Side Yard and Street Side Yard Setback: Minimum of five (5) feet and ten (10) feet on corner lots abutting a street. Attached dwellings on individual lots and zero lot line dwellings shall have a common wall located on a common property line.
3. Rear Yard Setback: Minimum of fifteen (15) feet.
4. Projections into Setbacks: See Chapter 5.020.
5. Accessory Buildings in Setback Areas: See Chapter 5.010.

- C. **Height Limitation.** The maximum height of a structure shall be thirty-five (35) feet.

3.055 Additional Requirements.

- A. Design Review and landscaping is required for all uses except detached and attached residential dwellings on individually platted lots.
- B. All lots in this district shall have frontage or approved access to public street, public water and public sewer before construction shall be permitted.
- c. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

6. Distance Between Buildings: Fifteen (15) feet between buildings designed for dwelling purposes on the same lot with the exception of attached garages; Ten (10) feet between a building designed for dwelling purposes and other buildings on the same lot.

C. Height Limitations. The maximum height of a structure shall be thirty-five (35) feet.

3.065 Additional Requirements.

A. Design Review and landscaping required for all uses except detached and attached residential dwellings on individually platted lots.

B. All lots in this district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.

C. Landscaping and screening will be provided on each site and all areas on an apartment site not occupied by paved roadways, walkways, patios or buildings shall be landscaped.

1. Usable recreation areas shall be provided for each multi-family development which contains more than five (5) dwelling units. A single site containing a minimum of two hundred (200) square feet per dwelling unit shall be provided.

D. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.100 NEIGHBORHOOD COMMERCIAL

NC

3.101 Purpose. This district is intended for convenience retail and service establishments of limited scale to serve primarily the needs of nearby residents rather than the City as a whole. Such uses shall be physically and visually compatible with adjacent residential development through appropriate use of landscaping, access, parking, signs and architectural design.

3.102 Siting Criteria. Neighborhood commercial sites may be located in residential areas provided:

- A. No commercial establishments exist or are planned within a minimum half mile radius.
- B. A neighborhood commercial site does not exceed three acres.
- C. Each site has access to a street of at least a collector status.
- D. Each site does not include more than one quadrant of an intersection. If more than one quadrant is requested, the applicant must show that undue traffic congestion will not result.

3.103 Permitted Uses. The following uses and their accessory uses are permitted in an NC district, provided they are conducted wholly within a completely enclosed building except off-street parking and loading:

- A. Retail establishments, including but not limited to, barber or beauty shop, shoe repair store, grocery, dressmaking or tailoring shop, photography studio, florist shop, book or stationary store, gift shop, and art supply store.
- B. Professional offices.
- C. Day care center.
- D. Utility Facilities, minor.
- E. Other uses similar in nature to those listed above.

3.104 Conditional Uses. The following uses and their accessory uses are permitted in an NC District:

- A. Restaurant, excluding drive-in service.
- B. Community Service uses.
- C. Utility Facilities, major.
- D. Other uses similar in nature to those listed above.

3.105 Dimensional Standards.

3.060 APARTMENT RESIDENTIAL

A-2

3.061 Purpose. This district is intended primarily for multi-family dwellings in a high-density residential environment.

3.062 Permitted Uses. The following uses and their accessory uses are permitted in an A-2 district:

- A. Apartment dwellings.
- B. Attached residential dwellings including duplex, tri-plex, four-plex and townhouses.
- C. Residential Facility (ORS 197.660 [1]; ORS 443.400-443.460).
- D. Parks and playgrounds.
- D. Home Occupations.
- E. Signs.
- F. Utility Facilities, minor.
- G. Other uses similar in nature to those listed above.

3.063 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in this district:

- A. Single-family detached dwelling units including zero lot line homes.
- B. Residential Home (ORS 197.660 [2]; ORS 443.400-443.825).
- C. Day care centers.
- D. Congregate Housing.
- E. Meeting hall.
- F. Golf courses (excluding miniature golf courses or driving ranges).
- G. Professional offices or clinics on arterial or collector streets.
- H. Nursing homes and homes for the aged.
- I. Boarding, lodging or rooming houses.
- J. Community Service uses.
- K. Utility Facilities, major.
- M. Other uses similar in nature to those listed above.



### 3.064 Density, Lot Size And Dimensional Standards.

#### A. Density and Lot Size

Number of Dwelling Units	Minimum Lot Size in Square Feet	Percent Lot Coverage
3-6	3,000 sq.ft. per unit	40%
7-14	21,500 sq.ft. + 2,500 sq.ft. for each unit over 7	45%
15-37	41,000 sq.ft. + 2,000 sq.ft. for each unit over 15	50%
38-94	87,000 sq.ft. + 1,500 sq.ft. for each unit over 38	50%
95-155	172,500 sq.ft. + 1,000 sq.ft. for each unit over 95	55%
Over 155	1,500 sq.ft. per unit	55%

Where the number of dwelling units erected on a lot is calculated in accordance with this section, no greater number of units shall in any event be permitted at any time except as may be approved under the Planned Development District.

#### B. Dimensional Standards

1. Minimum Average Lot Width: Sixty (60) feet wide at the building line.
2. Minimum Average Lot Depth: Eighty (80) feet.
3. Minimum Lot Frontage: Twenty (20) feet.

#### C. Setbacks.

1. Front Yard Setback: Minimum of twenty (20) feet.
2. Side Yard and Street Side Yard Setback: Minimum of seven and one-half (7 1/2) feet for 1 and 2 story buildings. For buildings exceeding twenty (20) feet in height, the side yard shall be increased a minimum of 1 foot horizontally for every 3 feet of building height above twenty feet. On corner lots the side yards for all structures shall be a minimum of fifteen (15) feet.
3. Rear Yard Setback: Minimum of fifteen (15) feet.
4. Projections into Setbacks: See Chapter 5.020.
5. Accessory Buildings in Setback Areas: See Chapter 5.010.

A. Lot Size and Coverage.

1. Minimum lot size: No limitation.
2. Minimum street frontage: Fifty (50) feet.
3. Maximum lot coverage: Fifty (50) percent.
4. Maximum site size: three acres

B. Setbacks.

1. Front Yard Setback: Minimum of twenty (20) feet.
2. Side Yard Setback: None, except property abutting a residential zoning district shall have the same side yard setback as required by the abutting district.
3. Street Side Yard Setback: Twenty (20) feet on a through street or a corner lot abutting a street.
4. Rear Yard Setback: None, except property abutting a residential zoning district shall have the same rear yard setback as required by the abutting district, but in no case shall be less than 15'.
5. Setbacks for Insufficient Right-of-Way: The minimum front, side or other setbacks, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based upon the Comprehensive Plan and applicable ordinances and standards.

C. Height Restrictions. The maximum height of a structure shall be thirty-five (35) feet.

3.106 Additional Requirements

- A. Design Review and landscaping required for all uses in the NC district.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.110 COMMUNITY COMMERCIAL

CC

3.111 Purpose. This district is intended for the shopping needs of several neighborhoods in locations easily accessible to such neighborhoods.

3.112 Siting Criteria. A community commercial district may be established where:

- A. No commercial establishments exist or are planned within a minimum half mile radius from the proposed site;
- B. Direct access to at least a minor arterial street is provided;
- C. A CC site does not exceed 20 acres.

3.113 Permitted Uses. The following uses and their accessory uses are permitted in a CC district:

- A. Any use permitted in an NC district.
- B. Retail store or business, including but not limited to: hardware, appliance store, repair businesses such as electrical, radio, television, flower or plant store, pet shop, department or furniture store, grocery store, small print shop, bakery, and catering establishment including outside seasonal displays of merchandise.
- C. Bank or savings and loan association.
- D. Laundromat/Drycleaning establishment.
- E. Medical or dental clinic or laboratory.
- F. Motel, hotel.
- G. Newsstand.
- H. Restaurant (including drive-ins) or tavern.
- I. Studio: art, dance, etc.
- J. Professional offices.
- K. Utility Facilities, minor.
- L. Other uses similar in nature to those listed above.

3.114 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in a CC district:

- A. Automotive service station where no repair work is conducted.
- B. Motion picture theatre.

- C. Second hand store with all merchandise displayed and stored completely within a building.
- D. Community Service Uses.
- E. Utility Facilities, major.
- F. Other uses similar in nature to those above.

3.115 Dimensional Standards.

A. Setbacks.

1. Front Yard Setback: Minimum of twenty (20) feet.
2. Side Yard Setback: None, except property abutting a residential zoning district shall have the same side yard setback as required by the abutting district.
3. Street Side Yard Setback: Five feet (5) feet on a through street or a corner lot abutting a street.
4. Rear Yard Setback: None, except property abutting a residential zoning district shall have the same rear yard setback as required by the abutting district, but in no case shall be less than 15'.
5. Setbacks for Insufficient Right-of-Way: The minimum front, side or other setbacks, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based upon the Comprehensive Plan and applicable ordinances and standards.

- B. Height Restrictions. The maximum height of a structure shall be forty-five (45) feet.

3.116 Additional Requirements

- A. Design Review and landscaping required for all uses in the CC district.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.120 GENERAL COMMERCIAL

GC

3.121 Purpose. This district is intended for more intensive commercial uses in addition to those provided for in the NC and CC districts.

3.122 Permitted Uses. The following uses and their accessory uses are permitted in a GC district:

- A. Any use permitted in a NC (Neighborhood Commercial) or CC (Community Commercial) district and including, but not limited to, the following uses:

Amusement enterprise, including pool hall, bowling alley, and boxing arena, theater, auditorium, printing, lithographing or publishing.

- B. The following uses, if conducted within a completely enclosed building with all outside storage of merchandise, supplies or work areas screened from the public right-of-way and adjacent residential, apartment and neighborhood commercial districts, are permitted:

Automotive service station, carpenter shop, cabinet shop, upholstering, plumbing shop, lumber yard (retail sales only), automotive repair, painting and incidental body and fender work, sign painting shop, tire shop, animal hospital and boarding kennel.

- C. Accessory uses customarily incidental to any of the above uses when located on the same lot, provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or similar causes.

- D. Utility Facilities, minor.

- E. Other uses similar in nature to those listed above.

3.123 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in a GC District:

- A. Wholesale distribution outlet, including warehousing.

- B. Off-street parking and storage of truck tractors and/or semi-trailers.

- C. Heliport landing.

- D. Outdoor stadium and race tracks.

- E. Automobile and trailer sales area.

- F. Community Service uses.

- G. Utility Facilities, major.

- H. Other uses similar in nature to those listed above.

3.124 Dimensional Standards.

A. Setbacks.

1. Front Yard Setback: Minimum of twenty (20) feet.
2. Side Yard Setback: None, except property abutting a residential zoning district shall have the same side yard setback as required by the abutting district.
3. Street Side Yard Setback: Five feet (5) feet on a through street or a corner lot abutting a street.
4. Rear Yard Setback:. None, except property abutting a residential zoning district shall have the same rear yard setback as required by the abutting district, but in no case shall be less than 15'.
5. Setbacks for Insufficient Right-of-Way: The minimum front, side or other setbacks, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based upon the Comprehensive Plan and applicable ordinances and standards.
6. Minimum street frontage: Fifty (50) feet.

- B. Height Restrictions. The maximum height of a structure shall be forty-five (45) feet.

3.125 Additional Requirements.

- A. Design Review and landscaping is required for all uses in the GC district.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

.130 CENTRAL BUSINESS DISTRICT

CBD

.131 Purpose. The Central Business District provides for retailing, personal, professional, business and industrial services within the downtown business area.

PERMITTED AND CONDITIONAL USES

P = Permitted Uses CU = Conditional Uses

	SUBAREA			
	A	B	C	D
APARTMENTS & DUPLEXES	P	CU	P	—
ASSEMBLY OR LIMITED MANUFACTURING USES	CU	CU	CU	CU
AUTOMOTIVE SERVICE STATION OR REPAIR SHOP	CU	P	CU	CU
BED AND BREAKFAST INN	CU	—	CU	—
BOAT RAMP; BOAT REPAIR SHOP AND SERVICE FACILITY	—	—	CU	—
CONVENIENCE STORE	—	P	CU	—
FACTORY OUTLET	—	P	CU	P
GALLERY OR STUDIO FOR ART, DANCE, PHOTOGRAPHY	P	P	P	P
GARDEN SUPPLY STORE, VETERINARY CLINIC, PET SHOP	CU	P	P	CU
HOTEL OR MOTEL	CU	P	P	—
MUSEUM	P	P	P	P
PARKING GARAGE OR PARKING LOT	P	P	P	P
PERSONAL SERVICES INCLUDING BUT NOT LIMITED TO: BARBER SHOP, BEAUTY SHOP, TAILORING SERVICES, SHOE REPAIR, LAUNDROMAT, DRYCLEANING	P	P	P	P
PROFESSIONAL SERVICES, INCLUDING BUT NOT LIMITED TO: MEDICAL OR DENTAL CLINIC, PHARMACY, PROFESSIONAL OFFICES, SAVINGS AND LOAN COMPANIES OR OTHER FINANCIAL INSTITUTIONS	P	P	P	P
RESTAURANT, TAVERN OR LOUNGE	P	P	P	P
RETAIL STORES, INCLUDING BUT NOT LIMITED TO: GIFT SHOP, FLORIST SHOP, BOOK STORE, CLOTHING STORE, DRESS SHOP, AUTOMOTIVE ACCESSORIES STORE, HARDWARE OR VARIETY STORE, JEWELRY STORE, SHOE STORE, OFFICE SUPPLY, ART AND PHOTO SUPPLY, LIQUOR STORE, GROCERY STORE EXCLUDING A CONVENIENCE MARKET, MEAT MARKET, BAKERY, DELICATESSAN OR CATERING ESTABLISHMENT	P	P	P	P
SERVICE, SALES AND REPAIR, INCLUDING BUT NOT LIMITED TO: BUSINESS MACHINES, BICYCLES, APPLIANCES, SCIENTIFIC OR MUSICAL INSTRUMENTS, LOCKSMITH OR GUNSMITH	P	P	P	P
SPORT FISHING FACILITY; RECREATIONAL VEHICLE PARK	—	—	CU	—
THEATER	P	P	P	P
UTILITY FACILITY, MAJOR AND COMMUNITY SERVICE USES	CU	CU	CU	CU
UTILITY FACILITY, MINOR	P	P	P	P

\*\* Located below street level

3.132 Dimensional Standards - Subarea A, B, C & D.

- A. Lot area, Lot Width, Lot Depth: No limitation.
  - B. Existing Residential Buildings: Minimum lot size standards as defined in the R-5 district.
  - C. Setbacks:
    - 1. Subarea A - None.
    - 2. Subarea B - None.
    - 3. Subarea C - 15 foot required front yard.
    - 4. Subarea D - None.
- Exception: If a commercial or industrial use is abutting a residential zone in which case a minimum 15 foot setback on the abutting property line is required.
- D. Apartments: Apartments included as part of a conforming commercial building shall not exceed A-2 density based on the size of the lot.
  - E. Building Height: No limitation.

3.133 Landscaping Requirements. All new commercial, industrial and residential developments within the CBD shall be landscaped as specified in Chapter 9, and as listed below:

- A. Subarea A - None Required.
- B. Subarea B - 5% of the lot area.
- C. Subarea C - 10% of the lot area.
- D. Subarea D - 5% of the lot area.

3.134 Additional Requirements.

- A. Access and Circulation. Adequate provisions for access and internal circulation of vehicles shall be provided for all uses allowed in the CBD in accordance with the requirements of this code.
- B. External Storage of Merchandise. The exterior storage of merchandise and/or materials directly or indirectly related to a business is hereby prohibited within the CBD. Exterior storage areas which exist at the time of adoption of this ordinance shall be allowed to continue under the provisions governing a nonconforming use.
- C. Outdoor Seasonal Displays of Merchandise. Outdoor seasonal display of merchandise is permitted during business hours only and shall not exceed ten percent of the total retail sales area.



D. Off-street Parking and Loading - Subareas A, B, C & D. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9 and the following:

1. When off-street parking is to be provided on the same site as the permitted use itself, said off-street parking shall in no case be located in front of the front building line of the principal building or in any required yard as established in this code.
2. To allow new construction in the CBD which is compatible in design and character to the existing downtown, the development of centralized off-street parking facilities shall be encouraged through a 15% reduction in the off-street parking and loading space requirements for all new commercial establishments. Parking shall be provided off-site but within 800 feet of said establishment.
3. Any off-street parking facility established pursuant to the provisions of this code shall be continuously maintained by the owner and/or operator of said parking facility; and
4. Should a commercial establishment elect to provide its required off-street parking off-site, said business shall post in clear view of its customers and the public in general the location of said parking.
5. Off-street parking shall be required to meet the provisions for said facilities in accordance with Chapter 9 in addition to the requirements of this section.

Exception: Subarea A - Where a proposed commercial use intends to occupy an existing structure at the time of passage of this code, said use shall be exempt from the off-street parking and loading space requirements.

3.150 INDUSTRIAL PARK

IP

3.151 Purpose. This district is intended for a mix of clean, employee-intensive industries, offices, service and retail commercial uses, which have no off-site impacts in terms of noise, odor, glare, light, vibration, smoke, dust or other types of off-site impacts. It provides for combining parking, landscaping and other design features which physically and visually link structures and uses within one development.

3.152 Permitted Uses. The following uses and their accessory uses are permitted in an IP district, provided they are conducted wholly within a completely enclosed building except off-street parking and loading:

- A. Professional offices.
- B. Research, experimental, or testing laboratories.
- C. Assembly of electrical appliances, electronic instruments and devices, radio and phonographs, including the manufacture of small parts, such as coils, condensers, and transformers.
- D. Trade or commercial school.
- E. Business park.
- F. Convenience sales and personal service.
- G. Delicatessen shop.
- H. Utility Facilities, minor.
- I. Other uses similar in nature to those listed above.

3.153 Conditional Uses. The following uses and their accessory uses are permitted in an IP district, provided they are conducted wholly within a completely enclosed building except off-street parking and loading and a heliport serving the IP district:

- A. Hotel/motel or convention facility.
- B. Restaurant with or without drive-through window service.
- C. Bar and cocktail lounge in conjunction with a restaurant.
- D. Retail, wholesale, and discount sales and services.
- E. Bank or savings and loan association.
- F. Medical and dental clinic.
- G. Assembly or limited manufacture uses of a similar nature when located and arranged according to a plan providing for aesthetic or other conditions in harmony

with the neighborhood.

H. Community Service uses.

I. Utility Facilities, major.

J. Other uses similar in nature to those listed above.

### 3.154 Dimensional Standards.

A. Lot Size and Coverage.

1. Minimum Area: Five (5) acres. Sites under five acres may be approved as conditional uses by the Planning Commission.
2. Minimum Lot Width: Minimum lot width shall be one hundred fifty (150) feet.
3. Lot Coverage: Fifty (50) percent of the site.

B. Setbacks.

1. Front Yard Setback: Minimum of twenty (20) feet.
2. Side Yard Setback: Minimum of fifteen (15) feet.
3. Street Side Yard Setback: On a corner lot, the side yard shall be a minimum of fifteen (15) feet on the side abutting a street.
4. Rear Yard Setback: Minimum of ten (10) feet.
4. Setbacks for Insufficient Right-of-Way: The minimum front, side or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based upon the Comprehensive Plan and applicable ordinances and standards.

C. Height Limitations. The maximum height of a structure shall be thirty-five (35) feet. The Planning Commission may determine that a greater height is in keeping with the general character of the district and the surrounding area.

### 3.155 Additional Requirements.

- A. Design Review and landscaping is required for all uses in the IP district.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- c. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.160 LIGHT INDUSTRIAL

LI

3.161 Purpose. This industrial district is intended for light, clean industries usually of a manufacturing or storage nature with little outdoor storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have no nuisance factors such as noise or objectionable odors. Wholesale and limited retail sales are permitted. This industrial district may be located adjacent to residential or commercial uses with appropriate buffering.

3.162 Uses Permitted in an LI zone. All processes and storage in the LI zone shall be entirely enclosed within a building except that outdoor storage of materials may be approved by the Director upon a finding that the proposed storage is screened from view from public rights-of-way by buildings, a fence, hedge, etc.

- A. Manufacturing, fabricating, process, packing or storage uses except:
  - 1. Any use having the primary function of storing, utilizing or manufacturing toxic or hazardous materials.
  - 2. Any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar or yeast.
- B. Utility facilities, major and minor.
- C. Research laboratory.
- D. Public parks, parkways, recreational facilities, trails and related facilities.
- E. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use, and/or one caretaker's residential facilities.
- F. Accessory structures and uses to a particular permitted use.
- G. Railroad tracks and spur tracks, but not within two hundred feet of a residential zone.
- H. Vehicle repair shops, entirely within an enclosed building.
- I. Factory outlet.
- J. Truck, trailer and heavy equipment sales, rental or repair.
- K. Retail or combination retail/wholesale lumber and/or building materials yard.
- L. Other uses similar in nature to those listed above.

3.163 Conditional Uses. The following uses and their accessory uses are permitted within a LI district as conditional uses:

- A. Heliport.
- B. Concrete mixing.
- C. Recycling centers.
- D. Retail, wholesale, and discount sales and services.
- E. Community service uses and other uses similar in nature to those listed above.

3.164 Dimensional Standards.

A. Setbacks.

- 1. Front Yard Setback: Minimum of twenty (20) feet.
- 2. Side Yard Setback: Minimum of ten (10) feet.
- 3. Rear yard setback: None.
- 4. Additional Setback Requirements: If any use in this district abuts or faces any residential zoning district a setback of fifty (50) feet on the side abutting or facing the residential zoning district shall be required.
- 5. Setbacks for Insufficient Right-of-Way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Plan and applicable ordinances and standards.

B. Height Restrictions. The maximum height for any structure shall be forty-five (45) feet.

3.165 Additional Requirements.

- A. Design Review and landscaping is required for all uses in the LI district.
- B. All lots shall have frontage or approved access to a public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.170 GENERAL INDUSTRIAL

GI

3.171 Purpose. This industrial district is intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor storage of materials and products. These industries are likely to create minor air and water pollution, as well as nuisance factors such as noise and odor and the generation of truck, shipping or rail traffic.

3.172 Uses Permitted in a GI Zone.

- A. Any industrial use is allowed in GI zone.
- B. Airport and related uses; airport supportive commercial and industrial uses (maintenance facilities, hangers, aircraft tiedown, passenger parking, restaurant and flight schools.
- C. One caretaker's residence; all other residential uses are prohibited.
- D. Administrative offices accessory to permitted industrial uses; all other office uses are prohibited.
- E. Utility facilities, major and minor.
- F. Other uses similar in nature to those listed above.

3.173 Conditional Uses. The following uses and their accessory uses are permitted within a GI district as conditional uses:

- A. Child care facilities, kindergartens, and similar facilities.
- B. Community service uses.
- C. Other uses similar in nature to those listed above.

3.174 Dimensional Standards.

- A. Setbacks.
  - 1. Front, Side and Rear Yard Setbacks: None unless the property abuts a parcel of land in a more restrictive manufacturing district, or a commercial district, in which case the requirements of the abutting property shall apply.
  - 2. Additional Setback Requirements: If any use in this district abuts or faces any residential zoning district a setback of fifty (50) feet on the side abutting or facing the residential or apartment district shall be required.

3. Setbacks for Insufficient Right-of-Way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Plan and applicable ordinances and standards.

B. Height Restrictions. The maximum height for any structure shall be forty-five (45) feet.

3.175 Additional Requirements.

A. Design Review and landscaping is required for all uses in the GI district.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.180 OPEN SPACE OS

3.181 Purpose. The purpose of an OS district is to provide and preserve open space areas.

3.182 Applicability. In addition to other areas which may be so zoned by the City, this district shall apply to publicly owned park lands.

3.183 Permitted Uses. The following uses and their accessory uses are permitted in an OS district:

- A. Park.
- B. Playground.
- C. Picnic grounds.
- D. Wildlife and nature preserves.
- E. Nature trail and/or bikeway.
- F. Other uses similar in nature to those listed above.

3.184 Conditional Uses. The following uses and their accessory uses are permitted in an OS district:

- A. Boat Ramp.
- B. Swimming facility.
- C. Community garden.
- D. Ball field.
- E. Tennis court.
- F. Cemetery.
- G. Other uses similar in nature to those listed above.

3.185 Development Criteria. Development criteria shall include, but are not limited to, the following:

- A. Open space uses shall be compatible with adjacent land uses;
- B. Picnic grounds and parking facilities shall be equipped with trash receptacles;
- C. Open space districts shall be maintained by the City if publicly owned; by the owner(s) if privately owned.



## CHAPTER 4 - ZONING DISTRICT OVERLAYS

### 4.000 AGGREGATE RESOURCE

AR

4.010 Purpose. The purpose of the Aggregate Resource district is to promote the public health, safety and general welfare, all in accordance with ORS 215, ORS 517, and 522, DLCD Statewide Planning Goals #5 and #6, and the City's Comprehensive Plan. The regulation of uses within this district is designed to:

- A. Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market;
- B. Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;
- C. Recognize the potential for future changes in the character of the area in which the extraction site may be located, and allow for periodic modification of restrictions which may be placed upon the extraction operations in recognition of these changes; and
- D. Recognize mineral and aggregate extraction as a temporary use dependent to a large degree upon market conditions and resource size, and that reclamation and the potential for future use of the land for other activities must also be considered.

### 4.011 Justification.

- A. There is a need to conserve and protect known mineral and aggregate resources for present and future generations;
- B. There is a need to promote healthy and visually attractive environments, and to reduce conflicts between different land uses;
- C. There is a need to plan and implement strategies to reclaim mineral and aggregate land for other uses which comply with the City's Comprehensive Plan;
- D. There is a need to provide regulations in accordance with DLCD Statewide Planning Goals and other applicable state, federal, and local laws.

4.012 Permitted Uses. No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district, except for the following uses:

- A. Any use permitted in the underlying district;
- B. Extraction of mineral or aggregate resource including the storage, stockpiling, distribution, and sale thereof;

- C. Installation and operation of plants or apparatus for rock crushing and cement treatment of minerals excavated at the site including screening, blending, washing, loading, and conveying of materials;
- D. Mining and processing of geothermal resources;
- E. Structures and facilities for the repair, maintenance and storage of equipment or supplies, office spaces or watchman, as are reasonably necessary for the conduct of the proposed use.

4.013 Approval Criteria. The Planning Commission shall find that:

- A. An economic deposit of the mineral resource proposed to be extracted exists;
- B. There is a proposed reclamation plan which is in conformance with the Comprehensive Plan and the underlying district;
- C. Adverse impacts on the surrounding areas with regard to the following have been, or can be mitigated:
  - 1. Access and traffic;
  - 2. Screening, landscaping, lighting and visual appearance;
  - 3. Air, water, and noise pollution;
  - 4. Insurance and liability;
  - 5. Excavation depths, lateral support, and slopes;
  - 6. Blasting and other vibration causing actions;
  - 7. Safety and security;
  - 8. Phasing program; and
  - 9. Reclamation.
- D. The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement;
- E. Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted;
- F. Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies having jurisdiction over mineral extraction, and the applicable requirements in

ORS Chapter 517 and 522 as codified in 1986, have been complied with.

4.014 Additional Requirements.

- A. Setbacks. The minimum setback shall be the setbacks required in the underlying district unless the Planning Commission determines that greater setbacks are necessary to protect the health, safety and general welfare;
- B. Water Pollution Control. Contamination or impairment of the ground water table, streams, rivers or tributary bodies thereto shall not be permitted as a result of the extraction or processing activities. All operations and related activities shall be subject to the applicable laws, rules and regulations of the Department of Environmental Quality;
- C. Air Pollution Control. Control of air, dust, odors and other pollutants shall be subject to the laws, rules and regulations of the Department of Environmental Quality;
- D. Excavation. Excavation made to a water-producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect breeding area or back filled with a material that will not impair the ground water quality;
- E. Control of Operation Time. Operation times shall be limited from 7:00 a.m. to 6:00 p.m., except for such activities as office operations, machinery repair and equipment upkeep. However, in time of public or private emergency, as determined by the City Council, the operating time limits shall be waived;
- F. Access Roads. All access to the site shall be by route approved by the Planning Commission;
- G. Screening. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views where possible within 5 months after extraction activities commence. Views to be screened include but not limited to garbage and trash collection stations, truck loading areas, stock piles, washing and loading equipment;
- H. Off Street Parking. Off street parking and loading shall be provided in accordance with the requirements of Chapter 9.
- I. Design Review. Design review is required for all proposed land uses within this district;
- J. Underlying District. Other restrictions and limitations shall be as required in the underlying district;
- K. Reclamation Plan. This plan shall be consistent with the City's land use planning policies. The plan shall be

prepared at a scale of not less than one inch to 400 feet,  
with topographic contour intervals of not less than five  
feet.

