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ORDINANCE NO. 653

**AN ORDINANCE AMENDING CHAPTERS 1,2,3,5,7,8 AND 15 OF THE
TROUTDALE DEVELOPMENT CODE**

WHEREAS, periodic amendments to the Troutdale Development Code are necessary to address problems and needs in its administration, to improve and clarify existing language, and to incorporate provisions of state planning law; and,

WHEREAS, the Citizens Advisory Committee met on April 3, 1997 to review and discuss these proposed amendments and gave approval to the amendments; and,

WHEREAS, the Planning Commission held a public hearing on June 18, 1997 to consider these proposed amendments and has forwarded this matter to the City Council with a recommendation for adoption; and,

WHEREAS, the City Council held a public hearing concerning these amendments on July 22 and August 12, 1997 to provide the opportunity for public comment; and,

WHEREAS, the City Council is satisfied this matter has been adequately considered; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1: Findings. The findings of fact contained in the Planning Commission Final Order are adopted by reference herein.

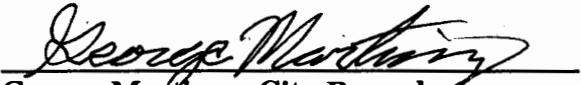
Section 2: Text Amendments to the Development Code. Based on these findings, the Troutdale Development Code (Ordinance No. 491-0) is hereby amended to incorporate those changes contained in Exhibit A.


Section 3: Concurrent Amendments to the Municipal Code. In conjunction with these amendments to the Development Code, Troutdale Municipal Code, Chapter 15.16, Fences and Retaining Walls, including sections 15.16.010 through 16.16.110, is repealed.

Section 4: Effective Date. These amendments shall take effect thirty days from the date of adoption.

YEA: 7
NAY: 0
ABSTAIN: 0

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George Martinez, City Recorder
Adopted: AUGUST 12, 1997


Paul Thalhofer, Mayor
Dated: AUGUST 13, 1997

AMENDMENTS TO THE TROUTDALE DEVELOPMENT CODE
TEXT AMENDMENTS # 22

Section 1. Chapter 5.000, including sections 5.010 through 5.080, is amended to read as follows:

5.000 OTHER PERMIT AND ISSUE DETERMINATIONS

5.010 Accessory Structures.

A. Building Permit Required.

A building permit is required for any accessory structure over 120 square feet in size or over 12 feet in height.

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 active easement of record. An active easement is an easement containing one or more public utilities. Small plants and shrubs, perimeter fences and concrete or asphaltic pavement shall not constitute accessory structures. An accessory structure may encroach on an inactive easement (those not containing a public utility), provided required building setbacks are met or a variance to the setback standard has been approved.

4. An accessory structure may be constructed as close as three feet to a rear property line provided that it does not encroach on an active easement.

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-

1 ry structures for private vehicle storage which have an entrance from the
2 street side yard shall have a minimum street side yard setback of twenty
3 (20) feet.
4

5 6. Accessory structures within the required rear yard setback shall not
6 exceed 50% of the required rear yard setback area.

7 7. No single accessory structure may exceed 1000 square feet in area.
8

9 8. The maximum height of a detached accessory structure shall be the
10 height of the primary dwelling or 20 feet, whichever is less, provided the
11 accessory structure meets the side and rear yard setbacks of the
12 underlying zone. A detached accessory structure which does not meet
13 the underlying side and rear yard setbacks shall not exceed 12 feet in
14 height.

15 9. For purposes of these regulations solariums, greenhouses, garages or
16 other enclosed areas which are attached to the residential structure shall
17 not be considered accessory.

18 5.020 Exceptions to Yard Requirements.

19 A. Established building lines. If a previous building line has been established, the
20 minimum front yard for interior lots shall be the average of the setbacks of the
21 main structures on abutting lots on either side if both lots are occupied. If one
22 lot is occupied and the other vacant, the setback shall be the setback of the
23 occupied lot, plus one-half the remaining distance to the required setback.
24 Corner lots shall not be included in the averaging.

25 B. Projecting Building Features. The following building features may project into
26 required yards, as listed below:

27 1. Architectural appendages, including but not limited to bay windows,
28 planters, awnings, eaves or other similar features may project into front
29 and rear yard setbacks no more than five (5) feet and into side yard
30 setbacks no more than two and one-half (2-1/2) feet. Architectural
31 appendages may project no more than eighteen (18) inches into inactive
32 easements along side and rear property lines, provided required building
33 setbacks standards are met or a variance to the setback standard has been
34 approved. In no case shall any architectural appendage encroach on an
35 active easement of record. An active easement is an easement containing
36 one or more public utilities. An inactive easement contains no public
37 utilities within it.

1 2. Unroofed landings and stairs may project into required front and rear
2 yard setbacks no more than five (5) feet.

3 3. Open fire escapes may project into required front and rear yard setbacks
4 no more than five (5) and into side yard setbacks no more than 2 and
5 one-half (2-1/2) feet.

6 4. Chimneys shall not project more than two and one-half (2-1/2) feet into
7 any required yard.

8 5.030 Vertical Projections. Except as provided in the ALF district, height limitations shall not
9 apply to the following: projections extending vertically from buildings and used, such
10 as penthouses or roof structures, for the housing of elevators, stairways, tanks,
11 ventilating fans or similar equipment required to operate and maintain the building, and
12 fire or parapet walls, sky-lights, windmills, towers, steeples, flagpoles, chimneys,
13 smoke-stacks, radio and television antennae, telecommunication towers or poles, water
14 tanks, or similar structures. No penthouse or roof structure or any space above the
15 height limitation shall be allowed for the purpose of providing additional floor space.
16 Such structures shall be located at least twenty (20) feet from any property line.

17 5.040 Clear Vision Areas.

18 A. A clear vision area shall consist of a triangular area two sides of which are lot
19 lines for a distance specified in this regulation, or, where the lot lines have
20 rounded corners, the lot lines extended in a straight line to a point of inter-
21 section and so measured