4.100 AIRPORT LANDING FIELD

ALF

4.110 Purpose. In order to carry out the provisions of this overlay district, there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to the Portland-Troutdale Airport. Such zones are shown on the current Airport Approach and Clear Zone Map.

Further, this overlay district is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Troutdale and Multnomah County.

4.111 Compliance. In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay district. In the event of any conflict between any provisions of this overlay district and the primary zoning district, the more restrictive provision shall apply.

4.112 Permitted uses within the Airport Approach Safety Zone.

- A. Farm use, excluding the raising and feeding of animals which would be adversely affected by aircraft passing overhead.
- B. Landscape nursery, cemetery or recreation areas which do not include buildings or structures.
- C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these areas by a minimum of 15 feet.
- D. Pipeline.
- E. Underground utility wire.

4.113 Conditional Uses. The following uses are permitted within the Airport Approach Safety Zone as conditional uses:

- A. A structure or building accessory to a permitted use.
- B. Single family dwellings, mobile homes, duplexes and multifamily dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the Deed and Mortgage records of Multnomah County a Hold Harmless Agreement and Avigation and Hazard Easement and submits them to the airport sponsor and Planning Division.
- C. Commercial and industrial uses, when authorized in the primary zoning district, provided the use does not result in the following:

1. Creation of electrical interference with navigational signals or radio communication between the airport and aircraft.
  2. Difficulty for pilots to distinguish between airport lights or others.
  3. Impairment of visibility.
  4. Creation of bird strike hazards.
  5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
  6. Attraction of a large number of people.
- D. Buildings and uses of a public works, public service or public utility nature.

4.114 Additional Requirements and Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined in Section 1.040.
- B. No place of public assembly shall be permitted in the Airport Approach Safety Zone.
- C. No structure or building shall be allowed within the Clear Zone.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. Additional Submission Requirements - Conditional Uses.
  1. Map showing property boundary lines as they relate to the Airport Imaginary surfaces.
  2. Map showing location and height of all existing and proposed buildings, structures, utility lines and roads.
  3. Statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operating of the landing facility.

## 4.200 COMMUNITY RESOURCE PROTECTION

CR

4.210 Purpose. The purpose of this section is to provide procedures to protect and preserve structures, sites and objects which represent a historical or cultural resource to the community and to provide appropriate means for their protection and preservation.

4.211 Area of Application. A CR designation may be applied to any site or structure in any zone. The application of the CR designation shall be considered on a case-by-case basis, based upon the criteria set forth in this section. Any use, renovation, maintenance, or other alteration proposal shall be reviewed as required depending upon the requested program for preservation.

### 4.212 Designation Procedure.

- A. Any person may request designation as a Community Resource (CR) for any specific site, structure or object. That person shall be considered the applicant and shall be required to pay all fees, including costs of any studies or special reports associated with the application. Applications shall be considered a zone change and shall be reviewed as a Type IV procedure. In addition to any other notice required, the property owner shall be notified by certified mail of any pending action when the property owner is not the applicant.
- B. No building, alteration, demolition or removal permits for any structure or site shall be issued while an application or any appeal is pending.
- C. The Planning Commission and City Council shall use the following criteria and standards to evaluate whether a particular object, site or structure merits a Community Resource (CR) designation.
  1. Association with historic or famous events; or
  2. Unique architectural design or mode of construction because of:
    - a. Representative character of a period or style of architecture or method of construction; or
    - b. Extraordinary or unusual architectural merit by reason of design, detail, use of materials or craftsmanship; or
    - c. Identification as the work of an architect, designer or master builder whose individual work has influenced development in the nation, state or community; or
    - d. Age of resource, or
  3. Inclusion in an official Register of Historic Places; or

4. Relationship to the broad cultural history of the nation, state or community; or
  6. Identification with a person or persons who have significantly contributed to the history of the city; or
  7. Identification as a unique object representing an aesthetic or educational feature of the community.
- D. The property owner may offer evidence on the effect of a CR designation on the use of the property including the economic impact, loss of revenue or valuation, costs of renovation and maintenance, ease of marketing, and so on. Planning Commission and City Council must weigh any individual inconvenience against the importance to the community of maintaining the resource in whole or in part.
- E. The decision of Planning Commission and City Council shall identify the significance of the resource, what feature or features of the resource should be preserved and protected, and how that should be accomplished according to Section 4.313.

#### 4.213 Program to Preserve the Resource.

The Planning Commission and City Council shall determine the most appropriate means to preserve and protect the feature or features of the resource determined to be significant. The program may include any of the following or any other program determined to be appropriate:

- A. Site or Structure Preservation. City Council, upon a recommendation from Planning Commission, may determine that site or structure is so important as a community resource that it should be preserved as nearly as possible in its original condition.
1. Permitted Uses.
    - a. In any site or structure designated CR, all uses permitted outright in the underlying district shall be permitted.
    - b. In addition, Planning Commission may authorize any use as a conditional use which can be shown to contribute to the preservation or reuse of the site or structure, subject to the criteria of Chapter 6 Conditional Use.
  2. Alterations.
    - a. The Director may approve any application for building permit for interior remodeling or ordinary maintenance and repair of any exterior architectural feature that does not involve a change in design, material or appearance. If the



proposed work involves a change in design, material or appearance or is beyond the normal scope of maintenance and repair, the Director may refer the application to the Planning Commission for additional review.

- b. The Director may authorize emergency repairs or any construction, reconstruction, demolition or removal of any architectural features identified by the Building Official as necessary to protect the public from unsafe or dangerous conditions.
- c. Any proposal for construction, alteration or renovation for any site or structure designated CR shall be referred to the Planning Commission and reviewed using the criteria in Chapter 9 and, as guidelines, the standards of the Secretary of the Interior for Rehabilitation of Historic Structures.

### 3. Demolition.

- a. The Director shall refer any request for demolition of a site or structure designated CR to the Planning Commission as a Type III quasi-judicial procedure.
- b. Planning Commission shall consider the application at public hearing within 45 days of filing. Planning Commission shall make a recommendation based upon the criteria in Section 4.212. The importance to the public of retaining the object, site or structure shall be weighed against the hardship to the owner and any potential hazard to the public if the site or structure is to be retained.
- c. The decision of the Planning Commission shall be forwarded to the City Council for action. City Council shall consider the record from the meeting of the Planning Commission and any additional evidence not available at the Planning Commission hearing at a public hearing within thirty days of the Planning Commission's action. City Council shall make written findings to support any decision. If City Council determines that the public need is best served by granting a demolition permit, it may order a photographic or other record be made by the property owner and it may require that certain features be preserved for reuse or that a sign be installed to identify the site and its significance.
- d. When a request for demolition is approved, the CR designation shall be removed and so noted in the Comprehensive Plan and Inventory.

- B. Identification. A sign in a form approved by the Director may be placed by the property owner or with the property owner's permission to identify the site or structure as a Community Resource. The sign shall state the name of the resource and briefly describe its significance. The sign shall be subject to requirements of Chapter 11.
  
- C. Archival Record. City Council may order the preparation of a file, to include where appropriate, photographs, measured drawings, site or structure plans, maps, narrative and any other pertinent documentation. The file shall be kept in the archives of the City as a permanent record.
  
- D. Facade Easements. The City may accept facade easements for all or part of a structure as a method for retaining the original appearance of that structure which has been determined to be architecturally significant or other methods deemed appropriate by the Planning Commission.

4.310 Purpose. The purpose of this overlay district is to promote the public health, safety and general welfare. Provisions under this section are designed to:

- A. Restrict or prohibit uses or development which is damage-prone or damage-inducing to the land;
- B. Require uses vulnerable to landslides, including public facilities which serve such uses, be protected at the time of initial construction;
- C. Allow the development of land only for those uses which are suitable in relation to slope hazards.

4.311 Findings of Fact.

- A. Hillsides within the City of Troutdale represent the abrupt and noticeable changes in slope that mark the edge of the Beaver Creek Canyon, the Sandy River and Arata Creek.
- B. Hillsides are environmentally sensitive areas. If they are not well managed, irreversible damage may occur.

4.312 Areas Of Application. The Hillside hazard district shall apply to land on slopes greater than 30 percent and between 15 to 30 percent.

- A. Delineation of Boundaries.

The Hillside hazard district shall consist of Steep Slope and Constrained Slope areas. Steep Slope areas include all areas of the City where the slope of the land is greater than 30 percent; Constrained Slope areas include all areas where the slope of the land is between 15 to 30 percent. This chiefly covers the edge of the Beaver Creek Canyon, the Sandy River, and Arata Creek. Specific determination of Steep Slope and Constrained Slope areas shall be made at the time of a development proposal for the respective properties within the Hillside hazard district based on topographic map and field survey.

- B. Warning and Disclaimer of Liability.

The degree of landslide protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods. Landslides may occur on rare occasions in areas outside of the delineated Steep Slope and Constrained Slope boundaries. This Ordinance does not imply that areas outside the Hillside hazard district boundaries or land use permitted within such boundaries will be free from significant mass movement or landslide damage. This Section shall not create liability on the part of the City of Troutdale for any damage that results from reliance on the provisions of this Section or any administrative decision lawfully made thereunder.

#### 4.313 Permitted Uses.

- A. Uses Permitted - Steep slope (greater than 30%). Open space and trails as designated by the "Parks Plan." No man-made structure is allowed on slopes greater than 30 percent.
- B. Uses Permitted - Constrained Slope (15 to 30%). Any use in the underlying district provided the standards of Section 5.514 are met.

#### 4.314 Hillside Development Standards.

##### A. Standards.

- 1. The property shall front on a publicly dedicated street or roadway with a right-of-way width and street improvement standard acceptable to the City.
- 2. Grading and site preparation shall be accomplished without encroaching on ground slopes greater than 30 percent and without creating a cut or fill in excess of three (3) feet except for basement construction unless specifically approved by the City.
- 3. The parcel can be adequately served by municipal water supply and sanitary sewer systems and that the runoff generated from the development can be accommodated without causing damage to other properties.

##### B. Submission Requirements. For the purpose of minimizing landslide hazards, the Director may require submission of special reports, including but not limited to:

- 1. Hydrology Report. This report shall include information on the hydrological activities of the site, the effect of hydrologic conditions on the proposed development, and any hydrological hazards. The report shall be prepared by a registered professional engineer.
- 2. Soils Report. This report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. The report shall be prepared by a registered professional engineer.
- 3. Geology Report. This report shall include geological characteristics of the site, its suitability for development, its carrying capacity, and any geological hazard that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. This report shall be prepared by a registered professional engineering geologist.

4. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (five-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include a schedule of operations and shall be prepared by a registered professional engineer.

5. Vegetation Report. This report shall consist of a survey of existing vegetative cover and how it will be altered by the proposed development; and measures for re-vegetation for the stabilization of slopes and soil erosion.

4.315 Approval Procedure - Type I. The Director shall approve new development for a single-family dwelling or a duplex under the Type I procedure within the Hillside hazard district if the proposed use or structure meets all of these conditions:

- A. That development standards are met as under Section 4.314;
- B. That adequate protection is utilized to minimize landslide hazards;
- C. That it is in conformance with the City's Comprehensive Plan.

4.316 Approval Procedure - Type III. The Planning Commission shall approve new developments for more than one single-family dwelling or duplex unit within the Hillside hazard district under a Type III procedure if the proposed use or structure meets all of these conditions:

- A. That development standards are met as under Section 5.514;
- B. That adequate protection is utilized to minimize landslide hazards;
- C. That it is in conformance with the City's Comprehensive Plan.

4.410 Purpose. The purpose of a CH district is to provide housing alternatives for elderly or handicapped persons. The standards set forth in this section are intended to insure that congregate housing developments provide a minimum of services and facilities to accommodate the needs of the residents and to relieve any possible detrimental effects of the development on surrounding properties.

4.411 Justification. This overlay recognizes that housing for senior citizens and handicapped persons customarily has less impact on surrounding properties than typical multi-family developments providing the same number, or fewer units, and therefore, deserves special consideration.

4.412 Establishment of Congregate Housing. Congregate housing facilities may be permitted as conditional uses in R4 and A2 zoning districts.

4.413 Density Standards. The maximum number of units allowed in a congregate housing facility shall be fifty (50) percent above the standard density of the underlying zoning district.

4.414 Dimensional Standards. The setbacks and height limitations shall be in compliance with the standards of the underlying zoning district.

4.415 Additional Requirements.

A. Age Restriction. Congregate housing is intended for persons fifty-five (55) years of age and older or handicapped persons.

B. Any principal or accessory use allowed in the zoning district may be provided. These uses shall be primarily for residents and guests.

C. Community Space. All complexes shall have a minimum of 15 square feet of community space for social and recreational opportunities per occupant, based on one person per bedroom. Community space may include, but is not limited to:

1. Game rooms, meeting rooms, music or craft rooms.

2. Congregate Dining Facilities. Complexes with or without kitchen facilities in each unit may include congregate dining facilities providing regular daily meals for residents. Areas used as congregate dining areas may be applied to the minimum community space requirements.

D. Laundry and Storage. A minimum of 10 square feet of general storage area (80 cu.ft.) other than regular kitchen, bedroom and linen storage shall be provided within each unit. Complexes which do not include laundry facilities in the units shall have adequate laundry facilities accessible to all tenants.

- E. Design Standards. The design of the building and the site and landscaping plans shall be subject to review. Special considerations for this use may include, but are not limited to:
1. Compatibility in style, color, materials, and scale with the general character of the neighborhood.
  2. Defining semi-public, semi-private and private spaces.
  3. Minimizing barriers to handicapped or elderly persons.
  4. Security and protection for residents.
- F. Landscaping Requirements. A minimum of 25% of the site shall be landscaped.
- G. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

4.500 PLANNED DEVELOPMENT

PD

4.510 Purpose. The purpose of Planned Development is to provide more flexibility in the development of land; to encourage variety and creativity in the development pattern of the community; to conserve natural land features; to facilitate aesthetic and efficient use of open space; to create public and private open space; to encourage the application of new techniques and new technology to community development which contribute to superior living or development patterns; to use land efficiently in order to reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; and to relate development to the natural environment and its users.

4.511 Permitted Uses.

A. For Residential Districts.

1. Uses permitted in the underlying district.
2. Housing concepts may include but are not limited to single family residences, duplexes, row houses, townhouses, cluster units, multiple family dwellings, or mobile homes.
3. Related commercial uses as part of the development.
4. Related community service uses designed to serve the development.
5. Accessory buildings and uses.

B. For Commercial and Industrial Districts.

1. Uses permitted in the underlying district.
2. Community service uses.
3. Other uses approved as part of the General Plan.
4. Accessory buildings and uses.

4.512 Areas Of Application.

A. Commercial, Industrial and Residential. The Planned Development process may be applied in any zone to all commercial and industrial uses, and all residential uses for site-constructed housing, subject to requirements of the underlying district, the land division regulations and Section 4.911.

B. Manufactured Homes. The Planned Development process may also be applied to mobile home subdivisions in the R-5 and R-4 residential districts, subject to the requirements of the underlying district, and this code.



#### 4.513 Dimensional Standards.

- A. Lot Width, Depth and Frontage Requirements. Minimum lot size, width, depth and frontage requirements for lots in a Planned Development may be less than the minimums specified in the underlying district if in accordance with the approved General Plan and the density standards of this Section.
- B. Minimum Site Size. A Planned Development shall be established on a parcel of land that is suitable for the proposed development and 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 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.

#### 4.514 General Requirements.

- A. Compatibility With Neighborhood.
1. The Planned Development shall present an organized arrangement of buildings, facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to insure compatibility with the Comprehensive Plan and the area in which it is to be located.
  2. Peripheral yards of a Planned Development 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.
- B. Open Space.
1. Open space in a Planned Development means the land area to be used for scenic, landscaping or open recreational purposes within the development. It shall not include street rights-of-way, driveways or open parking areas.
  2. Open space shall be provided for the recreational and leisure use of the individuals occupying the Planned Development and designed to enhance the present and future value of the development.
  3. To the maximum extent possible, natural features of the land shall be preserved and landscaping provided.
  4. 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.

5. 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.
6. 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, the City may at its option cause such maintenance to be done and assess the costs to the affected property owners.

C. Residential Density.

1. In a residential Planned Development, the density permitted is the same as that of the underlying district or districts. In a mixed-use Planned Development, the number of allowable units is based on net residential area. The net residential area for a Planned Development shall be calculated by taking the total area of the development less streets, commercial, industrial, community service, and other non-residential uses. Recreational trails, streets, open space, etc., shall be included in the net residential area. The number of dwelling units permitted in a PD shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts. In a CC district, R-5 and R-4 densities shall be permitted; in a GC, CBD, LI or GI district, R-5, R-4 and A-2 densities shall be permitted where limited residential use is determined to be appropriate by the Planning Commission.
2. Greenways, streams, and steep topography areas will be counted as contributing to the density only to the extent that it can be shown, through a Planning Commission review, that a typical development could be accommodated on the site with realistic street configuration, grades and standard lot sizes. The number of dwellings yielded from such a tentative subdivision review process shall be used as a base in determining the overall density for the site.
3. An increase of up to 25% in the number of dwelling units may be permitted upon a finding by the Planning Commission that such increased density will contribute to:
  - a. Satisfaction of the need for additional urban area housing of the type proposed;
  - b. The provision of housing which is convenient to commercial, employment and community services and opportunities;

- c. The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;
- d. The conservation of energy;
- e. The efficient use of transportation facilities; and
- f. The effective use of land and of available utilities and facilities.

D. Staging.

- 1. The applicant may elect to develop the site in successive stages in a manner indicated in the General Plan. Each such stage shall be substantially complete within itself.
- 2. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

4.515 Procedure. An application for a Planned Development shall be a Type IV quasi-judicial procedure.

4.516 Approval Criteria. An application may be approved, approved with conditions or denied based upon substantial conformance with the following criteria:

- A. The proposed development complies with the Comprehensive Land Use Plan and is compatible with the surrounding area or its proposed future use.
- B. That exceptions from the standards of the underlying district are warranted by the design and amenities such as usable common open space, cluster development, etc.
- C. That the proposal, either through the formation of a homeowners' association or through its design and amenity features, can reduce the public cost for the same level of facilities (streets, sewers and storm sewers) and services (police and fire protection) as required by the standards of the underlying district or that it allows for the rational extension of public facilities and services.
- D. That the proposed development can be substantially completed within four (4) years following approval.

4.517 Planned Development Process Outline.

- A. Pre-Application Conference.
- B. Submittal of Tentative Plan
  - 1. Tentative Plan Sketch
  - 2. Program Narrative

- c. The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;
- d. The conservation of energy;
- e. The efficient use of transportation facilities; and
- f. The effective use of land and of available utilities and facilities.

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- A. Pre-Application Conference.
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  - 2. Program Narrative

3. Supplemental Data
  4. Payment of Fees
  5. Submission of property ownership list
- C. Acceptance of application or return for completion of supplemental data.
  - D. Review of tentative plan by Director, staff and affected agencies.
  - E. Referral to Planning Commission with staff recommendations.
  - F. Recommended approval, approval with conditions or denial by Planning Commission at a scheduled public hearing.
  - G. Submission of Tentative Plan and Program to City Council with recommended action.
  - H. Submission of General Plan and Program. Review by staff to check for compliance with Tentative Plan approval and any conditions required.
  - I. Referral to Planning Commission with staff recommendations.
  - J. Recommended approval or approval with modifications/-conditions by Planning Commission at a scheduled public hearing.
  - K. Submission of General Plan and Program to City Council for action.
  - L. Submission of Final Plan and Program to Planning Division for review of compliance with approved General Plan.
  - M. Subdivision of property and dedication of streets, if necessary.
  - N. Recordation of public site dedications, development rights, prior to issuance of any building permits.

4.518 Pre-Application Conference. Pursuant to Section 2.030 prior to submission of a tentative plan the proponent shall request the Director to arrange a pre-application conference unless the Director finds that a conference is not needed. The proponent shall submit to the Director a tentative sketch of the proposed development. The sketch shall be drawn to scale which shall be noted on the plan. The following information shall be provided:

- A. Names and rights-of-way widths of all streets within 150' of the proposed development.
- B. Scale of drawing, north arrow and date; a scale of one inch equals one hundred feet is preferred.
- C. Proposed land uses and number of units by type of units.

- D. Natural features (such as trees, streams, and rock outcroppings).
- E. Approximate size of lots, if a land division is involved.
- F. Proposed street pattern, with rights-of-way widths.
- G. All contiguous holdings of the owner including land in the "same ownership", with an indication of the portion which is proposed to be divided.

4.519 Tentative Plan.

A. Submission Requirements

The proponent shall submit an application with applicable fees to the Planning Commission for approval in principal. The Tentative Plan shall consist of twenty (20) copies of all plans, maps and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description.

B. Procedures.

1. The Planning Commission shall review the Tentative Plan at a regular meeting and may recommend approval, approval with modifications or denial of the application. Such recommendation shall be based upon the Comprehensive Plan, this code, other regulations and the suitability of the proposed development in relation to the character of the area.
2. The City Council shall consider the Tentative Plan and Program at a public hearing and take action based upon action recommended by the Planning Commission.
3. Approval of the Tentative Plan shall be limited to the tentative acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse precise location of uses nor engineering feasibility.
4. Tentative Plan Expiration Date. Within one year following the effective date of approval of a tentative plan, the General Plan and Program shall be submitted pursuant to Section 2.050 and shall incorporate any modification or condition required by approval of the tentative plan. The Director may, upon written request by the subdivider, grant an extension of the expiration date of up to six months upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan and after finding that no other development approval would be affected.

C. Submission Materials. The Tentative Plan need not be a finished drawing, but it should present all relevant graphic data, drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet. The information shall include, but is not limited to, the following:

1. Proposed land uses and residential densities;
2. Building types and locations;
3. Means of access, circulation and parking;
4. Parks, playgrounds, paths and open spaces;
5. Site analysis diagram.
6. Land division plan if the land is to be divided.
7. Applicant's statement of the goals and objectives of the planned development;
8. Proposed ownership pattern;
9. Operation and maintenance proposal, i.e. homeowners association, co-op or other similar organization;
10. Tables showing overall density of any proposed residential development with density of dwelling types and intensity of any commercial, industrial or other employment-related uses;
11. Applicant's statement of how the proposed planned development complies with the applicable Comprehensive Plan policies;
12. Applicant's demonstration of substantial contractual interest in the land;
13. That adequate financing can be demonstrated to be available to the applicant to assure substantial completion of the proposal.
14. That the proposal incorporate a commitment to provide a legal instrument or instruments acceptable to the City setting forth a plan for the permanent care and maintenance of common space, including streets and greenways, recreational areas, and all community owned facilities.
15. General timetable of development.

#### 4.520 General Plan and Program.

A. Procedure. After receiving approval of the Tentative Plan, the applicant shall have a General Plan and Program prepared. Upon receipt of the petition accompanied by the

General Plan, the Planning Commission shall hold another public hearing.

B. General Information. The General Plan shall contain the following elements:

1. The General Plan shall be in conformance with the approved Tentative Plan.
2. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.
3. 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 five hundred (500) feet of the boundaries of the development.
4. Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
5. Proposed sewers or other disposal facilities, water mains and other underground utilities.
6. A tentative subdivision plan if the property is proposed to be divided.
7. A land use plan indicating the uses planned for the development.
8. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, schools sites, public buildings or other uses dedicated or reserved to the public, if any.
9. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
10. A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
11. Location and dimensions of pedestrian walk-ways, malls, trails or easements.
12. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking, if any.
13. Location, arrangement and dimensions of truck loading and unloading spaces and docks, if any.
14. Tentative architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units, if applicable.



15. A tentative tree planting and landscaping plan including areas of ground cover and approximate finished grades, slopes, banks and ditches. All existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
  16. The approximate locations, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.
  17. The stages, if any, of the development construction. Such stages shall be clearly marked on the General Development Plan.
  18. Narrative statement of the goals and objectives of the Planned Development.
  19. A completed market analysis, if required by the Planning Commission.
  20. Evidence of resources available to develop the project.
  21. Tables showing the total number of acres, the distribution of area by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.
  22. Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
  23. 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.
- B. Approval of General Plan and Program. The City Council may approve the General Plan with or without modifications as recommended by the Planning Commission.
- C. Expiration. If substantial construction or development, as determined by the Director, has not taken place within four (4) years from the date of approval of the General Plan, the Planning Commission shall review the Planned Development permit 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 remove the Planned Development designation on the subject.

4.521 Final Plan. Following approval of the General Plan by the City Council, the applicant shall prepare a Final Plan which shall be submitted to the Planning Division to check for compliance with the approved General Plan.

- A. If the Final Plan is found to be in compliance, it shall be so certified by the Planning Division. The final plat with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the Final Plan shall be recorded at Multnomah County Deed Records.
- B. Land division regulations shall be met if the property is to be divided or streets are to be dedicated.
- C. 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.
- D. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Division prior to the issuance of any building permit.
- E. An approved Planned Development (PD) shall be identified on the Zoning Districts Map in addition to the existing underlying district. For example, if a PD is approved in an area zoned R-10, the symbol identifying the PD area shall be shown as R-10 (PD) on the Zoning Districts Map.

4.522 Changes And Modifications.

- A. Major Changes. Major changes in the General Plan after adoption shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.
- B. Minor Changes.
  - 1. Minor changes in the General Plan may be approved by the Director, provided that such changes:
    - a. Do not increase the residential densities.
    - b. Do not change boundaries.
    - c. Do not change any use.
    - d. Do not change the location or amount of land devoted to specific land uses.
  - 2. Such changes may include minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks, public open spaces, or other features of the plan.

4.523 Application of Development Standards.

A. Conflict of Planned Development Standards and Zoning District Standards.

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

## CHAPTER 5 OTHER ISSUES AND PROCEDURES

### 5.000 OTHER PERMIT AND ISSUE DETERMINATIONS

#### 5.010 Accessory Structures In Required Yards.

##### A. Building Permit Required.

B. Regulatory Requirements. No accessory structure shall be erected or maintained and no existing accessory structure shall be structurally altered, converted, enlarged, moved or maintained unless such accessory structure is located on the lot in conformance with the following:

1. Accessory structures shall comply with the setback requirements for the main building except where specifically modified by this section.
2. No accessory structure shall be located in a required front yard or side yard setback.
3. No accessory structure shall encroach on an easement of record.
4. An accessory structure may be constructed as close as three feet to rear property line provided that there are no easements of record.
5. An accessory structure on a corner lot shall meet a minimum street side yard setback of ten (10) feet except for private vehicle storage. Accessory structures for private vehicle storage which have an entrance from the street side yard shall have a minimum street side yard setback of twenty (20) feet.
6. Accessory structures shall not exceed 50% of the required rear yard.
7. No single accessory structure may exceed 1000 sq. ft. in area.
8. No detached accessory structure shall exceed a maximum height of 12 feet.
9. For purposes of these regulations solariums, greenhouses, garages or other enclosed areas which are attached to the residential structure shall not be considered accessory.

#### 5.020 Exceptions to Yard Requirements.

- A. Established building lines. If a previous building line has been established, the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required setback. Corner lots

shall not be included in the averaging.

B. Projecting Building Features. The following building features may project into required yards, as listed below, but in no case shall any projection encroach on to a recorded easement:

1. Architectural appendages, including but not limited to bay windows, planters, awnings, eaves or other similar features may project into front and rear yard setbacks no more than five (5) feet and into side yard setbacks no more than two and one-half (2-1/2) feet.
2. Unroofed landings and stairs may project into required front and rear yard setbacks no more than five (5) feet.
3. Open fire escapes may project into required front and rear yard setbacks no more than five (5) and into side yard setbacks no more than 2 and one-half (2-1/2) feet.
4. Chimneys shall not project more than two and one-half (2-1/2) feet into any required yard.

5.030 Vertical Projections. Except as provided in the ALF district, height limitations shall not apply to the following: projections extending vertically from buildings and used, such as penthouses or roof structures, for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, windmills, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials, water tanks, or similar structures. No penthouse or roof structure or any space above the height limitation shall be allowed for the purpose of providing additional floor space. Such structures shall be located at least twenty (20) feet from any property line.

5.040 Clear Vision Areas.

- A. A clear vision area shall be maintained on each corner of property adjacent to the intersection of two streets, a street and a railroad, and on driveways providing vehicular access to a public way, excluding alleys.
- B. On all corner lots, no vehicle, fence, wall, hedge, or other planting or structure (temporary or permanent) shall be parked, erected, planted, placed, located or maintained above three (3) feet in height measured from the top of the curb or, where no curb exists, from the established street center line grade of the intersecting streets, except for occasional tree trunks or poles, so as to impede visibility within the sight triangle as defined and illustrated in Figure 5.040 (a).

- C. Service drives to public streets shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points twenty feet from their intersection (See Figure 5.040 (b)). No obstruction over twenty-four inches in height that has a cross section over twelve inches shall be permitted in such areas.
- D. Buildings and uses in existence at time of passage of this code are considered nonconforming and may continue as specified in Section 5.300.
- E. The foregoing provisions shall not apply to the following:
1. A public utility pole, signal pole, light pole, or other utility appurtenances.
  2. A tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection.
  3. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view.
  4. A supporting member or appurtenance to a permanent building lawfully existing on the date this document becomes effective.
  5. An official warning sign or signal.
  6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
  7. A sign mounted ten feet or more above the ground with supports that do not encroach on the clear-vision area.
  8. A signalized intersection.
- F. A clear vision area shall consist of a triangular area two sides of which are lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides (see Figures 5.040 (a) & 5.040 (c)).
- G. For driveways which provide vehicular access to a public way, the clear vision area shall be a triangle with its base measured parallel to the public way for 20 feet in both directions from the center of the driveway and the other sides extending toward the apex of the triangle in the center of the driveway where the required front yard setback ends (see Figure 5.040 (b)). Nothing in the areas

formed by the public right-of-way and the sides of this triangle shall exceed three feet in height above the center line of the public way.

H. Measurements for the clear vision area shall be as follows:

<u>Measurement</u>	<u>Each lot line</u>
<u>Right-of-way Width</u>	
80 feet	10 feet
60 feet or less	20 feet

I. Any obstruction maintained in violation of this section shall be abated pursuant to Chapter 17.

### 5.050 Fences And Windscreens.

A. Fences - Residential.

1. Fences on all property. All fences, except those under three (3) feet in height, require a development permit.
2. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersection streets, shall not exceed three (3) feet in height within the clear vision area.
3. Fences in a required front yard. The height of a fence or retaining wall in a required front yard shall not exceed three (3) feet six (6) inches.
4. Fences - Side and Rear Yards. The height of a fence or retaining wall in a required side street, side or rear yard shall not exceed six feet.
5. Sight-Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Trees separated by at least fifteen (15) feet apart may grow to any height.

B. Fences - Commercial/Industrial.

1. Fences on all property. All fences, except those under three (3) feet in height, require a development permit.
2. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersection streets, shall not exceed three (3) feet in height within the clear vision area.

3. Fences in a required front yard. The height of a fence or retaining wall in a required front yard shall not exceed three (3) feet six (6) inches.
4. Fences - Side and Rear Yards. The height of a fence or retaining wall in a required side street, side or rear yard or adjacent to a side or rear property line shall not exceed eight (8) feet.
5. Sight-Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Trees separated by at least fifteen (15) feet apart may grow to any height.

C. Fence Regulations For Recreational Areas. Any recreational court may be enclosed by a wire fence not exceeding twelve feet in height provided that no part of the court fence is within twenty feet of any street.

D. Fence Regulations for Swimming Pool/Hot Tub Areas. A swimming pool, hot tub or other man-made outside body of water, which has a depth greater than eighteen (18) inches shall be enclosed with a fence not less than four feet and not more than six feet in height. The fence shall not have any openings, holes or gaps larger than three inches square, except for doors or gates. The fence gates shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.

E. Wire Fences.

1. Barbed wire fencing may be permitted for agricultural, community service, commercial or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of six feet above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed eight (8) feet.
2. No electrically charged or sharp pointed fencing (other than barbed wire fencing) shall be constructed or maintained within the city limits.

F. Windscreens. A windscreen, used to reduce the wind velocity at exterior doors, may be constructed on the north or east side of a residential building only. The screen shall not exceed six (6) feet in height nor extend more than eight (8) feet into a required front yard setback area. Windscreens require a development permit.

5.060 Decks.

A. Decks twelve (12) inches to thirty (30) inches in elevation require a development permit to insure that no encroachment onto easements of record, violation of required setbacks or violation of other provisions of this code occur.



B. Decks greater than thirty (30) inches in height require a building permit for structural review and development review to insure that no encroachment onto easements of record, violation of required setbacks or violations of other provisions of this code occur.

5.070 Temporary Structures. Temporary structures in connection with the building or sale of dwellings and land, construction of industrial or commercial facilities, and street side sales may be permitted, provided a temporary permit is first obtained under the Type I procedure for a period not to exceed one year. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

5.080 Agricultural Use Permitted. Agricultural uses shall be permitted as an interim use under the Type I procedure on parcels one acre in size or larger.

5.100 HOME OCCUPATION IN A RESIDENTIAL DISTRICT

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5.110 Purpose: The purpose of this section is to provide for occupations in residential districts in a manner that will ensure that they are utilized only as accessory uses incidental to the primary residential use of the premises upon which they are located. A home occupation permit may be granted under the Type I procedure, provided the use is not inconsistent with or disruptive to the normal residential usage of the premises, will not cause external effects which are detrimental to neighboring properties; or is compatible with the characteristics of the residential district. Special regulations govern home occupations which provide care for children, physically or mentally handicapped persons and elderly persons.

5.120 General Requirements for All Home Occupations.

- A. There shall be no exterior indication of the home occupation; no exterior signs shall be used; no on-site advertising visible from the exterior shall be used which informs the public of the address of the home occupation.
- B. No home occupation shall be permitted which is objectionable due to noise, smoke, dust, odor, glare, traffic attraction, vibration or other disturbing influences greater than that of other residential properties in the vicinity.

5.130 Operational standards - Businesses. Business home occupations shall be limited to those activities which are customarily carried on within a dwelling or accessory structure, and which are operated entirely within a building by a member of the family residing in the dwelling unit as a clearly secondary and incidental use of such property. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. No nonresidential employees or any persons other than members of the family residing within the dwelling shall engage in a home occupation therein.
- B. Customer and client contact shall be primarily by telephone, mail or in their homes and places of business and not on the premises of the home occupation. No sale of merchandise shall be made on the premises.
- C. The scale of the operation shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for handicapped or retired person; or as a starter operation for a limited period only until its size of other characteristics compel relocation to an appropriate non-residential district.
- D. No more than 25% of the gross floor area of the main building shall be used for the home occupation.

E. Must comply with all other City, County and State requirements and Sections 5.120 & 5.130.

5.140 Operational Standards - Certified Group Day Care. A certified day care facility (as defined in OAR 412-10-700 [13]) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide care for no more than twelve children.
- B. Be located in a building constructed as a single family dwelling.
- C. Be licensed by Childrens Services Division as a day care provider.
- D. Comply with all other applicable City, County and State standards (ORS 418.805-428.990 and OAR 412-10-700-776) and Sections 5.120 & 5.130.

5.150 Operational Standards - Family Day Care Provider. A family day care facility (as defined in ORS 418.805 [5]) may be established in any residential zone. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide care in the provider's home in the family living quarters for six or fewer children full-time, with up to four additional full or part-time children when school is not in session during the regular school year.
- B. During the summer when school is not in session, have no more than four additional part-time children of any age in care.
- C. The four additional children shall be in care no more than four hours per day.
- D. There shall be no more than ten children at any given time, including the provider's children.
- E. Comply with all other applicable City, County and State requirements (OAR 418.805-885) and Sections 5.120 & 5.130.

5.160 Operational Standards - Licensed Adult Foster Home. An adult foster home (as defined in ORS 443.705) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide care for five or fewer adults who are not related to the provider by blood or marriage, with exclusions as noted in ORS 443.715.
- B. Comply with all other applicable County and State standards (ORS 443.705-443.825) and Sections 5.120 & 5.130.

5.170 Operational Standards - Residential Home. A residential home (as defined in ORS 443.580) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide residential care for five or fewer unrelated physically or mentally handicapped persons.
- B. May include residential space for staff persons who are not related to each other or to any other home resident.
- C. Comply with all other applicable City, County and State requirements (ORS 443.580-443.600) and Sections 5.120 & 5.130.

5.180 Operational Standards - Residential Facility. A residential facility (as defined in ORS 443.510) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide care in a residential facility for eleven or fewer unrelated physically or mentally handicapped persons or elderly persons.
- B. Staff members may not exceed two in number. These staff members need not be related to each other or to any other facility resident.
- C. Be authorized by the Planning Commission through a Conditional Use Permit.
- D. Comply with all other applicable County and State standards (ORS 443.510-443.550) and Sections 5.120 & 5.130.

5.190 Operations Standards - Residential Care Facility. A residential care facility (as defined in ORS (As defined in ORS 433.400 (5))) may be established in any medium density residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide residential care for six or more physically handicapped or socially dependent individuals in one or more buildings on contiguous properties.
- B. Be authorized by the Planning Commission through a Conditional Use Permit.
- C. Comply with all other applicable County and State standards (ORS 443.400-443.455) and Sections 5.120 & 5.130.

5.200 Establishing and Maintaining a Home Occupation.

- A. Issuance of Home Occupation Permit/Business License. No business licenses shall be approved by the Director until

the applicant has received favorable approval, as indicated by signatures on the authorized application, of owners or contract purchasers of not less than seventy-five percent of all property in the area bounded by lines one hundred and fifty feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval.

B. If, in the opinion of the applicant, the Director has acted arbitrarily or capriciously in withholding or revoking a permit for a home occupation, the applicant may request an interpretation of the ordinance by the Planning Commission. In such cases, the dwelling to be used for home occupation shall be open for inspection to the staff or Planning Commission on any day between eight a.m. and ten p.m. during the review of the decision.

C. The City shall not issue a business license until the home occupation is approved by the Director.

5.210 Revocation/Expiration. Home occupation permits are renewed annually in conjunction with business licenses. Permits for home occupations may be revoked at any time for noncompliance with the provisions of this code.

## 5.300 NONCONFORMING USES

5.310 Use of a Development. A development may be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged and intended, or which is nonconforming.

5.320 Continuation of a Nonconforming Development or Use. Except as otherwise provided in this section, a nonconforming development or use may continue but shall be changed, while continuing to be nonconforming, only as authorized by this section.

A. A development that is nonconforming because of failure to comply with a requirement of this code may be altered or extended if the Director finds that the alteration or extension will not increase the degree of noncompliance and the development is not a land division that is nonconforming because of a public facility deficiency. A land division that is nonconforming because of a public facility deficiency may have further development upon meeting the other requirements of this code and after provisions have been made to correct the public facility deficiency or to assure that the applicant will meet the appropriate share of responsibility for correcting the deficiency when the correction takes place.

B. With the approval of the Planning Commission, under a Type III procedure, a nonconforming development or use may be changed, provided the maximum extent of special relief granted is as follows:

1. The floor area of a building shall not be increased by more than 20 percent.
2. The land area covered by structures shall not be increased by more than 10 percent.
3. The standard requirement for land area or width or length of a lot or parcel shall not be reduced by more than 10 percent.

C. The entire contiguous ownership of land shall be considered as a single parcel for determination of nonconformance as a consideration for approval of any further development. A record of separate lot or parcel boundaries shall be disregarded.

5.330 Completion of a Nonconforming Development or Use.

A. A development that is lawfully under construction on the date this code is adopted may be completed even though not in compliance with this code. The development is then nonconforming and may be used for the purpose for which it was designed, arranged and intended. If such use would not otherwise be authorized in the location, the use is then nonconforming.

- B. Proposals under review on the effective date of this code that will not result in the creation of a nonconforming development may have the decision on the proposal completed under the procedures required prior to the effective date of this code.

5.340 Termination of a Nonconforming Development or Use. A nonconforming development or use shall terminate under the following conditions:

- A. When the use has been discontinued for a period of twelve months as shown by such information as expiration of business license, discontinuation of water or electric services and similar indications of use or occupancy.
- B. When the structure which is nonconforming has been destroyed to an extent exceeding 80 percent of its fair market value as indicated by the records of the Multnomah County Assessor.
- C. When it is a sign pertaining to a business product or service and thirty days have transpired since the business product or service has been offered to the public at the location of the sign.

5.500 SOLAR ACCESS - NEW DEVELOPMENT

SA

5.510 Purpose. The purpose of the solar access section for new development is to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

5.511 Applicability. The solar standard in Section 5.512 shall apply to applications for a development to create lots in R20, R10, R7, R5, and R4 zoning districts and for single family detached dwelling in any zone, except to the extent the City finds that the applicant has shown one or more of the conditions listed in Section 5.513-5.514 exist, and exemptions or adjustments provided for therein are warranted.

5.512 Design Standard. At least 80 percent of the lots in a development subject to these regulations shall comply with one or more of the options in this section; provided, a development may, but is not required to, use the options in subsections B or C to comply with Section 5.512.

A. Basic Requirement (see Figure 5.500 (i)). A lot complies with Section 5.512 if it:

1. Has a north-south dimension of 90 feet or more; and
2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.

B. Protected Solar Building Line Option (see Figure 5.500 (j)). In the alternative, a lot complies with 5.512 if a solar building line is used to protect solar access as follows:

1. A protected solar building line is designated on the plat, or documents recorded with the plat; and
2. The protected solar building line is oriented within 30 degrees of a true east-west axis; and
3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.

C. Performance Option. In the alternative, a lot complies with Section 5.512 if:

1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true



east-west axis and at least 80% of their ground floor south wall will be protected from shade by structures and non-exempt trees using appropriate deed restriction; or

2. Habitable structures built on that lot will orient at least 32% of their glazing and at least 500 square feet of their roof area to face within 30 degrees east or west of true south, and that glazing and roof area are protected from shade by structures and non-exempt trees using appropriate deed restrictions.

5.513 Exemptions from Design Standard. A development is exempt from Section 5.512 if the Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Section 5.512 if the Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Section 5.512.

A. Slopes. The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.

B. Off-site shade. The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.

1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.

4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

C. On-Site shade. The site, or a portion of the site for which the exemption is requested, is:

1. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or

2. Contains non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80% of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50% of the crown cover that causes the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The City shall be made a party of any covenant or restriction created to enforce any provision of this section. The covenant or restriction shall not be amended without written City approval.

D. Completion of phased subdivision. The site is part of a phased subdivision none of which was subject to the regulations for solar access in new developments and the site and the remainder of the unplatted portion of the phased subdivision contain no more than 20 percent of the lots in all phases of the subdivision.

5.514 Adjustments to Design Standard. The Director shall reduce the percentage of lots that must comply with Section 5.512 to the minimum extent necessary if it finds the applicant has shown it would cause or is subject to one or more of the following conditions.

A. Adverse impacts on Density and Cost or Amenities.

1. If the design standard in Section 5.512A is applied, either the resulting density is less than that proposed, or on-site development costs (e.g. grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Section 5.512A would reduce density or increase per lot costs in this manner. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.

- a. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by a professional land surveyor or USGS or other officially recognized topographic information.
  - b. There is a significant natural feature on the site, identified as such in the Comprehensive Plan, Parks Plan or Development Code, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.
  - c. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
  - d. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.
2. If the design standard in Section 5.512A applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Section 5.512A is relevant to whether a significant development amenity is lost or impaired.

The following amenities qualify for this adjustment:

Access to public parks, greenway or dedicated open space or other items similar in nature.

- B. Impacts of Existing Shade. The shadow pattern from non-exempt trees cover over at least 80% of the lot and at least 50% of the shadow pattern will remain after development of the lot. The applicant can show the shadow pattern using a scaled survey of non-exempt trees on the site or using an aerial photograph.
1. Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and they do not need to be removed for a driveway or other development.

2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

5.515 Protection from Future Shade. Structures and non-exempt vegetation must comply with the Solar Balance Point Regulations, Section 5.520-5.529 on all lots in a development subject to the Solar Access regulations for new development, including lots for which exemptions or adjustments to the solar access ordinance for new development have been granted.

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Section 5.515. The City shall be made a party of any covenant or restriction created to enforce any provision of this code. The covenant or restriction shall not be amended without written City approval.

5.516 Application. An application for approval of a development subject to this code shall include:

A. Maps and text sufficient to show the development complies with the solar design standard of Section 5.512, except for lots for which an exemption or adjustment from Section 5.512, is requested, including at least:

1. The north-south lot dimension and front lot line orientation of each proposed lot.
2. Protected solar building lines and relevant building site restrictions, if applicable.
3. For the purpose of identifying trees exempt from Section 5.515, a map showing existing trees at least 30 feet tall and over 6 inches diameter at a point 4 feet above grade, indicating their height, diameter and species, and stating that they are to be retained and are exempt.
4. Copies of all private restrictions relating to solar access.

B. If an exemption or adjustment to Section 5.512 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Section 5.513-714, respectively.

5.520 SOLAR BALANCE POINT (INFILL) STANDARDS

5.521 Purpose. The purpose of this section is to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and where applicable, to minimize

shading of structures by trees. Decisions related to this ordinance are intended to be ministerial.

5.522 Applicability. This section applies to an application for a building permit for all structures in R20, R10, R7, R5, and R4 and all single family detached structures in any zone, except to the extent the Director finds the applicant has shown that one or more of the conditions listed in Section 5.525 or 5.526 exists, and exemptions or adjustments provided for there are warranted. In addition, non-exempt vegetation planted on lots subjects to the provisions of Section 5.517 of the Solar Access Requirements for New development shall comply with the shade point height standards as provided in Sections 5.524-5.525.

5.523 Solar Site Plan required. An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows:

- A. The maximum shade point height allowed under Section 5.524;
- B. If the maximum shade point height is adjusted pursuant to Section 5.526 the average elevation of the rear property line;
- C. The location of the shade point, its height relative to the average elevation of the front lot line or the elevation at the midpoint of the front lot line, and its orientation relative to true south; and, if applicable,
- D. The solar balance point for the structure as provided in Section 5.528.

5.524 Maximum Shade Point Height Standard. The height of the shade point shall comply with either A or B below .

- A. Basic Requirement. The height of the shade point shall be less than or equal to the height specified in Table A or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary interpolate between the 5 foot dimensions listed in Table A.

$$H = \frac{(2 \times \text{SRL}) - N + 150}{5}$$

- Where: H = the maximum allowed height of the shade point (see Figure 5.500 (d) and 5.500 (e);
- SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 5.500 (f); and
- N = the north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.

5.300 NONCONFORMING USES

5.310 Use of a Development. A development may be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged and intended, or which is nonconforming.

5.320 Continuation of a Nonconforming Development or Use. Except as otherwise provided in this section, a nonconforming development or use may continue but shall be changed, while continuing to be nonconforming, only as authorized by this section.

A. A development that is nonconforming because of failure to comply with a requirement of this code may be altered or extended if the Director finds that the alteration or extension will not increase the degree of noncompliance and the development is not a land division that is nonconforming because of a public facility deficiency. A land division that is nonconforming because of a public facility deficiency may have further development upon meeting the other requirements of this code and after provisions have been made to correct the public facility deficiency or to assure that the applicant will meet the appropriate share of responsibility for correcting the deficiency when the correction takes place.

B. With the approval of the Planning Commission, under a Type III procedure, a nonconforming development or use may be changed, provided the maximum extent of special relief granted is as follows:

1. The floor area of a building shall not be increased by more than 20 percent.
2. The land area covered by structures shall not be increased by more than 10 percent.
3. The standard requirement for land area or width or length of a lot or parcel shall not be reduced by more than 10 percent.

C. The entire contiguous ownership of land shall be considered as a single parcel for determination of nonconformance as a consideration for approval of any further development. A record of separate lot or parcel boundaries shall be disregarded.

5.330 Completion of a Nonconforming Development or Use.

A. A development that is lawfully under construction on the date this code is adopted may be completed even though not in compliance with this code. The development is then nonconforming and may be used for the purpose for which it was designed, arranged and intended. If such use would not otherwise be authorized in the location, the use is then nonconforming.

- B. Proposals under review on the effective date of this code that will not result in the creation of a nonconforming development may have the decision on the proposal completed under the procedures required prior to the effective date of this code.

5.340 Termination of a Nonconforming Development or Use. A nonconforming development or use shall terminate under the following conditions:

- A. When the use has been discontinued for a period of twelve months as shown by such information as expiration of business license, discontinuation of water or electric services and similar indications of use or occupancy.
- B. When the structure which is nonconforming has been destroyed to an extent exceeding 80 percent of its fair market value as indicated by the records of the Multnomah County Assessor.
- C. When it is a sign pertaining to a business product or service and thirty days have transpired since the business product or service has been offered to the public at the location of the sign.

5.500 SOLAR ACCESS - NEW DEVELOPMENT

SA

5.510 Purpose. The purpose of the solar access section for new development is to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

5.511 Applicability. The solar standard in Section 5.512 shall apply to applications for a development to create lots in R20, R10, R7, R5, and R4 zoning districts and for single family detached dwelling in any zone, except to the extent the City finds that the applicant has shown one or more of the conditions listed in Section 5.513-5.514 exist, and exemptions or adjustments provided for therein are warranted.

5.512 Design Standard. At least 80 percent of the lots in a development subject to these regulations shall comply with one or more of the options in this section; provided, a development may, but is not required to, use the options in subsections B or C to comply with Section 5.512.

A. Basic Requirement (see Figure 5.500 (i)). A lot complies with Section 5.512 if it:

1. Has a north-south dimension of 90 feet or more; and
2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.

B. Protected Solar Building Line Option (see Figure 5.500 (j)). In the alternative, a lot complies with 5.512 if a solar building line is used to protect solar access as follows:

1. A protected solar building line is designated on the plat, or documents recorded with the plat; and
2. The protected solar building line is oriented within 30 degrees of a true east-west axis; and
3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.

C. Performance Option. In the alternative, a lot complies with Section 5.512 if:

1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true



east-west axis and at least 80% of their ground floor south wall will be protected from shade by structures and non-exempt trees using appropriate deed restriction; or

2. Habitable structures built on that lot will orient at least 32% of their glazing and at least 500 square feet of their roof area to face within 30 degrees east or west of true south, and that glazing and roof area are protected from shade by structures and non-exempt trees using appropriate deed restrictions.

5.513 Exemptions from Design Standard. A development is exempt from Section 5.512 if the Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Section 5.512 if the Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Section 5.512.

- A. Slopes. The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.
- B. Off-site shade. The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.
  1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
  2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
  3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.

4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

C. On-Site shade. The site, or a portion of the site for which the exemption is requested, is:

1. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or

2. Contains non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80% of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50% of the crown cover that causes the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The City shall be made a party of any covenant or restriction created to enforce any provision of this section. The covenant or restriction shall not be amended without written City approval.

D. Completion of phased subdivision. The site is part of a phased subdivision none of which was subject to the regulations for solar access in new developments and the site and the remainder of the unplatted portion of the phased subdivision contain no more than 20 percent of the lots in all phases of the subdivision.

5.514 Adjustments to Design Standard. The Director shall reduce the percentage of lots that must comply with Section 5.512 to the minimum extent necessary if it finds the applicant has shown it would cause or is subject to one or more of the following conditions.

A. Adverse impacts on Density and Cost or Amenities.

1. If the design standard in Section 5.512A is applied, either the resulting density is less than that proposed, or on-site development costs (e.g. grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Section 5.512A would reduce density or increase per lot costs in this manner. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.

- a. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by a professional land surveyor or USGS or other officially recognized topographic information.
  - b. There is a significant natural feature on the site, identified as such in the Comprehensive Plan, Parks Plan or Development Code, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.
  - c. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
  - d. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.
2. If the design standard in Section 5.512A applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Section 5.512A is relevant to whether a significant development amenity is lost or impaired.

The following amenities qualify for this adjustment:

Access to public parks, greenway or dedicated open space or other items similar in nature.

- B. Impacts of Existing Shade. The shadow pattern from non-exempt trees cover over at least 80% of the lot and at least 50% of the shadow pattern will remain after development of the lot. The applicant can show the shadow pattern using a scaled survey of non-exempt trees on the site or using an aerial photograph.
1. Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and they do not need to be removed for a driveway or other development.

2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

5.515 Protection from Future Shade. Structures and non-exempt vegetation must comply with the Solar Balance Point Regulations, Section 5.520-5.529 on all lots in a development subject to the Solar Access regulations for new development, including lots for which exemptions or adjustments to the solar access ordinance for new development have been granted.

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Section 5.515. The City shall be made a party of any covenant or restriction created to enforce any provision of this code. The covenant or restriction shall not be amended without written City approval.

5.516 Application. An application for approval of a development subject to this code shall include:

- A. Maps and text sufficient to show the development complies with the solar design standard of Section 5.512, except for lots for which an exemption or adjustment from Section 5.512, is requested, including at least:
  1. The north-south lot dimension and front lot line orientation of each proposed lot.
  2. Protected solar building lines and relevant building site restrictions, if applicable.
  3. For the purpose of identifying trees exempt from Section 5.515, a map showing existing trees at least 30 feet tall and over 6 inches diameter at a point 4 feet above grade, indicating their height, diameter and species, and stating that they are to be retained and are exempt.
  4. Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Section 5.512 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Section 5.513-714, respectively.

5.520 SOLAR BALANCE POINT (INFILL) STANDARDS

5.521 Purpose. The purpose of this section is to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and where applicable, to minimize

shading of structures by trees. Decisions related to this ordinance are intended to be ministerial.

5.522 Applicability. This section applies to an application for a building permit for all structures in R20, R10, R7, R5, and R4 and all single family detached structures in any zone, except to the extent the Director finds the applicant has shown that one or more of the conditions listed in Section 5.525 or 5.526 exists, and exemptions or adjustments provided for there are warranted. In addition, non-exempt vegetation planted on lots subjects to the provisions of Section 5.517 of the Solar Access Requirements for New development shall comply with the shade point height standards as provided in Sections 5.524-5.525.

5.523 Solar Site Plan required. An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows:

- A. The maximum shade point height allowed under Section 5.524;
- B. If the maximum shade point height is adjusted pursuant to Section 5.526 the average elevation of the rear property line;
- C. The location of the shade point, its height relative to the average elevation of the front lot line or the elevation at the midpoint of the front lot line, and its orientation relative to true south; and, if applicable,
- D. The solar balance point for the structure as provided in Section 5.528.

5.524 Maximum Shade Point Height Standard. The height of the shade point shall comply with either A or B below .

- A. Basic Requirement. The height of the shade point shall be less than or equal to the height specified in Table A or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary interpolate between the 5 foot dimensions listed in Table A.

$$H = \frac{(2 \times \text{SRL}) - N + 150}{5}$$

Where: H = the maximum allowed height of the shade point (see Figure 5.500 (d) and 5.500 (e);

SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 5.500 (f): and

N = the north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.

Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

=====

**TABLE A - MAXIMUM PERMITTED SHADE POINT HEIGHT (In Feet)**

=====

Distance to Shade Reduction Line from northern lot line(in feet)	North-south lot dimension(in feet)													
	100+	95	90	85	80	75	70	65	60	55	50	45	40	
70	40	40	40	41	42	43	44							
65	38	38	38	39	40	41	42	43						
60	36	36	36	37	38	39	40	41	42					
55	34	34	34	35	36	37	38	39	40	41				
50	32	32	32	33	34	35	36	37	38	39	40			
45	30	30	30	31	32	33	34	35	36	37	38	39		
40	28	28	28	29	30	31	32	33	34	35	36	37	38	
35	26	26	26	27	28	29	30	31	32	33	34	35	36	
30	24	24	24	25	26	27	28	29	30	31	32	33	34	
25	22	22	22	23	24	25	26	27	28	29	30	31	32	
20	20	20	20	21	22	23	24	25	26	27	28	29	30	
15	18	18	18	19	20	21	22	23	24	25	26	27	28	
10	16	16	16	17	18	19	20	21	22	23	24	25	26	
5	14	14	14	15	16	17	18	19	20	21	22	20	24	

=====

B. Performance Option. The proposed structure, or applicable vegetation, will shade not more than 20 per cent of the south-facing glazing of existing habitable structure(s), or, where applicable, the proposed structure or non-exempt vegetation comply with Section 5.512 (B) or Section 5.512 (C) (New Development Standards). If Section 5.512 (B), Protected Solar Building Line, is used, non-exempt trees and the shade point of structures shall be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of non-exempt vegetation over 2 feet.

5.525 Exemption from the Maximum Shade Point Height Standard. The Director shall exempt a proposed structure or non-exempt vegetation from Section 5.523-5.524 if the applicant shows that one or more of the conditions in this section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

A. Exempt Lot. When created the lot was subject to Section 5.512 and was not subject to the provisions of Section 5.517.

B. Pre-existing shade. The structure or applicable non-exempt vegetation will shade an area that is shaded by one more of the following:

1. An existing or approved building or structure;
2. A topographic feature; or
3. A non-exempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a development area or required by local law, a public park or landscape strip or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.

C. Slope. The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.

D. Insignificant benefit. The proposed structure or non-exempt vegetation shades one or more of the following:

1. An undevelopable area; or
2. The wall of an unheated space, such as a typical garage; or
3. Less than 20 square feet of south-facing glazing.
4. An undeveloped lot, other than a lot that was subject to the solar access regulations for new development, where:
  - a. There are at least four single family detached or attached homes within 250 feet of the lot within the same subdivision or a phase of the subdivision; and
  - b. A majority of the homes identified in Section 5.525 have an average of less than 20 square feet of south-facing glazing.

E. Public Improvements. The proposed structure is a publicly owned improvement.

5.526 Adjustments to the Maximum Shade Point Height Standard. The Director shall increase the maximum permitted height of the shade point determined using Section 5.524 to the extent it finds the applicant has shown one or more of the following conditions exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- A. Physical conditions. Physical conditions preclude development of the site in a manner that complies with Section 5.524, due to such things as a lot size less than 3,000 square feet, unstable or wet soils, or a drainage way, public or private easement, or right of way.
- B. Conflict between the maximum Shade Point Height and Allowed Shade on the Solar Feature Standards. A proposed structure may be sited to meet the solar balance point standard described in Section 5.528 or be sited as near to the solar balance point as allowed by Section 5.528, if:
  - 1. When the proposed structure is sited to meet the maximum shade point height standard determined using Section 5.523, its solar feature will potentially be shaded as determined using Section 5.527, and
  - 2. The application includes a form provided by the City that:
    - a. Releases the applicant from complying with Section 5.524 and agrees that the proposed structure may shade an area otherwise protected by Section 5.524.
    - b. Releases the City from liability for damages resulting from the adjustment; and
    - c. Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of this section.
  - 3. Before the City issues a permit for a proposed structure for which an adjustment has been granted pursuant to Section 5.526 (B), the applicant shall file the form provided for in subsection B.2 above in the office of the County Recorder with the deeds to the affected properties.

5.527 Analysis of Allowed Shade on Solar Feature

- A. An applicant may, but is not required to, perform the calculations in or comply with the standards of Section 5.527.
- B. Applicants are encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by building or non-exempt trees on lot(s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall chose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:
  - 1. Existing structure(s) or non-exempt trees: or



2. The maximum shade that can be cast from future buildings or non-exempt trees, based on Table C. If the lot(s) to the south can be further divided, then the north-south dimension is assumed to be the minimum lot width required for a new lot in that zone.
- C. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant can determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in subsection B by using the following formula or Table B.

$$\text{SFSH} = \text{SH} (\text{SGL}/2.5)$$

Where:

- SFSH = the allowed shadow height on the solar feature (see figure 5.500 (h))
- SH = the height of the shade at the northern lot line of lot(s) to the south as determined in Section 5.527 (B)
- SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south, see Figure 5.500 (g))

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TABLE B - MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (in feet)

Allowed Shade Height at Northern Lot Line  
of Adjacent Lot(s) to the South (In Feet)

Distance from  
Solar Gain  
Line to lot  
line (in feet)

	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

=====

Table C may be used to determine (SH) in the above formula.

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TABLE C

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North-South lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

=====

E. If the allowed shade height on the solar feature calculated in subsection D is higher than the lowest height of the solar feature calculated in subsection C the applicant shall be encouraged to consider any changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

5.528 Solar Balance Point. If a structure does not comply with the maximum shade point height standard in Section 5.524 and the allowed shade on a solar feature standard in Section 5.527, then the solar balance point of the lot shall be calculated (see Figure 5.500 (h)). The solar balance point is the point on the lot where a structure would be the same from complying with both of these standards.

5.529 Yard Setback Adjustment. The City shall grant an adjustment to the side or rear yard setback requirement(s) by up to 50% and to the front yard setback by up to 20% if necessary to build a proposed structure so it complies with either the shade point height standard in Section 5.524, the allowed shade on a solar feature standard in Section 5.527, or the solar balance point standard in Section 5.528 as provided herein (see Figure 5.500 (h)). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with applicable provisions of this ordinance. (The following list illustrates yard adjustments permitted under this section:)

A. R4 Zone(s):

1. A front yard setback may be reduced to not less than 16 feet.
2. A rear yard setback may be reduced to not less than 7.5 feet.
3. A side yard setback may be reduced to not less than 3 feet.

B. R5 Zone(s):

1. A front yard setback may be reduced to not less than 16 feet.
2. A rear yard setback may be reduced to not less than 10 Feet.
3. A side yard setback may be reduced to not less than 3 feet.

C. R7 Zone(s):

1. A front yard setback may be reduced to not less than 16 feet.
2. A rear yard setback may be reduced to not less than 10 feet.
3. A side yard setback may be reduced to not less than 3 feet.

D. R10 Zone (s):

1. A front yard setback may be reduced to not less than 16 feet.
2. A rear yard setback may be reduced to not less than 10 feet.
3. A side yard setback may be reduced to not less than 5 feet.

E. R20 Zone(s):

1. A front yard setback may be reduced to not less than 24 feet.
2. A rear yard setback may be reduced to not less 12.5 feet.
3. A side yard setback may be reduced to not less than 12.5 feet.

5.530 Review process.

All applications under Section 5.520 will be reviewed through a Type I or Type II procedure as set forth in Chapter 2.

Figure 3

NORTH-SOUTH DIMENSION OF THE LOT

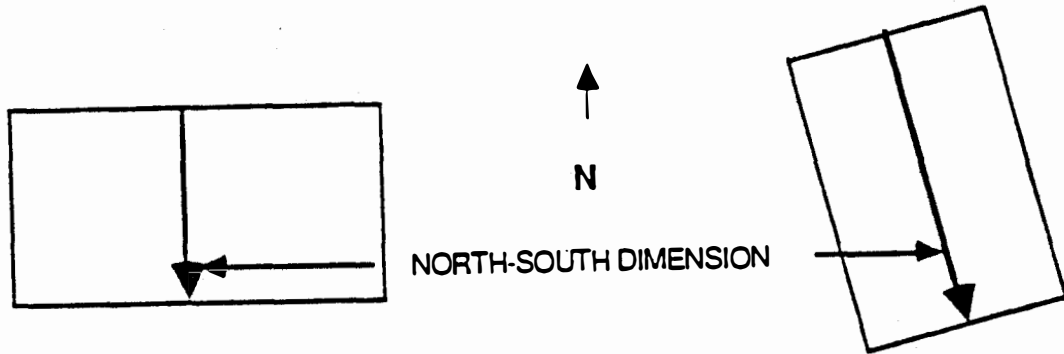


Figure 4

HEIGHT OF THE SHADE POINT OF THE STRUCTURE

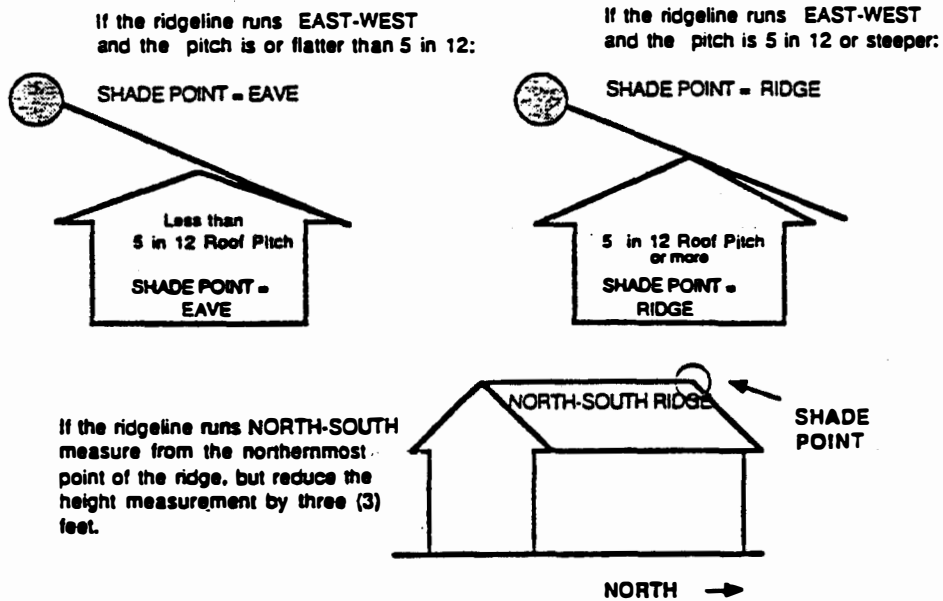


Figure 1

FRONT LOT LINE

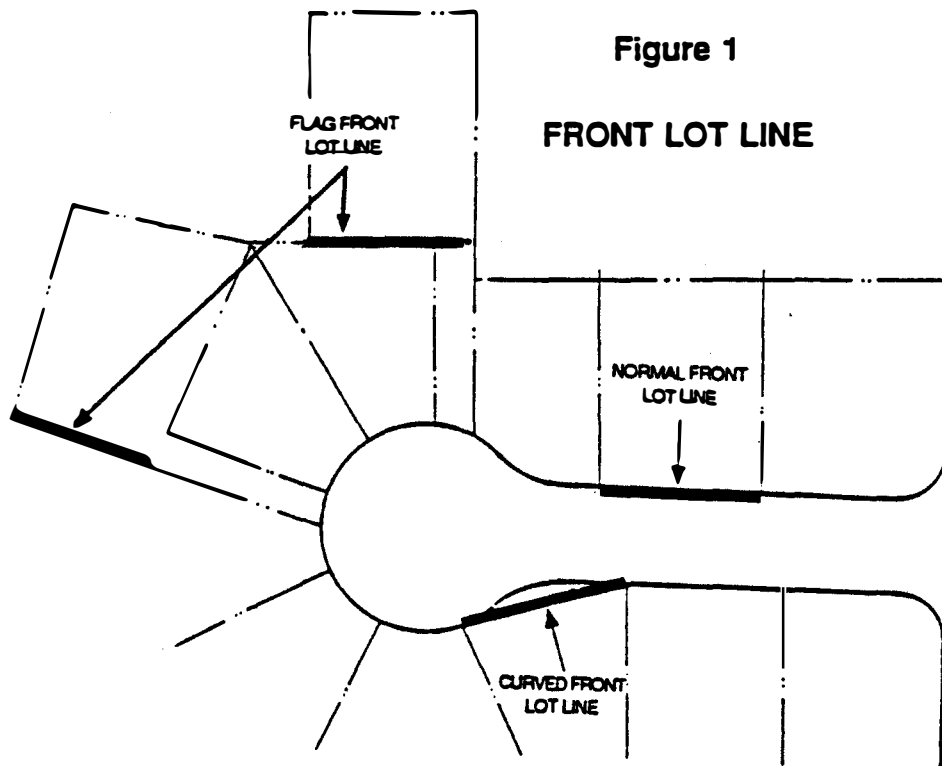


Figure 2

NORTHERN LOT LINE

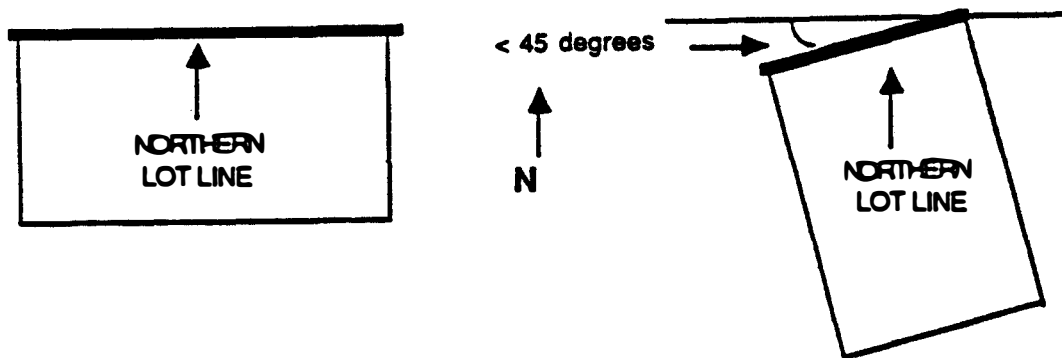


Figure 7

Figure 5.500 (e)

### SOLAR GAIN LINE

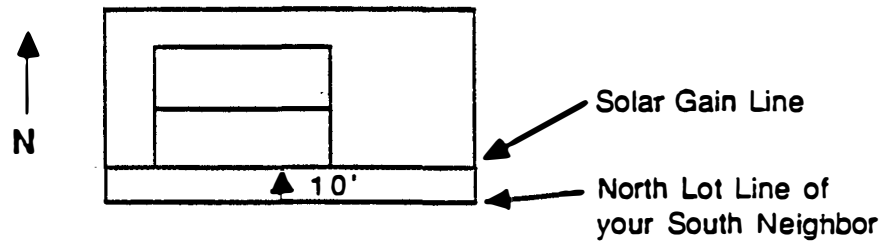


Figure 8

Figure 5.500 (f)

### SOLAR BALANCE POINT STANDARD

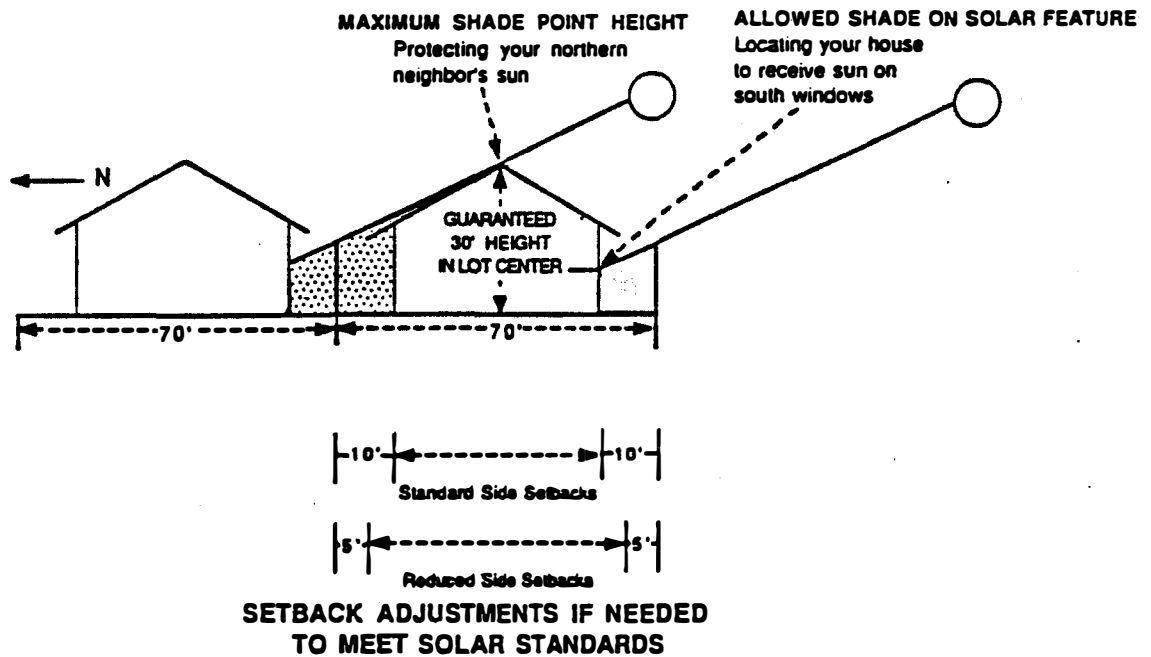


Figure 5

SHADE POINT HEIGHT

Measure to average grade at the front lot line.

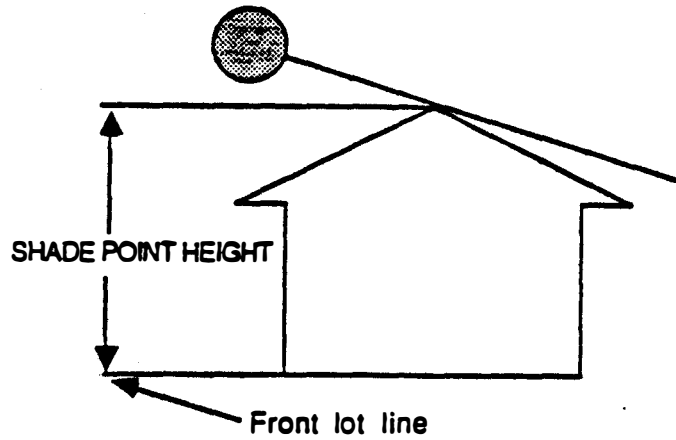


Figure 6

SHADE REDUCTION LINE

Shade Reduction Line  
measured to Shade Point  
from Northern Lot Line

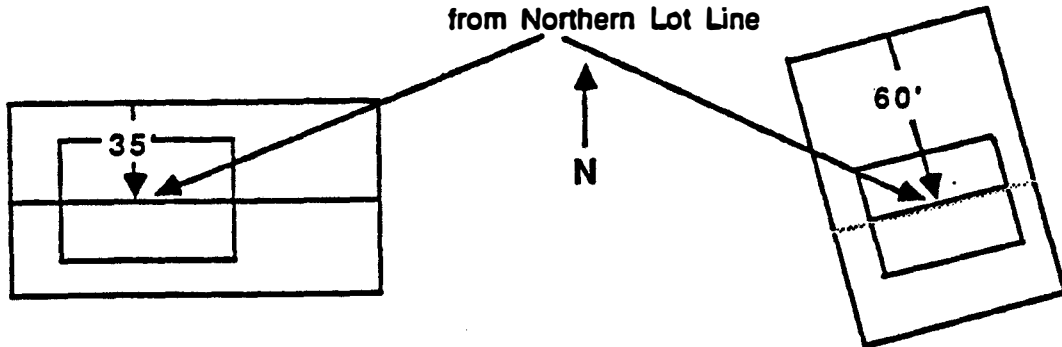


Figure 9

**SOLAR LOT OPTION 1: BASIC REQUIREMENTS**

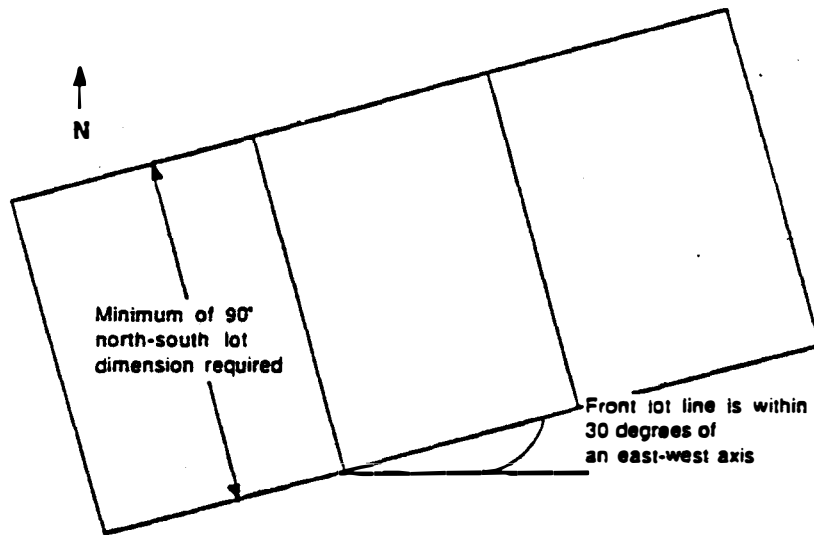


Figure 10

**SOLAR LOT OPTION 2: PROTECTED SOLAR BUILDING LINE**

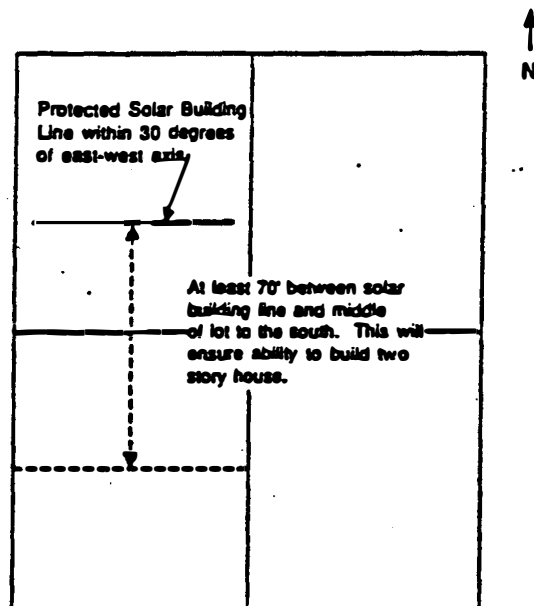




Figure 11

SOLAR ACCESS HEIGHT LIMIT

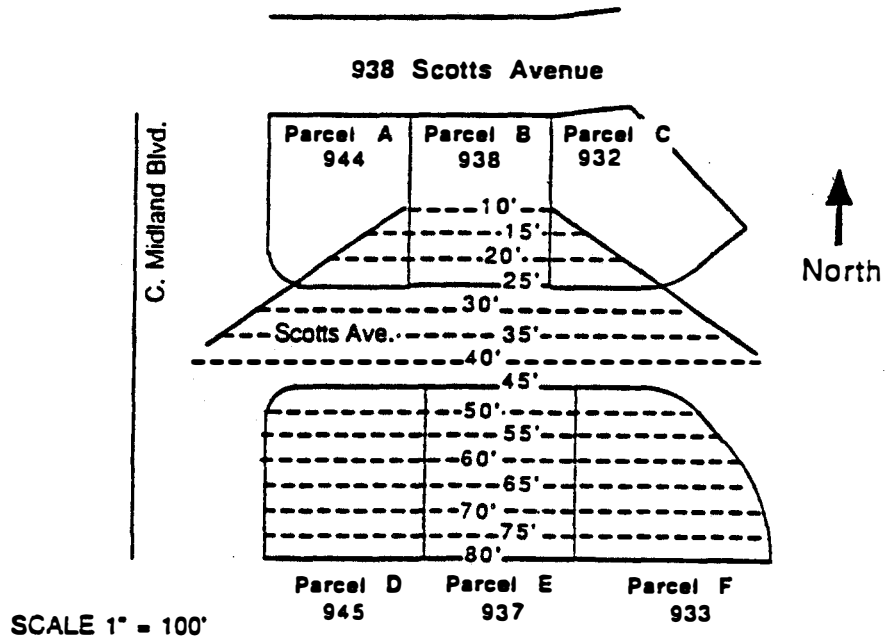
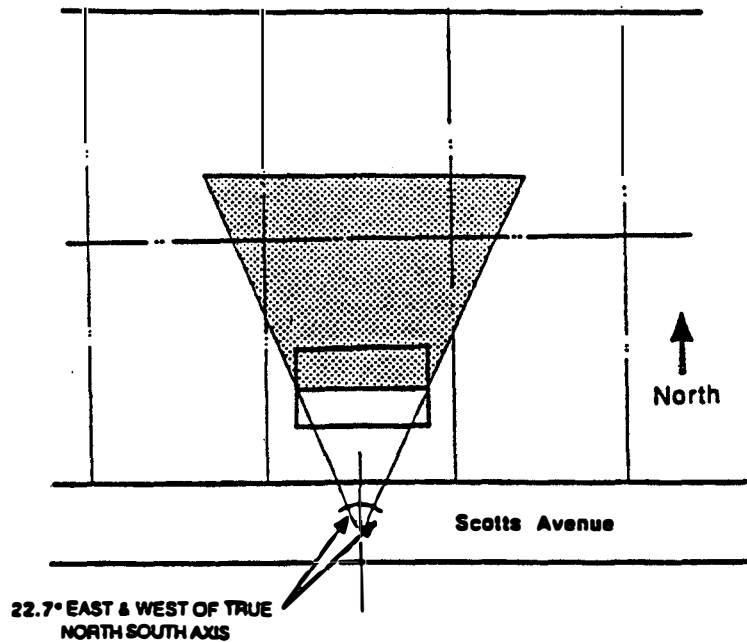
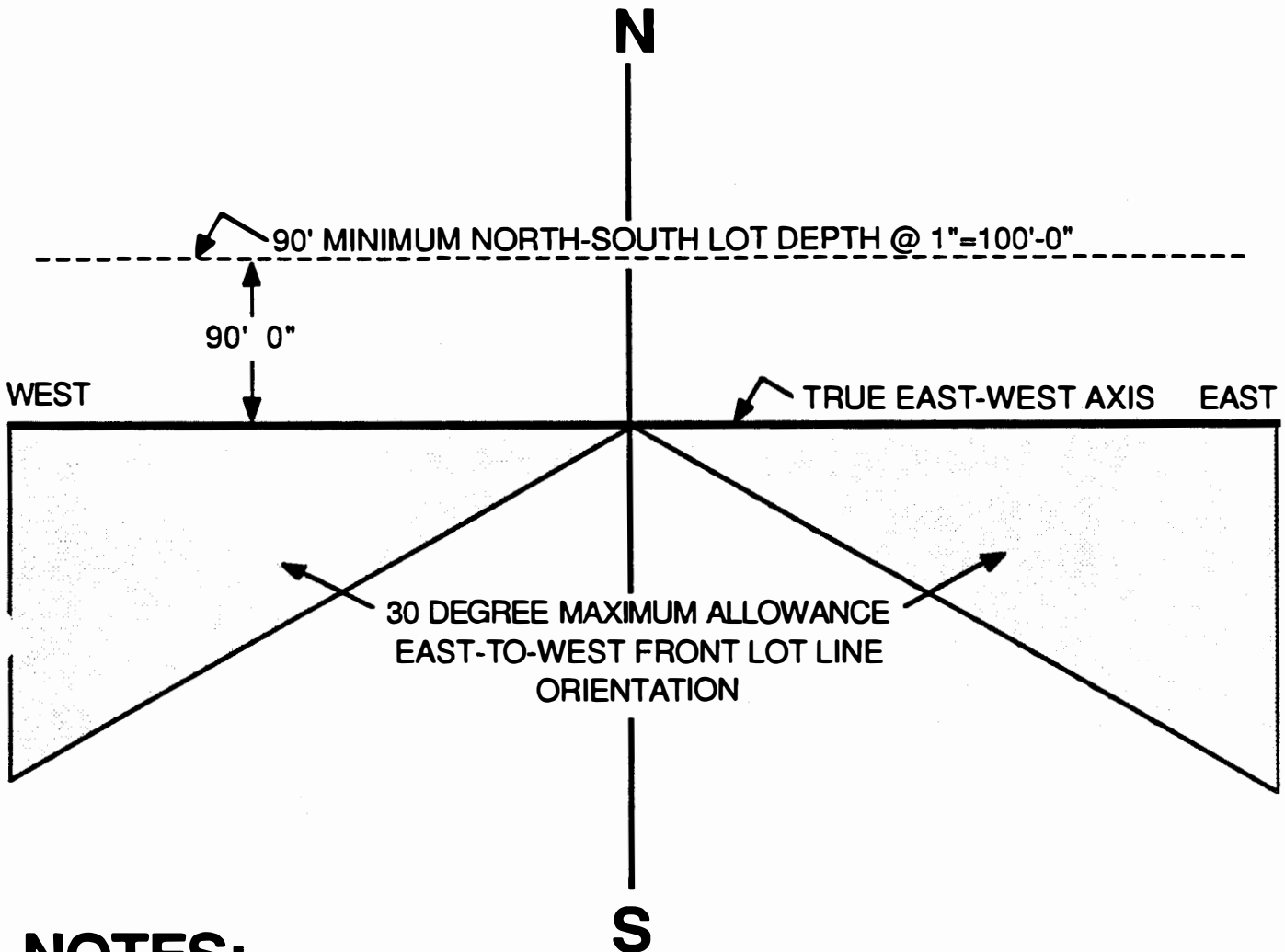


Figure 12

SHADOW PATTERN



# MEASURING GUIDE FOR SOLAR LOT DETERMINATION



## NOTES:

LOT ORIENTATION IS BASED ON FRONT LOT LINE ALIGNMENT WITH REGARD TO A TRUE EAST-WEST AXIS.

LOT DEPTH IS ESTABLISHED BY IDENTIFYING THE NORTHERN MOST LINE WHERE NEIGHBOR DEVELOPMENT MAY OCCUR AND DRAWING A LINE TO THE SOUTH IN A PERPENDICULAR DIRECTION UNTIL THE LINE EXITS THE PROPERTY TO THE SOUTH.

5.610 Purpose. To promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

5.611 Methods of Reducing Flood Losses.

In order to accomplish this purpose, this section includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

5.612 Applicability.

This section shall apply to all areas of special flood hazards within the jurisdiction of the City of Troutdale.

5.613 Basis for establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Troutdale dated September 30, 1988, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be part of the this ordinance.

5.614 Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.
- D. Definitions shall be as specified in Section 1.040.

5.615 Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Troutdale, any officer or employee thereof, or the Federal Insurance Administration, for any damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

5.616 Permit Required. A permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 5.613. The permit shall be for all structures and all development including fill and other activities.

5.617 Application for Permit. Applications for a FH permit shall be made and may include, but are not limited to:

- A. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question.
- B. Existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

- C. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- D. Elevation in relation to mean sea level to which any structure has been floodproofed:
- E. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.629 and
- F. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

5.618 Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 5.613 the City of Troutdale may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer the FH section.

5.619 Information to be Obtained and Maintained.

- A. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 5.618, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. For all new or substantially improved floodproofed structures:
  - 1. Verify and record the actual elevation (in relation to mean sea level).
  - 2. Maintain the floodproofing certifications required in Section 5.619.
  - 3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

5.620 Alteration of Watercourses.

- A. Notify adjacent communities and the U.S. Army Corp of Engineers and other affected agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5.621 Interpretation of FIRM Boundaries.

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.622.

5.622 Variance Procedures.

- A. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of this code.
- B. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City of Troutdale in the enforcement or administration of this code.
- C. Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the City Council, as provided in Chapter 16.
- D. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - 1. The danger that materials may be swept onto other lands to the injury of others;
  - 2. The danger to life and property due to flooding or erosion damage;
  - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 4. The importance of the services provided by the proposed facility to the community;
  - 5. The necessity to the facility of a waterfront location, where applicable;
  - 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - 7. The compatibility of the proposed use with existing and anticipated development;
  - 8. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;
  - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- D. Upon consideration of the factors of Section 5.622 (D) and the purpose of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose of this ordinance.
- E. The City of Troutdale shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- F. Conditions for Variances.
1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1-11 in Section 5.622 have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
  2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
  3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
  4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  5. Variances shall only be issued upon:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
    - c. A determination that the granting of a variance will not allow or result in increased flood

heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances.

6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated neighborhoods. As such, flood variances from the flood elevations should be quite rare.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 5.622 (F) [1] and otherwise complies with Sections 5.624-5.625.
8. An applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.623 Provisions for flood hazard reduction. In all areas of special flood hazards, the following standards are required:

5.624 Anchoring.

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

5.625 Construction Materials and Methods.

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.



- C. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.626 Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.627 Subdivision Proposals.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- D. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5.628 Review of Building Permits. Where elevation data is not available either through Flood Insurance Study or from another authoritative source (Section 5.618), applications for building permits shall be reviewed to assure that proposed construction will reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

5.629 Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 5.613, Basis for Establishing the Areas of Special Flood Hazard or Section 5.618, Use of Other Flood Data, the following provisions are required:

- A. Residential Construction.

1. New residential and substantial improvements of any residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevations.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other devices provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 5.619 (B).
4. Nonresidential structures that are elevated, not floodproofed, must meet same standards for space below the lowest floor as described in Section 5.629 A (2).
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the

floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

- 5.630 Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones Al-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.624.
- 5.631 Floodways. Located within areas of special flood hazard established in Section 5.613 are areas designated as Floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- A. Prohibit encroachment, including fill, new construction, substantial improvements, and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - B. If Section 5.632 is satisfied, all new construction and substantial improvements shall comply with all applicable flood reduction provisions of Section 5.623, Provisions for Flood Hazard Reduction.
- 5.632 Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

5.700 MANUFACTURED HOME SUBDIVISIONS & PLANNED DEVELOPMENTS. MH

5.710 Purpose. A manufactured home subdivision or planned development is intended for manufactured homes on individual lots in exclusive manufactured home subdivisions or planned developments.

5.711 Establishment of a Manufactured Home Subdivision or Planned Development. A manufactured home subdivision or planned development may be established in an R-5 or R-4 residential district in accordance with the Type III land division procedure or the planned development procedure.

5.712 Standards. Standards for Manufactured Home Subdivisions and Planned Developments. In addition to the requirements of the zoning district in which the manufactured home subdivision or planned development is located, the Type III land division procedure, the planned development procedure and the City's development standards, the manufactured home subdivision or planned development must comply with the following standards:

- A. The minimum site size for a manufactured home subdivision or planned development shall be four (4) acres of contiguous buildable land.
- B. Each lot shall be adequately served by public facilities and services such as water, sewer, storm sewers, sidewalks and improved streets, including underground utilities, which meet the City's development standards.
- C. Street layout and design criteria and standards may require additional treatment or modification to improve the efficiency of land use or to avoid adverse impacts on adjoining property.

This shall not be construed as authority to waive street design standards to override the City's street layout or design requirements nor to deny approval of the subdivision or planned development.

5.713 Approval Requirements. An application for a manufactured home subdivision or planned development shall be approved if the following requirements are met:

- A. The request is for a minimum of four (4) contiguous buildable acres;
- B. Adequate City sewer and water service is available;
- C. Streets are extended and improved to City standards;
- D. Runoff can be accommodated without causing damage to other properties; and
- E. The request complies with the City's Comprehensive Plan and Development Code.

5.714 Manufactured Home Housing Unit Standards. manufactured home subdivisions or planned developments shall comply with the following in addition to complying with other applicable installation standards:

- A. The manufactured home shall have been manufactured after June 15, 1976 and bear the necessary "Insignia of Compliance" indicating conformance with construction standards promulgated by the United States Department of Housing and Urban Development (HUD). No reconstruction or equipment installation shall have been made to the manufactured home unless it has been approved by the Building Official.
- B. Before installation, a manufactured home shall be inspected by the Building Official and installation shall be approved only if the Building Official determines that the manufactured home bears the HUD "Insignia of Compliance" with standards for manufactured home construction, notwithstanding any deterioration which may have occurred.
- C. The manufactured home shall be placed on a permanent concrete or concrete block foundation built in conformance with applicable codes and regulations. A continuous perimeter of skirting or facing shall be installed in accordance with applicable regulations and shall be composed of the same material and finish as the exterior of the home unless brick or concrete block skirting is used.
- D. The minimum width of the manufactured home shall be twenty (20) feet.
- E. The towing tongue, axles, wheels and traveling lights shall be removed from the manufactured home when installed or within thirty (30) days of delivery to site.
- F. The roof shall be equipped with rain gutters and downspouts, have a minimum nominal slope of 3:12 (25%), and be covered with roofing materials commonly used for site-built houses.
- G. The manufactured home shall have siding material similar to that commonly used for site-built houses.
- H. The manufactured home shall be provided with at least two separate bedrooms, a kitchen having a sink, hot and cold running water, and at least one bathroom equipped with a water closet, lavatory and bathtub or shower.
- I. The manufactured home plumbing shall be connected to the public water supply and a public sewer.
- J. The manufactured home shall be owned by the owner of the lot on which it is placed.
- K. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with

another approved manufactured home or remove the foundation, manufactured home accessory structures and other structures on the property and disconnect sewer, water and other utilities within thirty days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work.

5.910 Manufactured Home Parks. A single-family residential manufactured home park is intended for manufactured homes on separate spaces within a manufactured home park. The purpose of these provisions is to extend the opportunity for low and moderately priced single-family homes, to ensure a high-quality living environment within manufactured home parks, to ensure that manufactured homes in manufactured home parks are safe and durable, and to protect property values within and adjacent to manufactured home parks.

A. Establishment of a manufactured Home Park. A manufactured home park may be established as a permitted use in the R5 and R4 residential districts.

B. Locational Criteria.

Access to manufactured home parks shall be from abutting public streets. No manufactured home space shall have direct vehicular access to a street bordering the park.

C. Density, Minimum Site Size and Dimensions of Park. All manufactured home parks shall meet the following minimum requirements:

1. The minimum size of a manufactured home park shall be one acre.
2. The number of permitted units allowed in a manufactured home park shall not exceed the density permitted in the underlying zone.
3. Minimum park street frontage - 100 feet.
4. Minimum park depth - - 150 feet.

D. Standards and Criteria. Manufactured home parks must comply with the following standards and criteria:

1. Perimeter Setback and Buffer Area.
  - a. A perimeter setback and buffer area of at least twenty (20) feet shall be provided. This area shall remain unoccupied by any structure, street, parking or driveway area, except that private street entrances may cross the perimeter buffer where necessary to provide access to the park.
  - b. Within that portion of the perimeter setback and buffer area which abuts a public street right-of-way, screening shall be achieved through one of the following:

1. A three-foot (3') high earthen berm with seventy-five (75) percent of the area planted with evergreen and deciduous trees, shrubs, and ground cover arranged so as to achieve an effective sight and sound buffer of at least six (6) feet in height to screen the park at the time of completion.
  2. A six-foot (6') high decorative masonry wall, wooden fence, and a combination of evergreen and deciduous trees, shrubs, and ground cover arranged so as to achieve an effective sight and sound buffer to screen the park at time of completion.
  - c. Within that portion of the perimeter setback and buffer area which abuts adjacent parcels, a sight-obscuring wooden fence or a decorative masonry wall at least six feet in height shall be installed to screen the park from adjacent properties.
3. Dimensional Standards - Per Space.
- a. Front yard - 10 feet.
  - b. Rear Yard - 20 feet, if not abutting a perimeter strip.
  - c. Side Yard - 7.5 feet.
  - d. Minimum distance between dwellings - 15 feet.
  - e. Lot coverage - not to exceed 75%.
4. Minimum Dwelling Requirements.
- a. All manufactured homes shall have a gross floor area of at least 600 square feet.
  - b. Any manufactured home established under this ordinance shall have been manufactured after June 15, 1976 and bear the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with construction standards promulgated by the US Department of Housing and Urban Development (HUD).
  - c. Any manufactured home built before June 15, 1976 may be permitted if the owner obtains certification from the Oregon Department of Commerce that the home conforms with the HUD construction standards.



5. Landscaping/Open Space/Recreation Areas. All required landscaped areas shall comply with the general landscaping and vision clearance standards of this ordinance and the City's Development Standards.
  - a. A minimum of 20% of the manufactured home park area shall be reserved for open space.
  - b. Such open space may include the perimeter setback and buffer area and improved outdoor recreation facilities.
  - c. 10% of the manufactured home park area shall be reserved and developed for common recreation space or structure.
  - d. Streets, access drives, parking lots and unoccupied portions of manufactured home spaces shall not be considered open space.
6. Public Facilities and Services.
  - a. All developments are subject to the applicable requirements of the Development Standards and Public Facilities standards.
  - b. If a manufactured home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants within 500 feet of such space or structure. Each fire hydrant shall be located along a vehicular way.
7. Mail Delivery. Each manufactured home space shall be provided with a mailbox, located on each manufactured home space or in a central mail station designed as an integral part of the manufactured home park, or in a stand containing clustered (4 or more) mailboxes located near the dwellings being served.
8. Accessory Structures. Each manufactured home space shall be provided with an accessory storage building with 100 square feet of enclosed floor area. All such storage buildings within the park shall be of uniform design and constructed of the same materials. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.

9. Solar Access. Solar access provisions of this ordinance shall apply to manufactured home parks.
10. Sidewalks/Pedestrian Pathways. A system of sidewalks or pathways shall be installed linking all manufactured home spaces, recreation areas, parking lots, and common buildings. This system may consist of conventional sidewalks paralleling the street, or an independent network of pathways. The system shall be linked with the sidewalks along perimeter streets bordering the manufactured home park. Pedestrian pathways and sidewalks shall be paved with a durable all-weather surface no less than four (4) feet in width.
11. Internal Circulation System/Parking. Internal roads and driveways shall be designed to provide safe and convenient access to manufactured home spaces and other facilities in the manufactured home park for service and emergency vehicles, but shall not be designed to encourage outside traffic to traverse the development.
  - a. All interior roadways shall be designed and constructed in accordance with the standards established by OAR 814-28-060 (8) for manufactured home park roads and streets.
  - b. Pavement Width. All interior streets shall have minimum pavement width of 24 feet, exclusive of any pedestrian circulation systems.
  - c. Curbs shall be installed on both sides of interior streets if built with a raised crown. If streets are built with an inverted crown, curbs are not required.
  - d. Dead-end (cul-de-sac) streets shall serve no more than eighteen (18) manufactured home sites and have a minimum turning radius of forty (40) feet.
  - e. On-street parking shall be prohibited. Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 4, Development Standards.
  - f. Required resident off-street parking spaces may be provided either on the manufactured home space or in an off-street parking bay within one hundred (100) feet from the dwelling served.

- g. Guest parking shall be provided in off-street parking bays in close proximity to the dwelling units served.
  - h. Off-street parking shall be provided for all non-residential uses within the manufactured home park at the rate provided for in the City's off-street parking standards. These parking spaces shall be provided within one hundred (100) feet of the non-residential use.
  - i. Recreational vehicles such as camping trailers, boats, campers, motor homes, and other such vehicles shall be parked or stored within an area specifically designated for such use and enclosed by a six-foot (6') high sight-obscuring wooden fence or decorative masonry wall with a gate.
  - j. Off-street loading bays and maneuvering areas shall be provided for all uses receiving delivery vehicles on a regular basis in conformance with City Standards.
13. Signs. Park identification signs shall comply with the City sign regulations. In addition, the following standards apply:
- a. Each manufactured home park shall provide one (1) sign immediately inside the main entrance identifying the location of all interior streets and drives, visitor parking areas, storage areas, all manufactured home sites by number, and all other buildings and structures within the park, provided that the face of the sign does not exceed City standards, and is either backlighted or indirectly lighted.
  - b. Each manufactured home site shall have a sign not larger than one (1) square foot identifying the number of each manufactured home site.
  - c. Traffic control signs shall be installed as required by the City or other governmental agency.
14. Lighting, utility system, decks, play areas, park sanitation and maintenance. Requirements not specified within this section shall be those specified in OAR 814-28 and OAR 814-23.

E. Manufactured Home Installation Standards.

1. Prior to the occupancy of any manufactured home space, the owner of the manufactured home park shall obtain a certificate of occupancy from the City.
2. Wheels shall be removed from the manufactured home upon placement within a manufactured home park. Hubs and axles may remain.
3. All manufactured homes shall be skirted and tied down in accordance with state standards.

F. Manufactured Home Park Maintenance. The manufactured home park shall be maintained in a neat appearance at all times. Except for fully functioning vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. All approved on-site improvements shall be the ongoing responsibility of the owner of the park. The owner shall be responsible for the maintenance of all landscaping which shall be maintained in good condition in order to present a healthy, neat and orderly appearance that is free of refuse and debris.

## CHAPTER 6 PERMITS AND PROCEDURES

### 6.000 ANNEXATION

AN

- 6.010 Annexation Criteria. A proposal to annex territory to the City shall be conducted under the Type IV procedure with supplements or modifications required to comply with state law. When an annexation proposal has been initiated and the Director has determined the territory is eligible for annexation it shall be referred to the Planning Commission. The Commission shall base its recommendation to City Council on whether the following criteria have been met:
- A. The proposal conforms to the Comprehensive Plan or substantial changes in conditions have occurred which render the Comprehensive Plan inapplicable to the annexation.
  - B. Inclusion of the territory within the City would be consistent with the purpose served by the City.
- 6.020 City Council Review. The City Council shall make affirmative findings on the two criteria if it proceeds with the annexation. However, proceedings may be terminated by the Council at any time.
- 6.030 Designation of Annexed Property. Territory annexed to the City shall remain subject to the land development regulations of the County until changed by the City. Such change may be entirely or partially carried out as a part of the annexation proceedings if included in the Type IV proceedings of the Council. Within thirty days after the effective date of annexation the Director shall report on any further steps that appear necessary to have the annexed territory fully subject to the provisions of this ordinance and shall initiate appropriate action to have those steps carried out. If the City Council finds it is important to the protection or implementation of City policies, interim regulations may be applied in the annexed area until more permanent action can be taken.

- 6.110 Vacation Criteria. A proposal to vacate a street, public square or other public place shall be conducted under the Type IV procedure with supplements or modifications required to comply with state law. The Planning Commission shall base its recommendation to City Council on whether the following criteria have been met:
- A. The proposal does not cause a conflict with the Comprehensive Plan.
  - B. The public interest will not be prejudiced by the vacation.
- 6.120 City Council Action. The City Council shall make affirmative findings on these criteria if it proceeds with a vacation under administrative rather than legislative proceedings. Proceedings may be terminated by the Council at any time.
- 6.130 Conditions Attached to a Vacation. The following reservations or conditions may be attached to the approval of a vacation.
- A. Retention of an easement for a public utility or other public service facility and limitations on the use of the area adjacent to such facility.
  - B. Construction or removal of a public utility or other public service utility.
  - C. Another matter of like or different nature related to any of the following:
    - 1. The area to be vacated.
    - 2. A remaining or relocated street area within or adjacent to the vacated property.
    - 3. An area dedicated or reserved as a condition to the vacation.

6.200 VARIANCE

6.210 Type I Variance Procedure. See Section 6.230.

6.220 Type II Variance Procedure. The Director may grant a hardship variance waiving a specified provision set forth in this code for an individual land parcel under the Type II procedure upon finding that strict application of the requirement would render the parcel incapable of reasonable economic use. The authority to grant a variance does not include authority to approve a development that is designed, arranged or intended for use not otherwise approvable in the location. In submitting an application for a variance, the proposed development explanation shall provide facts and evidence sufficient to enable findings in compliance with the criteria set forth in this section. In addition, an ownership list shall be provided containing the names and addresses of owners of property adjacent to or separated from the affected property only by a street. The criteria are as follows:

- A. The circumstances necessitating the variance are not of the applicant's making.
- B. The granting of the variance will not cause a use of property not otherwise permissible.
- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.
- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.
- E. The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of economic use under the provisions of this ordinance so that a variance is necessary for the preservation of a substantial property right of the applicant.
- F. The development will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.
- G. Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity.

6.230 Authority To Grant A Type I Variance. In issuing a permit the Director may grant or deny a variance under the Type I procedure if the request involves only the expansion or reduction by not more than 10 percent of one or more quantifiable provisions of this code. The decision shall be based on the criteria set forth in Section 6.220.

6.240 Type III Special Variance Procedure. The Planning Commission may grant or deny a special variance waiving a specified provision for an individual land parcel under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a Type III Special Variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan.

An ownership list shall be provided containing the names and addresses of owners of property abutting the affected property or separated from the affected property only by a street. One of the following sets of criteria shall be applied as appropriate.

A. The unique nature of the proposed development is such that:

1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and
2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

B. The variance approved is the least waiver of the requirement that will permit practical compliance with a requirement of another law or regulation.

C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casualty or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

6.250 Authority To Grant A Type II Special Variance. Except in the case of a nonconforming development or use, the Director may grant or deny a special variance under the Type II procedure if the request involves only the expansion or reduction by not more than 20 percent of one or more quantifiable provisions of this code. The decision shall be based on the criteria set forth in Section 6.220.



- 6.310 Purpose. This section provides for uses specified in the zoning districts as conditional uses. A conditional use permit may be considered under the Type III procedure provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.
- 6.320 Scope. Approval of a conditional use permit shall not constitute a zone change and shall be granted only for the specific use requested. Any change of use or modification or limitation of conditions shall be subject to Planning Commission approval after a public hearing.
- 6.330 Application. A written application for a conditional use by a property owner or authorized representative shall be filed with the Planning Division indicating the section of this code under which the conditional use is sought on forms provided by the Planning Division. The application shall include site plans, drawn to scale, showing the dimension and layout of the proposed use with other information and drawings as may be required to provide an understanding of the proposed conditional use and its relationship to surrounding property.
- 6.340 Approval Criteria. The Planning Commission may approve an application, approve with modifications, or deny an application for a conditional use after a hearing. The applicant must submit evidence substantiating that all requirements of this code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:
- A. The use is listed as a conditional use in the underlying district or approved by the Planning Commission for consideration as a conditional use.
  - B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
  - C. The proposed use of the site is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.
  - D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
  - E. The proposed use will provide adequate open space, landscaping, and aesthetic design to mitigate any possible adverse effect on surrounding properties and uses.

- F. The proposed use will not result in use of the land for any purpose which may create or cause to be created any public nuisance, including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration or other considerations which may be injurious to public health, safety and welfare.
- G. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use, as well as the purposes of this section and applicable provisions of this code.
- H. Owners of property within 250 feet of the boundary of the subject property have been notified of the hearing.

6.350 Conditions. The Planning Commission may attach to an approved conditional use reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this section and mitigate any adverse impact upon adjoining properties which may result by reason of the approved conditional use. A list of conditions may include, but is not limited to, the following:

- A. Increasing the required lot size or yard dimensions.
- B. Increasing street width.
- C. Increasing the number of off-street parking or loading spaces or area.
- D. Improving public facilities such as:
  - 1. Water supply;
  - 2. Sanitary sewers;
  - 3. Storm drainage;
  - 4. Sidewalks, curbs and other street improvements; and
  - 5. Fire hydrants.
- E. Controlling the location and number of vehicular access points to and from the site.
- F. Limiting lot coverage or height of buildings.
- G. Undergrounding of utilities.
- H. Public safety and crime prevention measures.
- I. Requiring landscaping, fencing, diking, screening or berms.
- J. Limiting the number, size and location of signs.

- K. Land dedication or money in lieu of dedication for public purposes.
- L. Bonds or other suitable security to ensure that requirements are met.
- M. Submittal of final detailed plans indicating conformance with conditions.

6.360 Conditional Use Permit. A conditional use permit shall be obtained before site development. The permit shall specify any conditions, limitations, and/or restrictions imposed by the Planning Commission in addition to those specifically set forth in this section.

6.370 Expiration. Approval of a conditional use permit shall be void after two (2) years, or such lesser time as the Planning Commission may specify, unless substantial construction has taken place. However, the Planning Commission may grant a one (1) year extension if the applicant requests such an extension before the expiration of the initial time limit.

6.380 Building Permit. A building permit for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Commission. Any change in the approved plan shall be submitted to the Planning Commission as a new application.

6.390 Revocation. A conditional use permit shall be subject to revocation by the Planning Commission if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.

- A. The Planning Commission shall hold a public hearing in order for the applicant to show cause why the permit should not be revoked.
- B. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making correction. If corrections are not made within that time, revocation of the conditional use permit shall become effective ten (10) days after the time specified.
- C. Reapplication for a conditional use which has been denied or revoked cannot be made within one (1) year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if there is new evidence or a change in circumstances.

## CHAPTER 7 LAND DIVISION

### 7.000 LAND DIVISION

7.010 Purpose. To provide for an orderly division of land, uniform monumentation and provision of public services.

### 7.020 Division of Land.

- A. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Code. If a land division application is submitted that does not involve other proposed development, the application shall state the intended form of future development for the resulting land parcels. This intended future development will then be processed along with the land division processing just as though the subdivider were intending to proceed with the future development.
- B. No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of the zoning district.
- C. Land division is processed by approving a tentative plan prior to approval of the complete land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plan, the Director shall have authority to approve final plats and maps for land divisions in conjunction with developments.

### 7.030 Procedures.

- A. Type I Land Division (Lot Line Adjustment). Lot line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the Development Code and Section 7.040.
- B. Type I Land Division (Minor Partition). Minor partitioning shall be a Type I procedure if the land division does not create additional streets and the resulting parcels comply with standards of the Development Code and Section 7.040.
- C. Type II Land Division (Major Partition). A major partition shall be a Type II procedure when satisfactory street conditions exist and the resulting parcels comply with standards of the Development Code and Section 7.040. Satisfactory street conditions exist when the Director determines one of the following:
  - 1. An existing street or a new proposed street need not continue beyond the land to be partitioned in order to complete an appropriate street system or to provide access to adjacent property.

2. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.

D. Type II Land Division (Minor Revised Plat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary when the replat does not increase the allowable density, the resulting parcels comply with standards of the Development Code and Section 7.040 and the replat involves no more than six (6) lots.

E. Type III Partition. A major partition shall be a Type III procedure if unsatisfactory street conditions exist. The Director shall determine if unsatisfactory conditions exist based on one of the following criteria:

1. An existing street or a new proposed street will be extended beyond the parcels to be partitioned to complete a street system or provide access to adjacent property;

2. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or officially adopted City street plan.

F. Type III Land Division (Major Revised Plat). A major replat involves the realignment of lot lines (including a resub-division of six or more lots, even if the replat does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the Development Code and Section 7.040. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

G. Type III Land Division (Subdivision). Creation of a subdivision shall be a Type III procedure.

7.040 Approval Criteria. An application may be approved, approved with conditions or denied based upon applicable criteria.

A. An application shall comply with the following criteria:

1. All applicable statutory provisions.

2. The City's Development Code and all other applicable laws of this City or appropriate agency or jurisdiction.

3. The City's Comprehensive Land Use Plan and Capital Improvements Plan.

4. The standards and specifications required by the Director. The engineering specifications may be varied by the Director when adequate testing, construction

and inspection procedures result in a product of an equivalent performance standard.

- B. In addition to any other standards and regulations, the subdivider shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity in addition to the following criteria:
1. Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.
  2. Street rights-of-way and surfaces, including curbs, gutters, and sidewalks, shall be adequate to accommodate the type and volume of anticipated traffic.
  3. Provisions have been made for public utilities, including water, sewer and storm water drainage to serve the proposed subdivision.
  4. Residential areas shall be protected from potential nuisance from a proposed commercial or industrial subdivision, to the extent feasible or possible, by providing extra depth in parcels backing up on existing or potential developments, a landscaped buffer strip and other similar measures.
  5. Physical limitations of the site such as flood or slide hazard, natural features or any other constraint shall be accommodated within the design of the proposed land division.

#### 7.050 Land Division Process Outline

- A. Pre-Application Conference
- B. Submittal of Application
  1. Tentative Plat sketch
  2. General Plan and program narrative
  3. Supplemental Data
  4. Payment of fees
  5. Submission of property ownership list
- C. Acceptance of Application or Return for Completion or Supplemental Data.
- D. Review of Tentative Plat by Director, staff and affected agencies.
- E. Provision for extension of time for review.
- F. Approval, denial or approval with conditions by Director for Type I and II land division.

- G. Referral to Planning Commission with staff recommendations for Type III land division.
- H. Approval, denial or approval with conditions by Planning Commission at scheduled public hearing.
- I. Transmittal of final plat with conditions to Director.
- J. Submittal of construction drawings and PDIF.
- K. Approval of construction drawings.
- L. Performance Guarantee.
- M. Commencement of Construction.
- N. Inspection of Improvements.
- O. Acceptance of Construction Improvements.
- P. Warranty of Workmanship and Materials.
- Q. Plat Acceptance (may occur after Item L).

7.060 Pre-Application Conference. Pursuant to Section 2.030 prior to submission of a tentative plat the subdivider shall request the Director to arrange a pre-application conference unless the subdivider and the Director agree that the conference is not needed. The subdivider shall submit to the Director a tentative sketch of the proposed development. The sketch shall be drawn to scale which shall be noted on the plan. The following information shall be provided:

- A. Names and rights-of-way widths of all streets within 150' of the proposed development.
- B. Scale of drawing, north arrow and date; a scale of one inch equals one hundred feet is preferred.
- C. Proposed land uses and number of units by type of units.
- D. Natural features (such as trees, streams, and rock outcroppings).
- E. Approximate sizes of lots.
- F. Proposed street pattern, with rights-of-way widths.
- G. All contiguous holdings of the owner including land in the "same ownership," with an indication of the portion which is proposed to be divided.

The following information is not required but is helpful in reviewing the project:

- H. Ground elevations shown by contour lines at two foot vertical intervals for ground slopes of less than 10 percent, and at ten foot vertical intervals for ground slopes exceeding 10 percent.
- I. All property lines within 250' of the proposed development.

7.070 Application for Tentative Plat. The subdivider shall submit an application, appropriate fees and 20 copies of a Tentative Plat and 20 copies of all other supplementary material as may be required to indicate the general program and objectives of the project. The Tentative Plat should present all relevant graphic data to scale.

A. Format. The Tentative Plat shall be drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet. The map shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8 1/2 x 11, suitable for reproduction.

B. Data Requirements.

1. Proposed name. The proposed name must be reviewed and approved by the Multnomah County Division of Assessment and Taxation and cannot duplicate or resemble the name of any other subdivision in Multnomah County.
2. Scale of drawing, north arrow, and date.
3. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
4. A vicinity map, showing adjacent property boundaries and how the proposed streets may be extended to connect to existing streets.
5. Names, addresses, and telephone numbers of the owner or owners of the property, designer of the subdivision, the engineer or surveyor, and the date of the survey.
6. Streets: location, names, paved widths, alleys, and rights-of-way (existing and proposed) on and abutting the tract.
7. Easements: location, widths, purpose of all easements of record (existing and proposed) on or serving the tract.
8. Utilities: location of storm drainage, sanitary sewers and water lines (existing and proposed) on and abutting the tract. If utilities are not on or abutting the tract, indicate the direction and distance to the nearest locations.



9. Ground elevations shown by contour lines at two foot vertical intervals for ground slopes of less than 10 percent, and at ten foot vertical intervals for ground slopes exceeding 10 percent. Ground elevation shall be related to an established bench mark or other datum approved by the Director.
10. Natural features such as marshes, rock outcroppings, water courses on and abutting the property; location of all existing trees, 6" diameter or larger, and other significant wooded areas on the tract.
11. Approximate location of areas subject to periodic inundation or storm sewer overflow, the location of any designated Flood Hazard district and the location, width, and direction of flow of all water courses;
12. The location of at least one temporary bench mark within the tract boundaries.
13. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
14. Lots and parcels: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
15. Proposed land use and number of units by type of unit.
16. All parcels of land intended to be dedicated or reserved for public use, with the purpose, condition, or limitations of such reservations clearly indicated.
17. Proposed development phases, if any.
18. Statement of Water Rights (Oregon Water Resources Department).
19. Any other information, as determined by the Director, which is necessary to review the tentative plat, such as a soils report or other engineering study, traffic analysis, etc.

7.080 Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within one year following approve of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request by the subdivider, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plat.

7.090 Submission And Review Of Final Plat. A final plat shall be filed with the Director for final approval. Within ten business days of filing, the Director shall determine whether the

material conforms with the approved tentative plat and with the applicable requirements of this code. If the Director determines that there is a failure to conform, the subdivider shall be advised and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.

#### 7.100 Final Plat Submission.

A. Following approval of the Tentative Plat, the subdivider shall prepare 1 original (drawn on 7-10 mil double matted polyester drafting film) and two exact copies (drawn on 3 or 4 mil double matted polyester drafting film) of the Final Plat, together with 5 copies of any other supplementary material as may be required to indicate the general program and objectives of the project.

1. Format. The final Plat shall be drawn as follows:

a. The final subdivision plat shall be drawn in the manner provided by ORS Chapter 92 and at a scale of one inch equals one hundred feet, with permanent black india type ink on material (Polyester double matted drafting film 7 mil base thickness) that is 18" x 24". If more than one sheet is required, the additional sheets shall be numbered and indexed. No portion of the writing or map shall be closer than one inch to the outer edges of the sheet. Two exact (Polyester drafting film 4 mil base thickness) copies, certified as being exact duplicates of the original drawing, shall also be prepared for submission. Two prints of the plat made from this tracing shall accompany the application for approval of the final plat.

b. Plats shall be drawn in the manner provided by ORS 209.250 for preparation of surveys.

2. Data Requirements. In addition to that specified by law, the following information shall be shown on the plat:

a. Reference points of existing surveys identified, related to the plat by distances and bearing, and referenced to a field book or map as follows:

(1) Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.

(2) Adjoining corners of adjoining subdivisions or partitions.

- (3) Other monuments found or established in making the survey of the subdivision or required to be installed by State law.
- b. State plane coordinates. Three distinctly remote corners of the subdivision exterior boundary shall be tied to the State of Oregon plane coordinate system.
  - c. The location, width, and centerline of streets and easements intercepting the boundaries of the tract.
  - d. Normal flood plain or high water line for any creek or other minor body of water or natural drainage way and the one hundred year flood line of major water bodies.
  - e. Tract, block, and lot or parcel boundary lines and street right-of-way and center lines with dimensions, bearings or deflection angles, radii arc points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings. Distances shall be shown to the nearest 0.01 feet.
  - f. The width of the portion of streets being dedicated and the width of existing rights-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius, cord distance, bearing, and central angle shall be indicated.
  - g. Easements, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The bearing, and sufficient ties to locate the easement with respect to the subdivision, shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
  - h. Lot numbers beginning with the number "1" and numbered consecutively in each block in subdivision.
  - i. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout a subdivision. The numbers shall be of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in addition to a sub-

division of the same name shall be a continuation of the numbering in the original subdivision.

- j. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale.
- k. Identification of solar access lots, building setback lines or building envelope lines.
- l. The following certificates may be combined where appropriate:
  - (1) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
  - (2) A certificate with the seal of and signed by the surveyor responsible for the survey and final map.
  - (3) A certificate signed and acknowledged as above, dedicating to the public all land and common improvements intended for public use.
  - (4) The following information shall accompany the plat:
    - (a) A copy of any deed restrictions.
    - (b) A copy of any dedication requiring separate documents.
    - (c) Warranty deeds conveying property to the City.
    - (d) A zoning map depicting the lots in the various zoning districts, if more than one zone is involved in the plat.
    - (e) Vacation of existing right-of-way or easements.
- m. Approval Block for Signatures. An approval block labeled City of Troutdale with appropriate date and signature lines for the Director and other signatures as required by law.
- n. Reference on plat to City of Troutdale case file number.

#### 7.110 Submission responsibilities of the Developer - Final Plat.

Prior to review and approval of a final plat, the developer shall take the following actions:

- A. Obtain a signature thereon by a Surveyor licensed or registered in the State of Oregon certifying that the subdivision plat complies with applicable laws.
- B. As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors, or Board's delegate, of any irrigation district, drainage district, water control district or district improvement company if the subdivision is within such district.

7.120 Review and Approval of Final Plat. Following receipt of the final plat, the Director shall take the following actions:

- A. Verify that the final plat is in conformance with the approved tentative plat. If necessary, the Director may cause field investigations to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has been a failure to comply, the subdivider shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director.
- B. Sign the plat certifying plat approval.
- C. Deliver the approved plat and accompanying documents to the Recording Section of Multnomah County for recording.
- D. Notify the subdivider that the approved subdivision plat and accompanying documents have been delivered to the County Recorder and may be offered for record.

7.130 Tentative And Final Plats For Major And Minor Partitions.

- A. Standards for major and minor partitions are the same as for subdivision tentative plats and final plats with the following exceptions:
  - 1. Data requirements do not include a "proposed name" for the partition but must reference the "Plat No." and City of Troutdale case file number.
  - 2. "Proposed improvements" need be shown only where applicable.
  - 3. State plane coordinates are not required.
  - 4. Zoning district designation and required setback dimensions must be noted on the plat.
- B. Standards for major and minor partitions may be modified by the Director to reduce or eliminate non-essential requirements when warranted by the application.

7.130 Approval Signatures For Final Partition Map. Following review and approval of a final partition map, the Director shall:

- A. Review Plat for Accuracy. The Director may cause a field investigations to be made to verify that the plat survey is

sufficiently accurate. If it is determined that there has been a failure to comply, the subdivider shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director.

- B. Sign the plat to certify that the map is approved.
- C. Notify the subdivider that the partition map and accompanying documents have been approved and are ready for delivery to the County Recorder to be offered for record.
- D. Deliver the signed original to the subdivider who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Troutdale immediately after recordation is completed.

7.140 Effective Date For Final Subdivision or Partition Plat Approval.

The approval process for a land division shall become final upon the recording of the approved plat, under ORS 92.120(1), and for a partition, upon the recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place prior to processing of the final plat. The documents effectuating a subdivision or partition shall become null and void if not recorded with the County Recorder within one year following approval.

7.150 Changes to Approved Plat. A change in an approved plat or plan that affects the street layout, reserved public use areas or lot lines shall require re-application and review as provided in this section for a new application.

7.160 Vacation of Plats. A plat, or portion of a plat, may be vacated by its owner anytime prior to the sale of any lot by a written instrument declaring such a plat vacated and seeking approval of the same by the Planning Commission, provided such instrument does not abridge or destroy any public rights in any of its public uses, improvements, streets or alleys. Such instrument shall be executed, acknowledged or approved, recorded or filed, in the same manner as a plat. When lots have been sold, a plat may be vacated provided all owners of lots in such plat approve of the vacation.

7.170 Design Requirements.

- A. Character Of The Land. Land which the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the subdivider and approved by

the Planning Commission, upon recommendation of the Director, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

- B. Water Facilities. Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, hydrants, service laterials, meter boxes and other required appurtenances shall be in accordance with the standards of the Fire District, the City, and the State.
- C. Underground Utilities. All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company. Electric power transmission lines, or primary feeder lines, and transformer vaults shall be underground.
- D. Street Trees. All developers of proposed subdivisions of land shall be required to prepare a street tree planting plan prior to submission of the Final Plat. It will be the developer's responsibility to install street trees, as indicated on the approved plan and in accordance with Ordinance No. 441-0.
- E. Lot Design.
  - 1. Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
  - 2. Lot Dimensions. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum required area for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
  - 3. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag (panhandle) parcel resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.

4. Double Frontage Lots And Access To Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation. If created, a landscaped, fenced or screened easement, at least ten feet wide, shall be provided across which there is no right of access to a major arterial street or nonresidential activity.
5. Lots shall avoid deriving access from major or minor arterials. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such streets. Where possible, driveways should be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.
6. Fencing. An subdivider shall be required to furnish and install fencing whenever the Director or Planning Commission determines that a hazardous condition may exist. The fencing shall be constructed according to standards established by the Director. No certificate of final inspection shall be issued until the fence improvements have been installed.
7. In a location that will not be served by a public sewer, a lot shall have sufficient size to permit compliance with the requirements of the Department of Environmental Quality for sewage disposal by septic tank and tile field and permit continued reliance on that method of sewage disposal. If the location will not be served by a community water system, a lot shall have sufficient additional size to permit an on-site water supply for each lot without conflict between water supply and sewage disposal facilities.
8. Shared Private Drives. When the size and shape of the lot makes separate drives impossible, shared drives may be approved by the Director when the following conditions are met:
  - a. The private drive does not serve more than six (6) units.
  - b. A homeowner's association, or other mechanism found acceptable to the Director, is created to maintain the drive.
  - c. All utilities, except the private drive, shall have separate connections to the public system, or if shared utilities are allowed, an access agreement shall be secured to allow public access on the drive for operation and maintenance of the utilities.



- d. Any utilities or facilities shared by two or more property owners shall meet established City standards.
  - e. Private drives serving two or more residences shall be fully improved with hard surface pavement with a minimum width of:
    - (1) Twenty-four feet when accommodating two-way traffic, or
    - (2) Fifteen feet when accommodating one-way traffic.
9. Flag Lots. Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of fifteen (15) feet for its accessway. The following dimensional requirements shall apply to flag lots:
- a. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
  - b. The access strip may not be counted towards the lot size or area requirements.
  - c. The accessway shall have a minimum paved width of ten feet.
- E. Erosion Control. Erosion control shall take place on all lots on which the ground cover has been disturbed. Erosion control methods include but are not limited to seeding, erosion control cloth, grading, etc. If seed is planted, it shall be improved perennial rye or fescue at not less than 4 lbs/1000 sq.ft.
- F. Surface Drainage And Storm Sewer Systems.
- 1. General Provisions. No partition or subdivision shall be approved which does not make adequate provisions for storm or flood water run-off. The storm water drainage system shall be separate and independent of any sanitary sewer system. Inlets shall be provided so surface water is not carried across any intersection. Surface water drainage systems shall be approved by the Director.
  - 2. Accommodation Of Upstream Drainage Areas. Culverts or other drainage facilities shall be large enough to accommodate potential run-off from the entire upstream drainage area, whether inside or outside of the development. The Director shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications, assuming conditions of maximum

potential watershed development permitted by the Development Code. The City will not participate in the cost of oversizing a storm water system.

3. Effect On Downstream Drainage. Where additional run-off incidental to the development of the subdivision will overload an existing drainage facility, approval of the subdivision may be withheld until provisions have been made for improvement of said potential condition.
4. Drainage Easements. When topography or other conditions make it impractical to include drainage facilities within street right-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the street.

When a proposed drainage system will carry water across private land outside the development, appropriate drainage rights must be secured.

#### G. Sewerage Facilities.

1. General Provisions. The subdivider shall install sanitary sewer facilities in a manner prescribed by the Department of Environmental Quality (DEQ) and the Director of Public Works. Where sanitary sewer facilities are not required, an individual disposal system shall be used. The individual disposal system, including the size of the septic tanks and size of the tile fields or other treatment device, shall be approved by the City of Portland Department of Sanitation.
2. Sizing System. Sanitary sewer systems should be designed for the ultimate tributary population, which should be determined by consideration of the current zoning and Comprehensive Plan designations. Sewer capacities should be adequate to handle maximum hourly quantities of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow and must meet city construction standards.

- #### H. Pedestrian Access.
- In order to provide circulation or access to schools, parks, shopping center, public transportation, other community facilities and to facilitate pedestrian access from streets to schools, parks, or other nearby streets, perpetual unobstructed easements at least twelve (12) feet in width may be required.

I. Utility Easements. In order to accommodate public utilities or drainage facilities, reservation of a perpetual easement through a minimum five (5) foot utility easement along front, rear and side lot lines for all lots within the subdivision may be required.

J. Preservation Of Natural Features And Amenities.

Existing features which would add value to residential developments or to the City as a whole, such as trees, watercourses, beaches, historical places, and similar irreplaceable assets, shall be preserved in the design of the development. No trees shall be removed from any development nor any change of grade of the land effected until approval of the final plat or map has been granted. All trees on the site which have been designated to be retained shall be preserved and all trees where required shall be welled and protected against change of grade.

K. Street Trees. Street trees shall be planted by the developer and maintained by the property owner in conformance with Ordinance No. 441-0.

L. Streets. No subdivision or partition shall be approved unless the development has frontage or approved access to an existing public street. In addition, all streets shall be graded and improved and in conformance with the City's construction standards, approved by the Director of Public Works, in accordance with the construction plans.

1. Topography And Arrangements. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.

2. Local Streets. Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, to require the minimum number of streets necessary to provide convenient and safe access to property, and to allow as much as practical for the southern exposure of homes for solar access.

3. Business And Industrial Streets. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walkways and parking areas to minimize conflict of movement between the various types of traffic, including pedestrian.

4. Proposed Streets. Proposed streets shall be extended to the boundary lines of the tract to be subdivided. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of land comprising such strips shall be placed within the jurisdiction of the City. In addition, a barricade shall be built at the end of the street by the subdivider and it shall not be removed until authorized by the Director of Public Works.
5. Blocks. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. However, exceptions to the block width shall be allowed for blocks which are adjacent to arterial streets or natural features. Blocks along arterials or collector streets shall not be less than one thousand (1,000) feet in length, wherever possible.
6. Access To Arterials. When a major partition or subdivision abuts an existing or proposed arterial, access to such streets may be limited by one of the following means:
  - a. The subdivision of lots so as to back onto the arterial and front onto a parallel local street.
  - b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
7. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of twenty (20) feet, unless otherwise approved by the Director of Public Works. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of thirty (30) feet, unless otherwise approved by the Director of Public Works.
8. Street Signs. The subdivider shall pay the cost of street signs prior to the issuance of Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development. The type and location of the street signs and/or traffic safety devices shall be specified by the Director of Public Works.
9. Cul-De-Sac. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in

accordance with the City's construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to six times the minimum lot width, serving no more than eighteen (18) dwelling units, and not exceeding four hundred (400) feet in length.

10. Surfacing And Improvements. Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the standards of the Oregon State Highway Department. An overlay of asphaltic concrete, or material approved by the Director of Public Works, shall be placed on all streets within the development.
11. Arterial Street Setback. In residential districts a building setback line, which shall extend twenty (20) feet back from the right-of-way line of an arterial street or landscaping, fencing, or other method of buffering residential uses from traffic noise, odor, dust, etc. shall be provided adjacent to the arterial. If the use of a buffer strip is selected, no structures may be placed within the buffer.
12. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the Director of Public Works.
13. Street Lighting. A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve a collector or arterial street. Mounting heights, lumens and methods of installation are listed as follows:
  - a. Mounting height: 25' to 30'.
  - b. Brightness: 9,500 lumens sodium vapor - 100 watts.
  - c. Pole materials may consist of wood, aluminum or fiberglass. Type of material will be determined based on durability, cost and availability.
  - d. The subdivider shall request, in writing, that an estimate and plan for street lighting be prepared to City and County lighting specifications.

- e. The City shall request preparation of a lighting plan and estimates for cost from the public utility.
- f. Upon receipt of the estimate and lighting plan, the City shall bill the subdivider the cost plus 2% overhead.
- g. Upon receipt of funds, the City shall issue a purchase order request to the utility and order the lighting installed.
- h. Upon completion of installation, the City shall request that the street lighting be accepted by the Multnomah County Lighting District.

L. Street Standards - Major and Minor Arterials, Collectors, and Local Streets.

- 1. Major and minor arterials are designed to expedite the movement of traffic to and from major trip generators and between communities; to collect and distribute traffic from freeways or expressways to minor arterial streets, collector or neighborhood collector streets, or directly to traffic generators and to facilitate traffic movement between neighborhoods.
- 2. City minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations.
- 3. Neighborhood streets are designed to collect and distribute traffic from higher type arterial streets to neighborhood access streets or directly to traffic destinations.
- 4. Local streets are designed to provide direct access to abutting property and connect to collector streets.
- 5. Cul-de-sacs are designed to provide access to directly abutting property.

M. All major and minor arterials are governed by Multnomah County or the State of Oregon and will be built and maintained to these standards.

DESIGN STANDARDS - COLLECTOR STREET

Traffic Volume: 4,000-10,000 vehicles per day  
 Right-of-Way: Range = 50-60 feet; standard = 60 feet  
 Pavement Width: Range = 40-44 feet; standard = 44 feet  
 Slope: Maximum 8% slope  
 Number of Moving Lanes: Two  
 Speed Limit: 25-30 m.p.h.  
 Parking: No restrictions  
 Left Hand Turns: No restrictions  
 Intersection Design: 90 degree intersection angles (minimum 75 degrees)  
 150 feet minimum between intersections  
 Bus/Truck Restrictions: Trucks, other than small local service delivery vehicles, allowed only if the trip destination is not on a residential or commercial local street  
 Bicycle Lanes: Where parking is not allowed, areas are to be provided on each side of the street for combined emergency parking and bicycle use

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Parking Strip: (City Collector)	Yes	Yes	Yes
Parking Strip: (County Collector)	No	No	No
Sidewalk Width	5'	6'	6'
Access Control- Curb Cut to Curb Return	45'	45'	100'
Number of Access Points	None if other access avail.	1 per 150' frontage	1 per 150' frontage

DESIGN STANDARDS - NEIGHBORHOOD COLLECTOR STREET

Traffic Volume: 1,000-4,000 vehicles per day

Right-of-Way: Range = 50-60 feet; standard = 54 feet

Pavement Width: Range = 36-40 feet; standard = 36 feet

Slope: Maximum 10% slope

Number of Moving Lanes: Two

Speed Limit: 25 m.p.h.

Parking: Parking allowed on both sides of street  
 No parking within 25' from the intersection of curb lines

Left Hand Turns: No restrictions

Intersection Design: 90 degree intersection angles (minimum 75 degrees)  
 100 feet minimum between intersections  
 Offset intersections not permitted

Bus/Truck Restrictions: No trucks shall be allowed except local delivery or services vehicles.

Bicycle Lanes: None required

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Parking Strip:	Yes	Yes	Yes
Sidewalk Width	5'	6'	6'
Access Control-Driveways	25' from corner	25' from corner	25' from corner
Number of Access Points	One	No Limit	No Limit

1 Unless authorized by the Director of Public Works



DESIGN STANDARDS - LOCAL STREET

Traffic Volume: Less than 1,000 vehicles per day  
 Right-of-Way: Standard = 50 feet  
 Pavement Width: Range = 32-36 feet; standard = 32 feet  
 Slope: Maximum 12% slope  
 Number of Moving Lanes: Two  
 Speed Limit: 25 m.p.h.  
 Parking: Parking allowed on both sides of street  
 No parking within 25' from the intersection of curb lines  
 Left Hand Turns: No restrictions  
 Intersection Design: 90 degree intersection angles (minimum 75 degrees)  
 150 feet minimum between intersections  
 Bus/Truck Restrictions: No trucks shall be allowed except local delivery or services vehicles.  
 Bicycle Lanes: None required

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Parking Strip:	Yes	Yes	Yes
Sidewalk Width	5'	6'	6'
Access Control-Driveways	25' from corner	25' from corner	25' from corner
Number of Access Points	One	No Limit	No Limit

1 Unless authorized by the Director of Public Works

DESIGN STANDARDS - CUL-DE-SAC

Traffic Volume: Less than 150 vehicles per day

Right-of-Way: Standard = 50 feet; Minimum = 46 feet

Pavement Width: Standard = 28 feet

Radius: Standard = 50 feet; 39 feet paved

Slope: Maximum 12% slope

Number of Moving Lanes: Two

Speed Limit: 25 m.p.h.

Parking: Parking allowed on both sides of street  
No parking within 25' from the intersection of curb lines

Left Hand Turns: No restrictions

Intersection Design: 90 degree intersection angles (minimum 75 degrees)  
150 feet minimum between intersections

Bus/Truck Restrictions: No trucks shall be allowed except local delivery or service vehicles.  
No public transit busses allowed

Bicycle Lanes: None required

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Parking Strip:	No	No	No
Sidewalk Width	5'	5'	5'
Access Control- Driveways	25' from corner	25' from corner	25' from corner
Number/Access Points	One	No Limit	No Limit

1 Unless authorized by the Director of Public Works

### 7.350 Guarantee

- A. The subdivider may elect to complete all required public works improvements and all other improvements required as part of the Tentative Plat and construction drawings approval prior to requesting approval of the Final Plat. In such case, no performance guarantee will be required. All improvements must be completed in accordance with City standards, inspected and accepted by the City prior to approval of the final plat. A warranty of workmanship and materials shall be required as specified in Section 7.410. All improvements shall remain the property of the subdivider until formally accepted by the City.
- B. The subdivider may also establish an escrow account with a lending institution as per City's Mutual Improvement Agreement (See Figure 7.350 (a)).
- C. If the subdivider should elect to file the partition map or subdivision plat prior to the completion and acceptance of the public works improvements, he/she shall secure a surety bond, present a cashier's check for deposit with the City or place cash in an escrow account with a bonded escrow agent licensed in the State of Oregon as assurance for faith performance of the required improvements and conditions of the development permits. The value of the surety bond, cash deposit or escrow account shall be equal to 110% of the estimated value of the work. All estimates furnished by the subdivider shall be verified by the Director.

All financial instruments presented to assure performance shall be reviewed as to form and manner of execution by the City Attorney.

In the event the subdivider fails to perform all work required by the approved tentative plat and the City has unreimbursed costs or expenses resulting from such failure to perform, the City shall be authorized to use the cash deposit or escrow funds for reimbursements or to bring an action or claim on the surety or on the surety bond.

If the amount of bond or cash deposit exceeds costs and expenses incurred by the City to perform the work, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expenses incurred by the City, the subdivider shall be liable to the City for the difference.

- 7.360 Development Inspection Fee. The subdivider shall pay the Project Development Inspection Fee (PDIF) at the time construction drawings are filed with the City for review. When the subdivider anticipates that there will be a delay of more than one year between submission of the construction plans for review and the actual field inspection of the facilities, the City Administrator may provide that only one-half of the PDIF be paid at the time construction drawings are submitted. The balance shall be due before actual commencement of construction.

## 7.370 Construction Drawing Requirements.

- A. General. No public works improvements shall be constructed prior to approval of formal construction plans by the Director of Public Works. Designs submitted shall be stamped by a Registered Professional Engineer licensed to practice in the State of Oregon.
- B. Submittal Requirements. Submittal requirements include seven (7) sets of design drawings of streets, sanitary sewers, storm sewers, water mains, street lighting and associated details. Where required, site grading plans and erosion control plans shall be submitted. Drainage plans shall be accompanied with calculations (two sets only). Plans shall also include parks and open spaces if public improvements extend into those areas.
- C. Design Plan Format.
  1. General
    - a. Plans shall be submitted on standard sheets having dimensions of 24"x36" or 22"x34".
    - b. A vicinity map shall be located on the first sheet of the plans and shall show the location of the project with respect to the nearest collector or arterial level street and major intersection.
    - c. A title block shall be placed on each sheet of the plan set, in the lower right-hand corner, across the bottom edge of the sheet or across the right-hand edge of the sheet. The title block shall include the name of the project, the name and address of the owner and engineering firm and the sheet title.
    - d. The seal and signature of the Registered Professional Engineer responsible for preparation of the plans shall appear on each sheet.
    - e. A north arrow shall be shown on each plan view sheet of the plans and adjacent to any detail which is not oriented the same as other details on a common sheet. North arrow shall, whenever practical, be pointing to the top or right side of the page.
    - f. Engineering scales of one-inch equals 2', 4', 5', or 10' vertically and one-inch equals 10', 20', 40' or 50' shall be used on all drawings except structural or architectural drawings.
    - g. Letter size shall not be smaller than 0.10 inches high.

- h. The location and elevation of the nearest NGS, USGS, OSHD or Multnomah County benchmark used as the elevation datum shall be shown or described on the plans. At least one permanent monument shall be installed to City standards and its elevation, State plane coordinate or system grid coordinates and survey tie data supplied to the City with surveyor's certification.
- i. The description and date of all revisions to the plans shall be shown on each sheet affected.
- j. A general legend shall be shown at least once for each set of drawings.
- k. Construction notes shall be detailed when appropriate.

2. Plan View Details

- a. Street and drainage details shall be shown on one set of screened development drawings. Sanitary sewer and water main details shall be shown on a separate set of screened drawings.
- b. Plan views shall show all street right-of-way, property lines, tract boundaries and easement lines.
- c. The subdivision or partition lot lines, lot numbers and street names shall be shown.
- d. Location and stationing of all proposed street centerlines including all horizontal curve data and curb returns.
- e. Centerline stationing of all intersecting streets.
- f. Crown lines along portions of streets transitioning from one typical section to another.
- g. Street associated details such as sidewalks, wheelchair ramps, street monuments, pedestrian access way, etc.
- h. Complete drainage details including drain pipe locations, pipe sizes, manholes, dry wells, catch inlets, subsurface drains, and outfall or connection details.
- i. Sanitary sewage collection system showing compliance with the standards of the Oregon DEQ including sewer pipe locations, pipe sizes, manholes, clean outs, and service line locations.

j. Water distribution system shall be designed as an extension of the existing grid system providing for adequate fire flow and system reliability. Drawings shall show the location of all mains, service lines, meters, valves, fittings, fire hydrants and appurtenances.

3. Profile View.

- a. Original ground line at centerline, left and right curb lines, and left and right right-of-way lines when cross slopes are significant.
- b. Centerline of existing streets for a distance of 300 feet each way at intersection with proposed street.
- c. Vertical alignment of new streets, including stationing, elevations of control points, vertical curve data and longitudinal slopes for centerline and top of curbs.
- d. The top of curb when they deviate from the typical section such as super-elevated sections, offset crown, cul-de-sacs, eyebrows and intersection curb returns.
- e. Extension of the profile of the streets that will be extended in the future (stub streets). The extended profile shall be at least 200 feet for local and collector level streets.
- f. All existing and proposed drainage facilities, their type, all invert and crown elevations, slopes, materials and lengths.
- g. All existing and proposed sanitary and storm lines, their type, all invert elevations, slopes, materials and lengths.
- h. All known utilities which may or may not conflict or interfere with the installation proposed.

7.400 Commencement Of Construction.

- A. The Director of Public Works shall have issued a notice of "Authorization to Commence Construction" when all the following have been completed:
  1. The subdivider shall request in writing to the Director of Public Works that he be allowed to commence construction.
  2. The subdivider shall have paid all outstanding fees, assessments, and liens on the property, including, but not limited to: sewer or water assessment, and all taxes on any property being deeded to the City or dedicated to the public.

3. The subdivider shall have submitted and had the construction drawings approved.
  4. The subdivider shall have submitted and had approved a Performance Guarantee.
- B. No construction shall take place prior to official authorization. Any construction which may take place may be halted by the Director of Public Works.

7.410 Certificate Of Substantial Completion.

- A. The Certificate of Substantial Completion shall be issued when the following items are completed:
1. The "Certificate of Substantial Completion" is issued by the Director of Public Works following a field inspection by a designated representative, who shall verify that the required improvements have been constructed in accordance with the applicable standards and specifications (along with any noted exceptions) and that the streets, sanitary and storm sewers, water system, and other improvements are operable and suitable for public use (street lighting).
  2. The subdivider has submitted a surety bond, cashier's check or certified check in an amount which is not less than 10% of the cost of the improvements. The bond shall be in a form which is satisfactory to the City Attorney. The bond shall run for a period of at least two years following issuance of Certificate of Substantial Completion by the City and the subdivider shall be required to correct all deficiencies of workmanship and materials within the development for that period. The City Council may require a larger bond, or allow the bond to run for a longer period.
  3. The subdivider has submitted a surety bond, cashier's check or certified check, equal to the total estimated cost, which will guarantee the placement and maintenance of an overlay of asphaltic concrete on all streets within the development. The amount of the bond, cashier's check, or certified check must be updated biannually to reflect changes in construction costs. The subdivider shall be required to place the overlay on all streets after at least 90% of the buildings within the development have received "Certificates of Final Inspection". The City will review the streets annually to determine the condition of the street surface. If extreme deterioration has occurred, or if market conditions indicate a continuing delay in construction the City may require a final lift prior to 90% occupancy.
  4. If the subdivision is not substantially completed, no building permits will be issued except by

authorization of the Director unless the street on which the lot fronts is substantially complete and allows direct public access to the lot.

7.420 Acceptance Of Construction Improvements.

- A. No building permits will be issued on the last 10% of the building lots within the subdivision until all of the following requirements have been fulfilled:
  - 1. The subdivider has submitted a letter to the Director of Public Works requesting that the City accept the improvements and that the improvements have been built to City standards and the approved construction drawings.
  - 2. The subdivider has submitted one set of mylar "as-built" drawings and two prints of each mylar.
  - 3. The Director of Public Works has approved the improvements and recommended acceptance.
- B. Building permits may be issued for the remainder of the lots after official City acceptance of all the public improvements.



## CHAPTER 8 SITE ORIENTATION &amp; DESIGN STANDARDS

## 8.000 SITE ORIENTATION AND DESIGN STANDARDS

- 8.010 Purpose. This section establishes a process for the review of development proposals in order to promote functional, safe, innovative and attractive development that is compatible with the natural and man-made environment.
- 8.020 Applicability. The provisions of this section apply to all zones and uses with the exception of single-family and two-family dwellings and uses accessory to these dwellings. Site and design review considerations include the layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage, landscaping, service and delivery areas, outdoor recreation areas, retaining walls, cut and fill actions, accessways, pedestrian walkways, and buffering and screening. All applications for site and design review are subject to the requirements of this Chapter and other applicable City ordinances. The Director shall refer applicants to the Planning Commission if any variances from the standards are required according to the provisions of Chapter 6.200.
- 8.030 Powers and Duties. Staff shall review all plans for compliance with the Development Code and other applicable regulations of any jurisdiction. Staff may tailor the extent of the review by deleting or combining steps when not warranted by the scale of the development to ensure compliance.
- 8.040 Additional Requirements - Site & Design Review. Conditions of approval may be imposed on a development subject to Site and Design Review by advising the applicant of the reasons in writing that the conditions are necessary to meet the intent and purpose of the Comprehensive Land Use Plan, Development Code and other applicable ordinances. Conditions may include the following:
- A. Include as part of the landscaped area, clearances from specified trees, rocks, water ponds or course, or other natural features.
  - B. Establish the suitability of the landscape plan by having it prepared by a licensed landscape architect.
  - C. Obtain city engineer's approval of a grading and drainage plan for the collection and transmission of storm or ground water.
  - D. Establish vehicle and pedestrian access facilities with due consideration to size, location and grade.
  - E. Require dedication of public street right-of-way, a pedestrian way, or an easement for utilities, a waterway, slope protection, or open spaces.
  - F. Install sidewalks.

- G. Support a future street improvement in an agreement that will run with the land.
- H. Modify elements of the design or proposed materials, color, texture or shape of a structure, sign, or other feature of the development, providing that a specific design feature is so inappropriate, incongruous with the surrounding area or in some other way sufficiently detrimental to the aesthetics, property values, general stability or other public welfare concern for the area or the City as a whole that correction is necessary. In requiring modification, an alternate means of solution shall be provided, but the applicant is free to propose other alternatives.
- I. Install an on-site fire hydrant with a protective barricade.
- J. Install lighting for outdoor circulation and parking areas, including approval of the type and placement of the outdoor lighting.
- K. In case of commercial or industrial development, provide access by a frontage road having limited and controlled access onto an arterial street by means of traffic signals, traffic control islands, or other means that will preserve the traffic carrying capacity and safety of the arterial street and that will avoid the cumulative effect of individual access points directly onto the arterial street.
- L. In the case of development that is not required to provide a frontage road, provide access to a street that intersects an arterial street instead of directly to the arterial street, to preserve the traffic carrying capacity and safety of the arterial street and avoid the cumulative effect of individual access points.

8.050 Procedures and Submission Requirements.

- A. Site and design review shall be a Type I procedure. However, the Director shall refer a development proposal to the Planning Commission when the applicant requests variances or exceptions from the Development Code.
- B. Pre-Application Conference. Prior to filing site and design plans, the applicant shall confer with staff. The purpose of this conference is to provide an opportunity for the applicant to describe the proposed development and for the staff to explain relevant land use policies, ordinances, standards, opportunities and constraints which may be applicable to the site and type of the proposed development before the applicant has invested substantial time and resources or becomes committed to particular concepts or design solutions.

An applicant should submit drawings, sketches and descriptions that describe the proposed development at the time of pre-application conference.

- C. Filing Plans. A complete application with final drawings for site and design review shall be submitted to the Planning Division. An application shall not be deemed complete unless all information requested is provided and fees paid.

Upon completion of a technical review by staff and approval by the Site and Design Review Committee, the site plan and landscape plan shall act as the official approved development plan, and any construction, addition, or extension of the buildings or structures to occur on that site shall be in strict compliance with the approved site plan.

If the property owner finds it necessary to vary from the approved landscape plan, an application shall be filed with the Planning Division requesting an amendment to the approved plan.

Plans shall include all items listed below:

1. A project summary shall accompany the application when deemed necessary to describe any special circumstances which may require approval of variances or special exceptions by the Planning Commission. In addition, plans shall include the following, which may be combined, as appropriate onto one or more drawings:
2. The site analysis will provide the basis for the proper design relationship of the proposed development to the site and to adjacent properties. The degree of detail in the analysis shall be appropriate to the scale of the proposal or to special site features requiring careful design. A site analysis shall include:
  - a. Vicinity map showing location of property in relation to adjacent properties, roads, pedestrian and bicycle ways, and utility access. Site features, manmade or natural, which cross property boundaries should also be shown.
  - b. A site description map at an approved engineering scale (e.g., 1" = 100'; 1" = 50', 1" = 20', or 1" = 10') showing parcel boundaries, gross area and contour lines at the following minimum intervals:
    - (1) Two (2) foot intervals for slopes 0-20%
    - (2) Five (5) or ten (10) foot intervals for slopes exceeding 20%
    - (3) Identification of areas exceeding 30% slope
  - (c) Drainage, including adjacent lands.

- (d) Natural hazard areas, including potential flood or high ground water, landslides, erosion, drainageways and weak foundation soils.
  - (e) Marsh or wetland areas, underground springs, wildlife habitat areas, wooded areas and surface features such as earth mounds, large rock outcroppings.
  - (f) Streams and stream corridors.
  - (g) Location of trees over six inches in caliper; wooded areas, significant clumps or groves of trees, and specimen conifers, oaks and other large deciduous trees. Where the site is heavily wooded, an aerial photograph, not to exceed 1" = 400', may be submitted and only those trees that will be affected by the proposed development need be sited accurately.
  - (h) On and off-site noise sources.
  - (i) Sun and wind exposure (including solar access).
  - (j) Additional information as required by the Director such as soils, geology, hydrologic study, etc.
3. Site Plan. The site plan shall be drawn at an approved engineering scale (e.g., 1" = 100', 1" = 50', 1" = 20' OR 1" = 10') and shall include the following:
- a. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationships between the applicant's property and proposed development and adjacent property and development.
  - b. Boundary lines and dimensions for the property and all proposed lot lines. Future building in phased developments shall be indicated.
  - c. Identification information, including names and addresses of project designers.
  - d. Natural features which will be utilized in the site plan.
  - e. Location, dimensions and names of all existing or platted streets or other public ways, easements, railroad rights-of-way, on or adjacent to the property; county limits, section lines and corners, and monuments.
  - f. The location of at least one protected temporary benchmark and spot elevations when needed.

- g. Location and dimensions of all existing structures, improvements or utilities, noting structures to be removed.
  - h. Community Resources.
  - i. Approximate location and size of storm water retention or detention facilities and storm drains.
  - j. Location and exterior dimensions of all proposed structures, and impervious surfaces.
  - k. Relation to transit, location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.
  - l. Orientation of structures showing windows and doors, entrances and exits.
  - m. Significant climate variables, including but not limited to, solar potential, wind direction and velocity.
  - n. Outdoor lighting; specify type.
  - o. Service areas for waste disposal, recycling, loading and delivery.
  - p. Location of mail boxes.
4. Grading Plan. A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals and natural resource protection proposals consistent with the natural resource protection section of this ordinance.
5. Architectural Drawings.
- (a) Building elevations.
  - (b) Building materials: color and type.
6. Landscape Plan. The landscape plan shall be at the same scale as the site plan. All identification information required on the site plan shall be shown on the landscaping and open space plan. It shall show:
- a. Property and lot boundaries and rights-of-way.
  - b. Structures and impervious surfaces including parking lots.
  - c. General landscape development plan, including plant specifications keyed to plan map and

including botanical names, common names, sizes, numbers, and methods of planting and maintenance and the location of existing plants and groups of plants proposed.

- d. Description of soil conditions and plans for soil treatment such as stockpiling of topsoil, addition of soil amendments, and plant selection requirements relating to soil conditions.
- e. Erosion control, including plant materials and soil stabilization, if any.
- f. Details of automatic irrigation system.
- g. Landscape-related structures such as fences, terraces, decks, patios, shelters, play areas, etc.
- h. Boundaries of open space, recreation or reserved areas.
- i. Location of pedestrian or bikeway circulation.

7. Signs.

a. Free-standing sign:

- (1) Location of sign on site plan.
- (2) Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, means of illumination).

b. Wall or Projecting signs:

- (1) Building elevation with location of sign (indicate size, color, materials and means of illumination).
- (2) Plot plan showing location of signs on building in relation to adjoining property.

8.060 Maintenance. All approved on-site improvements shall be the ongoing responsibility of the property owner or occupant. The owner, occupant, or agent shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free of refuse and debris. All on-site improvements shall be controlled by maintaining, pruning, trimming or otherwise so that:

- A. It will not interfere with the maintenance or repair of any public facility;

- B. It will not restrict pedestrian or vehicular access; and
- C. It will not constitute a traffic hazard because of reduced visibility.

8.070 Compliance.

- A. The development site shall be checked by the staff to ensure compliance with final approved plans prior to issuance of an occupancy permit.
- B. The development must be completed as per the approved final plans including landscaping and recreation areas before the occupancy permit is issued.
- C. It shall be the duty of the Director to enforce these regulations, and to assure that conditions of final development approval are carried out.

8.080 Appeal. The applicability of Article 8 to a specific proposal and specific conditions necessary to meet these standards may be appealed to the Planning Commission by the applicant as specified in Chapter 16. An appeal must be filed within ten (10) days of the date of the letter of final action.

CHAPTER 9 - OFF-STREET PARKING AND LOADING

9.000 Off-Street Parking Required. Off-street parking and loading space shall be provided for all developments. The provision for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner. No building permit or any other required permit for a structure or use under this or any other applicable rule, ordinance, or regulation shall be issued with respect to off-street parking and loading, or land served by such facilities until satisfactory evidence is presented that the property is, and will remain, available for the designated use as a parking or loading facility.

9.010 Residential Off-Street Parking Space Requirements. The minimum off-street parking space requirements are as follows:

Single family dwelling	2 per dwelling unit
Two family Dwelling	2 per dwelling unit
Multi-family dwelling	3 per 2 dwelling units
Sorority, fraternity or dorm	1 per 2 occupants
Residential hotel, rooming or boarding house, club, bed and breakfast, hotel, motel	1 per guest room or suite
Manufactured home park	2 per manufactured home site, plus 1 per three spaces for guest parking at a convenient location.
Planned development	In addition to the requirements for dwelling units, 1 per 2 units for guest parking at a convenient location.

9.020 Commercial Off-Street Parking Space Requirements. The minimum off-street parking space requirements are as follows:

General retail or personal service	1 per 200 sq.ft. floor area
Shopping centers	1 per 225 sq.ft. floor area
Furniture/appliance store	1 per 500 sq.ft. floor area
Auto, boat or trailer sales or nursery	1 per 1,000 sq.ft. floor area
General, professional or banking office	1 per 300 sq.ft. floor area
Medical or dental office or clinic	1 per 200 sq.ft. floor area



Eating or drinking establishment	1 per 250 sq.ft. floor area
Theater, gymnasium, racetrack, stadium or similar use	1 per 4 seats or 8 ft. bench length
Bowling alley	2 per lane
Skating rink or dance hall	1 per 100 sq.ft. floor area
Amusement park	1 per 1,000 sq.ft. floor area
Service station	1 per 2,000 sq.ft. lot area

9.030 Institutional, Public and Semi-Public Uses Off-Street Parking Space Requirements. The minimum off-street parking space requirements are as follows:

Child care center or kindergarten	1 per 2 employees, plus 1 per 5 children
School, elementary or junior high	2 per teacher
School, high school	2 per classroom, plus 1 per 10 students
College, university or trade school	2 per classroom, plus 1 per 5 students
Library or museum	1 per 400 sq.ft. floor area, plus 1 per 2 employees
Church, chapel, mortuary, auditorium	1 per 4 seats or 7 ft. bench length
Nursing or convalescent home	1 per 2 beds for patients and residents
Congregate housing facility	1 per 3 residents
Hospital	3 per 2 beds
Golf course	8 per hole

9.040 Industrial Off-Street Parking Space Requirements. The minimum off-street parking space requirements are as follows:

Storage, warehouse, or manufacturing establishment; air, rail or trucking freight terminal	1 per employee on largest shift
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9.050 Other Developments Not Listed. Requirements for a building or development not specifically listed herein shall be determined based upon the requirements of comparable uses listed. The Director may refer any question of interpretation to the Planning Commission for determination.

9.060 Landscaping and Screening.

- A. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than ten (10) percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, or ground cover.
- B. Parking areas shall be divided into bays of not more than twenty (20) parking spaces in parking areas with twenty or more spaces. Between, and at the end of each parking bay, there shall be planters which have a minimum width of five (5) feet and be at least seventeen (17) feet in length. Each planter shall contain one major structural tree and ground cover which has been deemed appropriate by the Director. Truck parking and loading areas are exempt from this requirement.
- C. Parking area setbacks shall be landscaped with major trees, shrubs and ground cover as specified in Chapter 8.
- D. Wheel stops, bumper guards or other method to protect landscaped areas shall be provided. No vehicles may project over a property line. No vehicle shall overhang a public right-of-way, sidewalk or landscaped area unless adequate area is provided for safe pedestrian circulation.
- E. Fences, walls or hedges shall not be placed within front or street side setback areas except at the street side edge of parking lots when allowed within setbacks.
- F. Where parking adjoins a residential zoning district, there shall be a sight obscuring screen which is at least eighty (80) percent opaque when viewed horizontally from between two (2) and eight (8) feet above average ground level. The screening shall be composed of materials which are an adequate size so as to achieve the required degree of screening within three years after installation.

9.070 Paving.

- A. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphaltic or comparable surfacing, constructed to city standards for off-street vehicle areas.
- B. Approaches shall be paved with concrete surfacing constructed to city standards. If a street is not paved, the approach may be maintained to the same standard as the street until the street is paved.

9.080 Drainage. Parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

9.090 Lighting. Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create a hazard to the public use of a street.

9.100 Shared Use of Parking Facilities.

- A. Except for residential uses, required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.
- B. In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately.
- C. Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.

9.110 Accessways.

- A. An accessway to an off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet for a two-way drive, 12 feet for a one-way drive or to the full width of any access way that is less than 20 feet. The improvement shall be constructed to the standards for private drives.
- B. A driveway for a single or two family dwelling shall have a minimum width of ten feet.
- C. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve feet for their entire length and width but such clearance may be reduced in parking structures.

9.120 On-Site Circulation.

- A. Groups of more than three parking spaces shall be permanently marked.

- B. Except for a single family or two family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner. No backing movements or other maneuvering shall be permitted within a street right-of-way other than an alley.

9.130 Public Transit Facilities. Commercial and industrial firms which employ 25 or more permanent full-time employees and are served by public transit may be required to provide a shelter at the transit loading site. These shelters shall provide at least four seating spaces and adequate protection from the weather. New firms which are not served by public transit will not be required to provide such shelter until they are served by public transit.

9.140 Setbacks.

- A. Parking areas, which abut a residential zoning district, shall meet the building setback of the most restrictive adjoining residential zoning district.
- B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family dwellings, required parking may be located in front of a garage.
- C. In industrial districts, when greater setbacks are required for structures, parking lots may be within twenty feet of any front, side street, or rear property line and within five feet of any side property line. Screening shall be maintained to obscure all parking from the property lines.
- D. Parking areas shall be set back from a lot line adjoining a street the same distance as required building setbacks. Regardless of other provisions, a minimum setback of ten feet shall be provided along the property fronting on a public street in an industrial district. The setback area shall be landscaped as provided in this code.

9.150 Truck Parking. In residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises where such use is permitted.

9.160 Handicapped Parking Facilities. All parking areas of less than twenty (20) parking spaces shall have one (1) handicapped parking space. Parking areas with more than twenty (20) spaces shall provide one (1) handicapped parking space for every fifty (50) standard parking spaces.

9.170 Off-Street Parking Restrictions.

- A. Parking spaces in a public street, including an alley, shall not be considered required parking.
- B. Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials.

9.180 Design Requirements for Off-Street Parking. The following off-street parking development and maintenance shall apply in all cases:

A. Size.

- 1. The standard size of a parking space shall be nine (9) feet by eighteen (18) feet (162 s.f.).
- 2. The compact size of a parking space shall be eight (8) feet by sixteen (16) feet (128 s.f.). Thirty-five percent of required parking spaces may be compact spaces.
- 3. Handicapped parking spaces shall be thirteen (13) feet by eighteen (18) feet.
- 4. For parallel parking the length of the parking space shall be increased to twenty-two (22) feet.

B. Aisles shall not be less than:

- 1. 25' in width for 90o parking
- 2. 20' in width for 60o parking
- 3. 20' in width for 45o parking
- 4. 12' in width for parallel parking on one side
- 5. 16' in width for parallel parking on both sides

9.190 Loading Facilities.

A. The minimum area required for commercial and industrial loading spaces is as follows:

- 1. 250 sq.ft. for buildings of 5,000 to 19,999 sq.ft. of gross floor area.
- 2. 500 sq.ft. for buildings of 20,000 to 49,999 sq.ft. of gross floor area.
- 3. 750 sq.ft. for buildings in excess of 50,000 sq.ft. of gross floor area.

- B. The required loading area shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.
- C. Loading areas shall be screened from public view from public streets and adjacent properties.
- D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five students.

9.200 Off-Street Parking Plan. A plan drawn to scale, indicating how the off-street parking and loading requirement is to be provided, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

- A. Delineation of individual parking spaces.
- B. Circulation area necessary to serve spaces.
- C. Access to streets, alleys, and properties to be served.
- D. Curb cuts.
- E. Dimensions, continuity and substance of screening.
- F. Grading, drainage, surfacing and subgrading details.
- G. Delineations of all structures or other obstacles to parking and circulation on the site.
- H. Specifications as to signs and bumper guards.

9.210 Off-Street Parking Construction. Required parking spaces shall be improved and available for use at the time of final building inspection.

## CHAPTER 10 SIGNS

### 10.000 SIGNS

#### 10.010 Signs Permitted in All Districts - Exempt from Permits.

- A. Traffic or other municipal signs, signs required by law, railroad crossing signs, legal notices, temporary emergency, or non-advertising signs and signs mandated by local, state or federal law.
- B. Public utility company signs indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
- C. Signs erected for the convenience of the public identifying restrooms, entrances, public telephones, walkways, directional or information signs, including menu boards, located wholly within the site and bearing no advertising message except for company logos or insignias.
- D. Memorial signs or tablets, historical markers, names of buildings, and dates of erection when cut into the surface or the facade of the building, or when projecting not more than 2 inches.
- E. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.
- F. Painted wall decorations and wall graphics.
- G. Window signs as a part of the inside display area of a business are not intended to be regulated by this Chapter.
- H. Flags of the U.S., foreign countries, the United Nations or flags of civic, fraternal or charitable institutions.

#### 10.020 Signs Permitted in All Districts - Exempt from Permits but subject to regulation.

- A. Name plates identifying the occupant of a residence are permitted, provided the plate does not exceed one (1) square foot in size.
- B. One real estate sign on any site is permitted for the purpose of advertising the property for sale, lease or rent, provided such sign is either attached flat against the building; located within the property boundaries; is unlighted, does not exceed sixteen square feet in area, on one sign face, and is removed within fifteen days after the close of escrow, or rental or lease has been accomplished.
- C. Additional temporary single or double faced "Open House" signs shall be permitted on private property during daylight hours, provided such additional temporary signs

are removed prior to sunset the day of the placement. Such signs are permitted only on private property with the consent of the occupant. Units displaying an open house sign must remain unlocked during the time the sign is posted.

- D. Temporary political signs, including their supporting structures, provided that:
  - 1. Maximum sign area, on one sign face, does not exceed six square feet;
  - 2. The sign is erected and maintained for no longer than 60 days;
  - 3. The sign is removed within 10 days after the election to which it pertains.
  - 4. Signed permission of the property owner has been obtained.
- E. Reasonable seasonal decorations within the appropriate public holiday season. Such displays shall be removed within seven days of the end of the public holiday season.
- F. Temporary promotional or sign displays for a center wide promotion or event for a period not to exceed fourteen days.

10.030 The following signs require permits and are subject to regulation:

- A. Subdivision Identification Sign. A sign may be located at the principal entrance to a subdivision, planned development or industrial park identifying the name of the development. Any sign permitted pursuant to this provision shall meet all of the following requirements:
  - 1. Maximum sign area, on one sign face, shall not exceed 36 square feet.
  - 2. Height shall not exceed ten feet.
  - 3. The sign shall be constructed of durable natural material, designed and built according to plans approved by the Director.
  - 4. If lighted, lighting shall be provided directly from ground level.
  - 5. The sign shall be located entirely on private property and meet all other provisions of the Development Code.
- B. Property Development Sign. A sign for the purpose of advertising property, either within a subdivision or a single tract of land, for sale, lease or rent provided that:



1. Maximum sign area, on one sign face, shall not exceed 32 square feet.
  2. Height shall not exceed ten feet.
  3. The sign shall be removed when 90% of the lots in the subdivision have been sold, or 36 months from the date of erection of the sign, whichever occurs first; and
  4. The sign shall be located entirely within the boundaries of the subdivision for which the sign is advertising lots for sale.
  5. One sign shall be allowed per arterial access to the property.
- C. Construction Project Sign. A sign may be erected in conjunction with construction projects and used to inform the public of the architects, engineers and organizations participating in the project and indicated "future home of" information. One sign may be erected after building permit is obtained and shall be subject to the following provisions:
1. Maximum sign area, on one sign face, shall not exceed 32 square feet.
  2. Height shall not exceed ten feet.
  3. The sign shall be located entirely within the boundaries of the construction site.
  4. One sign shall be allowed per arterial access to the property.
  5. The sign shall be removed at the time final occupancy is approved by the Building Official or acceptance of improvements by the City.
- D. Historical Markers. Historical markers erected and maintained by a public authority or recognized historical society or organization identifying sites, buildings or structures of recognized historical value.
- E. Bulletin Boards. Bulletin boards for public, charitable or religious institutions when the same are located on the premises of said institutions subject to the following provisions:
1. Maximum sign area shall not exceed 24 square feet.
  2. Sign shall be mounted flush against a wall.
- F. Directory Sign. A sign that lists civic, patriotic, municipal or religious organizations and their location,

date of meetings, etc. Such signs are intended for placement at entrances to the city.

1. Maximum sign area, on one sign face, shall not exceed 24 square feet.
2. Height shall not exceed 10 feet.
3. Free-standing signs shall be located entirely within the boundaries of the property.
4. Signed permission of the property owner has been obtained.

- G. Special Event Sign. A sign may be erected by non-profit organizations (churches, youth groups, schools, fraternal organizations, social service organizations) for the purpose of advertising fund raising functions sponsored by said organization. Information in the permit must include the name of the non-profit organization, the dates during which the sign will be displayed, where the sign is to be located, written consent of the property owner, and the name of the individual responsible for the placement, maintenance, and disposition of the proposed sign.

Signs shall be placed only on private property, and shall be subject to the following provisions:

1. Maximum sign area, on one sign face, shall not exceed 36 square feet;
2. Height shall not exceed ten feet.
3. The sign shall be erected and maintained for no longer than 21 days.
4. The sign shall be removed within 7 days after the completion of the event advertised.

- H. Community-wide Event Sign. A civic, patriotic or special event of community wide interest.

Special signs, including but not limited to banners, flags, wind-activated devices, streamers, balloons, pennants, posters, etc. advertising events of general public interest shall be approved on a case by case basis by the City Council. The applicant must submit a written request, specifying the time period for display of signs, type of event, types of advertising/display material and proposed locations of display materials.

All such signs shall be removed within 7 days following the event. Permits are required.

J. Agricultural Products Sign. A sign is permitted on a lot of one acre in size or larger to advertise the sale of agricultural products and shall comply with the following provisions.

1. Maximum sign area, on one sign face, shall not exceed 32 square feet.
2. Height shall not exceed ten feet.
3. Signed permission of the property owner has been obtained.

10.040 Residential Signs. The following identification signs are permitted in all residential districts. Permits are required prior to construction, installation or placement. These include signs for churches, schools, other community service buildings and apartments, and shall comply with the following provisions:

- A. Maximum sign area, on one sign face, shall not exceed 32 square feet.
- B. Height shall not exceed six feet.
- C. One free-standing sign is permitted per site frontage.
- D. Wall signs must be mounted flush against the building.

10.050 Commercial And Industrial Signs. The following signs are permitted in all commercial and industrial districts. Permits are required prior to construction, installation or placement.

A. Wall Signs.

1. Wall signs shall not exceed 10% of the gross wall area of each wall, including windows, to which the sign is attached or painted.
2. In calculating maximum allowable area for a wall sign, each face of a building shall include all window and wall area.
3. Where two or more uses are located on the same site, the maximum permitted area for all signs may be divided among the uses. A separate wall sign or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.
4. No wall sign shall project more than 18 inches from the wall to which it is attached, except within the CBD.
5. Wall signs shall be attached flush against the wall of the building, shall leave no part of the sign extending above the roofline of the building, and shall be designed as an integral component of the building design.

B. Individual Business - Free-Standing Signs.

1. Free-standing signs are allowed 1 square foot of sign area per lineal foot for site frontage.
2. Maximum sign area, on one sign face, shall not exceed 100 square feet.
3. Height shall not exceed 20 feet.
4. Corner signs facing more than one street shall be assigned to a frontage by the applicant.
5. One free-standing sign is allowed for the first 300 feet of site frontage and one for each additional 300 feet of site frontage or fraction thereof. The second sign's area is determined by the length of the frontage not part of the initial 300 feet.
6. An individual business, if authorized to have a free-standing sign, is guaranteed a minimum sign area, on one face, of 24 sq.ft. regardless of the frontage dimensions.

C. Individual Business - 'Pad' Location. A business located on the same lot as two or more commercial businesses, but designed as a separate structure at an intersection of two streets is permitted one free-standing sign. Size shall be calculated using the individual business standards.

D. Master Sign. A master sign shall be required for two or more commercial businesses sharing a street access or located on the same parcel, industrial planned developments, shopping or business centers, or industrial parks, and shall include the title name of the development.

1. Free-standing signs are allowed 1 square foot of sign area per lineal foot for site frontage.
2. Maximum sign area, on one sign face, shall not exceed 150 square feet.
3. Height shall not exceed 24 feet.
4. The title name of the master sign shall not exceed 40 square feet and is not calculated in the face area of the sign.
5. One free-standing master sign is allowed for the first 300 feet of site frontage and one for each additional 300 feet of site frontage or fraction thereof. The second sign's area is determined by the length of the frontage not part of the initial 300 feet.

E. Projecting Signs. Projecting signs shall project no more than eight (8) feet or two-thirds the width of the sidewalk, or to within two feet of the curb, whichever is less.

1. Maximum area, on one sign face, shall not exceed 36 square feet.
  2. The height of the sign shall not exceed the height of the structure.
- F. Marquee, canopy and awning signs are permitted and must comply with the State Structural Specialty Code and City regulations. Marquee signs may be placed on or incorporated into these structures provided they do not extend above the upper surfaces of the structure.
- G. Freeway Sign. A freeway sign shall be permitted for businesses located within 800 feet south of and 1000 feet north of the center median of I-84 freeway.
1. Maximum sign area, on one sign face, shall not exceed seven hundred fifty square feet.
  2. Height shall not exceed sixty feet above the freeway elevation.
  3. One freeway sign per tax lot is permitted in addition to allowed free-standing signs.
  4. Freeway signs shall be spaced not less than 500 feet from the next freeway sign.
  5. An electronic message center may be incorporated into a freeway sign.
  6. No administrative variances for height or size. All variances to freeway signs require a Type III hearing before the Planning Commission.
- H. Off-Site Directional Sign. An off-site directional sign, for businesses located within an LI or GI district without direct frontage to a major collector or arterial street, shall be permitted within 1000 feet of a lot for the purpose of indicating location of a business on the lot.
1. Maximum sign area, on one sign face, shall not exceed 24 square feet.
  2. Height shall not exceed ten feet.
- I. Grand Opening Displays. Temporary signs which are intended for use at grand openings of new businesses, or relocation and/or reopenings of existing businesses, are limited to a maximum period of 21 days. All such materials shall be removed immediately upon expiration of permit.
- J. Temporary Promotional Sign Displays. Temporary banner signs may not exceed 96 square feet per street frontage for each separate business. The same banner shall not be displayed more than 30 days two times a year.

Attention attracting devices, flags, windsocks (maximum length 12 feet), pennants, balloons, streamers, valances, spinners, spirals and other wind-activated devices excluding propellers are permitted for a period of time not to exceed 14 days two times a year.

- K. Searchlights may be used by any business or enterprise once yearly or for purposes of the grand opening of a new enterprise or an enterprise under new management for a maximum period of 7 consecutive days.

The beam of the searchlight may not flash against any building or sweep on arc greater than 45° from vertical.

#### 10.060 General Provisions.

- A. Location. All signs, unless specifically authorized by this code or the State Structural Specialty Code shall be located entirely within the boundaries of the property.
- B. Clear Vision. All signs must be installed in compliance with the clear vision requirements Section 5.040.
- C. Lighted Signs: In all districts.
1. Signs may be indirectly, internally, or directly illuminated. Indirect lighting shall be screened from view by ground surface, evergreen screening, or ornamental features of the sign structure. Braces and struts which support indirect lighting from the top or sides of the sign are prohibited.
  2. Flashing signs are prohibited except time and temperature signs.
  3. A lighted sign visible to and located within 100 feet of a residential zoning district shall be turned off from 10:00 p.m. to sunrise.
- D. Existing Developments. Existing developments which contain more than one use but do not meet the criteria established for commercial planned developments, shopping or business centers and where two or more uses are located on a single lot or group of contiguous lots which were developed according to a plan, shall be considered to be a planned development.
- E. Nonconforming Signs. Lawfully erected signs not conforming to the regulations of this Chapter may continue to exist and are subject to the following provisions:
1. Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.
  2. Signs and structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

3. Nonconforming temporary signs shall be removed.
4. Nonconforming signs shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the replacement cost of the sign.
5. Nonconforming signs advertising a business or other use which has discontinued operation on the lot or in the development shall be deemed abandoned and shall be removed within 120 days of the time the business or use is discontinued, unless a new occupancy permit is issued for a new use.
6. If a nonconforming sign is abandoned, the property owner of record, as shown on the tax roll of Multnomah County, shall be notified via certified mail (return receipt requested) from the Building Official directing that it be removed within 60 days. Following notice by the Building Official, if the abandoned sign has not been removed, the Building Official shall cause the sign to be removed. The cost of removal shall be entered by the City Recorder on the docket of City liens against the property owner, and shall be collectible in the same manner as liens for public improvements.

F. Permits and Sign Maintenance.

1. A permit is required for erecting, replacing, constructing or altering a sign. The issuance of a permit shall be based on plans which demonstrate full compliance with all provisions of this section and other applicable city regulations.
2. The Building Official shall order the immediate removal of any sign erected, replaced, or reconstructed in violation of the provisions of this Chapter. The Building Official shall give 15 days written notice by certified mail (return receipt requested) to the owner of the sign, or, if the owner of the sign cannot be located, to the owner of the lot(s), as shown on the tax rolls of Multnomah County, on which such sign is located, directing that the sign shall be removed or brought into compliance with these standards. If the owner of such sign or the owner of the lot(s) on which the sign is located fails to remove the sign within 15 days after receipt of written notice from the City, the Building Official shall cause such sign to be removed at the expense of the property owner. Such costs shall be entered by the City Recorder on the docket of city liens against the property owner, and shall be collectible in the same manner as liens for public improvements.



G. The Following Signs Are Not Permitted.

1. Roof signs.
2. Temporary signs which do not have permanent structural support, or which are not attached to a permanent structural support, or which function as a temporary sign.
3. Off-site signs or billboards which advertise a business, service or facility not located on the same lot as that sign, except for joint use in commercial planned developments, shopping or business centers, or industrial parks.
4. Signs placed or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed by this Chapter.
5. Benches which contain an advertising message.
6. Signs in public rights-of-way other than traffic control signs installed by the State, County or City.

## CHAPTER 11 - LANDSCAPING AND SCREENING

### 11.000 MINIMUM BASIC IMPROVEMENTS LANDSCAPING AND SCREENING

11.010 Minimum Basic Improvements - Landscaping and Screening. These standards apply to developments other than single-family and attached two-family dwelling units.

A. The minimum area of a site to be retained in landscaping shall be as follows:

Multi-Family	25%
Manufactured Home Park	25%
Neighborhood Commercial	20%
Community Commercial	15%
General Commercial	15%
Central Business District	
Subarea A	None
Subarea B	5%
Subarea C	10%
Subarea D	5%
Industrial Park	15%
Light Industrial	15%
General Industrial	10%

B. In the case of multi-family residential development, usable recreation areas shall be provided for developments containing more than five (5) dwelling units at the rate of two hundred (200) square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation areas shall be considered required landscaping.

C. Except for portions allowed for parking, loading or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

D. Site-obscuring shrubbery or a berm, wall or fence shall be placed along a property line between residential and industrial and commercial zones and around unsightly areas such as a trash or equipment storage area or an industrial or commercial activity.

- E. Landscaping shall be irrigated by an underground system. Attached two-family dwelling units are exempt.
- F. At least 75% of the required landscaped area shall be planted with a suitable combination of trees, shrubs, or evergreen ground cover.
- G. Plant Material:
  - 1. Trees shall be species having an average mature spread of crown of greater than 15 feet and having trunks which can be maintained in a clean condition with over 5 feet of clear wood. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15 foot crown spread.
  - 2. Trees shall be a minimum of 7 feet in overall height or 1-1/2 inches in caliper immediately after planting. Adjacent to any public right-of-way or easement the following species shall be prohibited: Poplar, Willow, Cottonwood, fruit trees, nut trees, and Ailanthus. Selected conifers may be planted adjacent to public rights-of-way or easements if approved by the Director. See City's list of recommended tree species.
  - 3. Shrubs shall be a minimum of 1 gallon in size or 2 feet in height when measured immediately after planting. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen specie maintained so as to form a continuous, solid, visual screen at time of planting.
  - 4. Vines for screening purposes shall be minimum 1 gallon in size or 30 inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
  - 5. Ground covers used in lieu of turf in whole or in part shall be planted in such a manner as to provide complete coverage within one year.
  - 6. Turf areas shall be planted in species normally grown as permanent lawns in Troutdale. Acceptable varieties include improved perennial rye and fescues.
- H. Landscaped areas may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust (medium coarse), decorative hard paving and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed 25% of the required landscaped area. Artificial plants are prohibited in any required landscaped area.

I. Existing trees with a trunk diameter of 6 inches or greater shall be preserved except when removal is specifically authorized by the Site and Design Review Committee and/or the Planning Commission.

11.020 Performance Bond or Security. If weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible, an extension of up to six months may be applied for by posting "security" equal to 125% of the cost of the landscaping with the City, assuring installation within 6 months. "Security" may consist of a performance bond payable to the City, cash, certified check, time certificates of deposit, assignment of a savings account or other such assurance of access to funds necessary for completion as shall meet the approval of the City Attorney. Upon acceptance of the approved security, the owner may be allowed occupancy for a period of 180 days. If the installation of the landscaping improvement is not completed within 180 days, the City shall have access to the security to complete the installation and/or revoke occupancy. Upon completion of the installation, any portion of the remaining security minus administrative charges of 25% shall be returned to the owner. Costs in excess of posted security shall be assessed against the property and the City shall thereupon have a valid lien against the property which will come due and payable.

11.030 Guarantee. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two years. This guarantee shall insure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials.

ARTICLES 12, 13 & 14 - RESERVED

## CHAPTER 15 - AMENDMENTS

### 15.000 GENERAL

#### 15.010 Action Under this Code.

- A. Amendments shall be processed as Type IV procedures and may be either quasi-judicial or legislative.
- B. A proposal to amend the Development Code text, Zoning District Map, Comprehensive Land Use Plan or Map may be initiated by the City Council, the Planning Commission, a property owner or other interested party who files an application with the Planning Division.
- C. Amendments shall be considered at any time and may follow or be in conjunction with a Comprehensive Plan amendment.
- D. Minor Zoning District Map changes or vacation action may be processed as Type IV quasi-judicial procedures.
- E. Any amendment to the Development Code, the Comprehensive Plan text, the Land Use Plan Map or a zoning district change or vacation action the Council has designated a legislative after finding that the matter at issue involves a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate shall be processed as a Type IV legislative procedure.

#### 15.020 Hearing Notice

- A. Legislative Type IV Procedure. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property where the matter at issue does not relate to a specific geographic area or where the area exceeds 2 acres and 2 separate ownerships. Where such mailing or posting is omitted, the Director shall prepare a notice program designed to reach persons believed to have a particular interest and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.
- B. Quasi-Judicial Type IV Procedure. Notice of a hearing on a quasi-judicial decision shall include a mailing to property owners and a posting of property affected by the decision. Notice shall be in conformance to Chapter 16 of this code and applicable state law.

15.030 Arguments on Policy. In addition to matters pertaining to compliance with criteria and consistency with the Comprehensive Plan, a person may provide information and opinion regarding the desirable policy of the City relevant to the proposed legislative matter.

15.040 Information at Planning Commission Hearing. The Planning Commission shall afford an interested person the opportunity to submit written recommendations and comments in advance of the

hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted.

15.050 Planning Commission Recommendation. In preparing its recommendation the Planning Commission shall do the following:

A. Type IV Legislative Procedure.

1. Identify the provisions of the Comprehensive Plan that govern the decision and prepare findings describing how the proposal complies or fails to comply with these provisions.
2. Review the nature of the proposal and describe whether the proposal warrants processing as a legislative matter.
3. State reasons for the recommendations and make the recommendations. Recommendations may include policy advice of the Planning Commission in addition to determinations described in (A) and (B) above.

B. Type IV Quasi-Judicial Procedure.

1. Approval of a Zoning District Map amendment shall be based on finding that it complies with Sections 1.060 and 1.070 and the following criteria:
  - a. The amendment will not interfere with the livability, development or value of other land in the vicinity of site specific-proposals when weighed against the public interest in granting the proposed amendment.
  - b. The amendment will not be detrimental to the general interests of the community.
  - c. The amendment will not violate the land use designations established by the Comprehensive Land Use Plan and map or related text.
  - d. The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complementary designations.

15.060 City Council Action.

A. The City Council may limit the nature of the information it will receive at a hearing and may establish separate rules for consideration of each of the following:

1. Compliance with the Plan.
2. Appropriateness of the legislative process.

3. Recommended action by the Commission including any policy changes or refinements proposed.

B. After confirming, amending or reversing the recommendations of the Planning Commission, the City Council may take any of the following steps:

1. Enact or defeat an ordinance on all or part of the proposal under consideration. In taking this step it shall not be necessary to segregate incidental results that might have been possible to accomplish by administrative action.

2. If the ordinance is defeated but some or all of the proposal is found appropriate for administrative processing, Council may either act on the matter by the appropriate administrative procedure or refer the matter to the Planning Commission for such action. Unless different notice would be required under the provisions of this code for the Type II, III or IV administrative action, no further hearing is necessary for the City Council to take administrative action. If different notice is appropriate or if the matter is referred to the Planning Commission for a decision or recommendation, an additional hearing shall be held.

3. Refer some or all of the proposal back to the Planning Commission for further consideration. If such referral is subsequently returned, no further hearing need be conducted if the proposal is processed under the City procedure for ordinance enactment.

15.130 Limitation on Reapplication. No application of a property owner for a Development Code text, Zoning District Map, Comprehensive Land Use Plan or map amendment shall be considered within the one-year period immediately following a denial of a request for the same property. The hearing body may permit a new application upon making a determination that there is new evidence or a change in circumstances.

15.140 Effective Date of Text and Map Amendments. All text and map amendments shall take effect thirty (30) days after the date of approval, unless an emergency is declared or a decision is appealed.

15.150 Updating the Comprehensive Land Use Plan Map and the Zoning District Map. It shall be the responsibility of the Director to keep these maps and to make necessary alterations to keep maps up-to-date and current. A copy of all maps, as adopted on or prior to the effective date of this code, shall be retained for reference. Alterations shall be made within thirty (30) days of the effective date of an action authorized by this code that alters a boundary of a zoning district or Plan designation or changes the zoning or plan designation on a parcel or parcels. If a discrepancy is found between the map and a record of the action, the record of the action shall prevail.



15.160 Notice of Amendments Under Type IV Legislative Procedures.

- A. The City Council shall conduct a hearing to review all land use regulations and Plan amendments as required by OAR Chapter 660, Division 18, Plan and Land Use Regulation Amendment Review Rules.
- B. The hearing shall occur not less than forty-five (45) days after notice of the hearing and a copy of the proposal under consideration has been delivered to the Director of the State Department of Land Conservation and Development. The proposal shall contain the text and any supplemental information that City officials believe necessary to inform the Director of the effect of the proposal.
- C. Upon adoption of a Development Code text, Zoning District Map amendment, or a Comprehensive Land use Plan or Plan Map amendment, a copy of the text and/or map together with appropriate findings of fact shall be mailed or otherwise submitted to the Director of the State Department of Land Conservation and Development within five working days after the City Council has taken final action, including adoption of any necessary documentation. If the adopted text differs in substance from the text and/or map submitted previously, the nature of the changes shall be described and submitted with the text.
- D. Participants in the proceedings leading to a land use plan or code amendment who make a written request to receive notice shall be sent notice within five working days of the final decision. The notice shall include the date of the decision and describe the action taken and shall list procedures for reviewing and submitting written objections to the findings and/or decision made.

## CHAPTER 16. PUBLIC DELIBERATIONS AND HEARINGS

### 16.000 PUBLIC DELIBERATIONS AND HEARINGS.

#### 16.010 Responsibility of Director for Hearings.

- A. Schedule and assign the matter for review and hearing.
- B. Conduct the correspondence of the hearing body.
- C. Give notice.
- D. Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement and continuances and a summary of action taken by the hearings body.
- E. Prepare minutes to include the decision on the matter heard and the reasons for the decision.
- F. Reduce the decisions of the hearings body to writing within a reasonable time.
- G. Mail a copy of the decision to a party requesting the same upon payment of a reasonable fee, if a fee has been established.

#### 16.020 Notice of Hearing.

- A. Notice of a hearing shall be reasonably calculated to give actual notice and, other than for a legislative action as specified in Chapter 15, shall contain the following information:
  1. The date, time and place of the hearing.
  2. A description that informs a person of the location of the property for which an action is pending, including but not limited to, use of a map or postal address and a subdivision lot and block designation, a metes and bounds description or the tax map designation of the county assessor.
  3. The nature of the issue up for hearing.
  4. Pertinent sections of the code.
  5. Where information may be examined and when and how written comments addressing findings required for a decision by the hearing body may be submitted.
  6. Where the application is made for a change of a zoning district classification and, at the discretion of the Director, information regarding the authority of the hearing body to consider alternative classifications.

- B. A notice shall be sent to manufactured home park tenants at least 20 but no more than 40 days before a proposed zone change for the manufactured home park they reside in.

16.030 Affected Property Owners/Interested Parties Notice.

- A. Site-Specific Proposals. Property owners within 250' feet of the boundaries of any parcel under consideration for land use actions before the Planning Commission are considered affected property owners.
- B. Interested parties, such as counties, state agencies, public utilities, etc., which may be affected by the specific development proposal shall receive notice of the scheduled public hearing.
- C. Area-Wide Proposals. Notices may be mailed, posted or published, as determined appropriate by the Director and based on the impact of the proposed development and as required by Chapter 15.

16.040 Procedure for Mailed Notice. The applicant shall provide a certified list of property owners as required by notice provisions of this code. Unless otherwise provided, addresses for a mailed notice shall be obtained from the County's real property tax records. Unless the address is on file with the Director, a person whose name is not in the tax records at the time of filing of an application, or of initiating other action not based on an application, need not be furnished mailed notice. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this code for notice. In addition to persons to receive notice as required by the matter under consideration, the Director shall provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

16.050 Procedure for Posted or Published Notice.

- A. A posted notice, if required, shall be posted in at least one conspicuous place within the boundary of the parcel under consideration and if the property frontage exceeds 500 feet one additional notice shall be posted on the property.
- B. A posted notice, if required, shall be posted in a minimum of three public places within the City boundaries.
- C. If a published notice is required, it shall be published in a newspaper of general circulation at least once.

16.060 Time of Notice.

Required notices shall be mailed, posted and first published not less than 10 nor more than 15 days prior to the hearing requiring the notice.

- 16.070 Challenges to Impartiality. Except for Type IV legislative hearings conducted by the governing body, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. Except for good cause shown, challenge shall be delivered by personal service to the Director not less than 48 hours preceding the time set for public hearing. The Director shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated into the record of the hearing.
- 16.080 Disqualification. Except for Type IV legislative hearings conducted by the governing body, no member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:
- A. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
  - B. The member owns property within the area entitled to receive notice of the public hearing.
  - C. The member has a direct private interest in the proposal.
  - D. For any other valid reason, the member has determined that participation in the hearing and decision cannot be done in an impartial manner.
- 16.090 Participation by Interested Officers or Employees. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.
- 16.100 Ex Parte Contacts. Except for Type IV legislative hearings conducted by the governing body, the general public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal any significant prehearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with Section 16.110.

Ex parte contacts with a member of the decision making body shall not invalidate a final decision or action of the decision making body, provided that the member receiving the contact places the substance of the content of the ex parte communication in the record of the hearing and makes a public announcement of the content of the communication and of the right of the parties to rebut the content of the first hearing where action will be considered or taken.

16.110 Abstention or Disqualification. Except for Type IV hearings conducted by the governing body, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

16.120 Rights of Disqualified Member of the Hearing Body.

A. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by physically joining the audience and vacating the seat on the hearing body. He shall make full disclosure of his status and position at the time of addressing the hearing body and shall not vote.

B. If all members of a hearing body disqualify themselves all members present after stating their reasons for abstention or disqualification shall by so doing be requalified and proceed to resolve the issues.

C. Except for Type IV legislative hearings conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

16.130 Burden and Nature of Proof. Except for legislative determinations, the burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal on the area, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the Comprehensive Plan and to provisions of this code, especially the specific criteria set forth for the particular type of decision under consideration. Additionally, the following factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal.

A. Mistakes in the original designation or provision.

B. Change of conditions within the vicinity in which the development is proposed.

16.140 Order of Proceedings. An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

- A. Before receiving information on the issue, the following shall be determined:
  - 1. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.
  - 2. Any abstentions or disqualifications shall be determined.
- B. The person presiding at the hearing may take official notice of known information related to the issue, such as the following:
  - 1. Provisions of the charter or state law or of an ordinance, resolution, rule or officially promulgated policy of the City.
  - 2. Other public records and facts judicially noticeable by law.
- C. Matters officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record; provided, however, that the hearing body may take notice of matters listed in subsection (B) of this section if stated for the record. Any matter given official notice may be rebutted.
- D. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view in the record.
- E. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.
- F. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

16.150 Decision. Following the hearing procedure, the hearing body shall approve or deny the application or if the hearing is in the nature of an appeal, affirm, reverse or remand the decision that is on appeal. A decision on a hearing or a land use proposal shall be made within 120 days of the application. If the hearing body and an applicant or appellant agree to an extension, processing of a matter under consideration may be

extended for a reasonable period of time as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter.

An applicant may request an extension beyond the 120 day legal limit. An applicant whose application has not been acted upon within the 120 days after the application was initiated may seek a writ of mandamus to compel a decision on the land use application or issuance of permits or a determination that approval would violate the City's Plan or land use regulations.

16.160 Findings and Order. The hearing body shall prepare findings of fact and an order which shall include:

- A. A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards.
- B. A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.
- C. The reasons for a conclusion to approve or deny.
- D. The decision to deny or approve the proposed change with or without conditions.

16.170 Record of Proceedings. The secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.

- A. Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.
- B. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
- C. The findings and order shall be included in the record.
- D. A person shall have access to the record of the proceeding at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

16.180 Request for Review - Appeal of Decision.

- A. Type I or Type II Procedure. A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with

the Director within ten days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the code.

- B. Type II Appeal or Type III Procedure. A decision of the Planning Commission may be appealed to the City Council by an affected party by filing an appeal within ten days of notice of the decision. The notice of appeal shall indicate the decision that is being appealed.
- C. Type IV Procedure. A decision of the City Council may be appealed to LUBA or to the legal authority governing land use regulations and issues by an affected party by filing an appeal within ten days of notice of the decision.

#### 16.190 Requirements of Notice of Appeal.

- A. A notice of appeal shall contain:
  - 1. An identification of the decision sought to be reviewed, including the date of the decision.
  - 2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.
  - 3. The specific grounds relied upon for review.
  - 4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 16.210 (A).

16.200 Scope of Review. At its discretion the hearing body may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing shall be conducted pursuant to this article. The reviewing body shall issue an order stating the scope of review on appeal to be one of the following:

- A. Restricted to the record made on the decision being appealed.
- B. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.
- C. A de novo hearing on the merits.

#### 16.210 Review on the Record.

- A. Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:



1. A factual report prepared by the Director.
  2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
  3. The transcript of the hearing below, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.
- B. The reviewing body shall make its decision based upon the record after first granting the right of argument but not the introduction of additional evidence to any party who has filed a notice of appeal.

16.220 Review Consisting of Additional Evidence or De Novo Review.

- A. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.
1. Prejudice to the parties.
  2. Convenience or availability of evidence at the time of the initial hearing.
  3. Surprise to opposing parties.
  4. The competency, relevancy and materiality of the proposed testimony or other evidence.
- B. "De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

16.230 Review Body Decision.

- A. Upon review, the review body may by order affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify it.

- B. Action by the review body shall be decided by a majority vote of its members present at the meeting at which review as made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than 90 days after the filing of the request for review and shall file that decision with the City Recorder within 10 days after it is rendered.

## CHAPTER 17. GENERAL PROVISIONS

### 17.000 GENERAL PROVISIONS

17.010 Authorization of Similar Uses. The Director may rule that a use, not specifically named as a permitted or conditional use, shall be included if the use is of the same general type and is similar to the permitted or conditional uses. Authorization of similar uses shall be processed under the Type I procedure.

17.020 Interpretation. It shall be the responsibility of the Director to interpret and apply provisions of this code.

17.030 Maintenance of Code Requirements. No lot area, yard, or other open space, required off-street parking or loading area or other site condition existing on or after the effective date of this code shall be reduced in area, dimension or size below the minimum required by this code, nor shall any site condition which is required by this code for one development be used to meet a requirement for any other development except as authorized.

17.040 Residential Lot Size Standards. A lot, or the aggregate of contiguous lots or parcels of land held in a single ownership, has an area or dimension which does not meet size requirements, the lot or aggregate holdings may be developed subject to all other requirements, and providing, if there is an area deficiency, residential use shall be limited to a single-family dwelling.

17.050 Bond or Cash Deposit. Before issuing or renewing a development permit when the applicant has an obligation to construct or improve public facilities to serve the development or to reclaim land such as that due to surface mining operations, the obligation shall either be fulfilled prior to the issuance of the development permit or the applicant shall be required to file with the City Recorder an acknowledgment of the obligation. The acknowledgment shall contain the time within which it is to be met and a surety bond or cash or negotiable security deposit sufficient to cover the cost of the work as estimated by the Director for the year fulfillment of the obligation is anticipated. The bond shall be conditioned upon the permittee carrying out the obligation and fulfilling the other requirements of this ordinance that bear on the approval of the development. The deposit or bond shall be forfeited to the City if the permittee does not fulfill the requirements. The bond or deposit shall remain in the custody of the City until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to City control.

17.060 Noncompliance with Provisions Under Obligation.

- A. If the Director finds that a permittee is not fulfilling an obligation, the Director shall, in written notice to the permittee and the permittee's surety, specify the details of noncompliance. Unless the Director allows more time for compliance because of circumstances beyond the permittee's

control, within 30 days after receiving the notice, the permittee or the permittee's surety shall commence the compliance and proceed diligently to complete fulfillment of the obligation.

- B. If the permittee or the permittee's surety does not commence the compliance within the 30 days or the additional time allowed by the Director, or has so commenced but fails diligently to complete the compliance, or the compliance is otherwise not completed within the time specified in granting the development permit, the City may take the following action:
1. Enter upon the site of the development and carry out the obligation in accordance with the provisions agreed upon under the acknowledgment.
  2. Notify the permittee and the permittee's surety of the permittee's failure to perform as required by this code.
  3. Demand payment from the permittee for the unfulfilled obligation.
  4. If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City or, if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expense.
- C. If a bond or other security required by section 17.050 is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City and upon the entire contiguous real property of the owner of the land subject to the obligation.
- D. The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the permittee's failure to do the required obligation.
- E. The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

#### 17.070 Adjusting Bond or Deposit for Future Obligation.

- A. In the case of an obligation to perform at a future date, such as a surface mining reclamation obligation, the amount of bond or deposit shall be adjusted annually to reflect changing estimates of the costs of fulfilling the obligation.

- B. Where the City carries out the obligation because the permittee has failed to do so under Section 17.110, the City may expend funds only to the extent necessary to complete the obligation. If the amount specified in the notice to the surety is not paid within 30 days after that notice is given the surety, the City shall institute proceedings to recover the amount.
- C. A lien created under this section is prior to all other liens and encumbrances, except that the lien has equal priority with tax liens.

17.080 Fees and Deposits. Fees and deposits shall be set and adjusted by City Council resolution.

17.090 Conflicting Regulations. Where the conditions imposed by a provision of this code are less restrictive than comparable conditions imposed by any other provisions of this code or any other ordinance, the provisions which are more restrictive shall govern.

17.100 Severability. The provisions of this code are severable. If any section, sentence, clause or phrase of this code is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this code.

17.110 Abatement and Penalty.

- A. A person violating a provision of this code shall be subject to a fine of not less than \$500 nor more than \$1,000. A violation shall be considered a separate violation for each day it continues.
- B. A development in violation of this code or the use of a development in violation of this code shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this code institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the development or use in violation.

17.120 Repeal. Ordinance No. 491-0 is repealed.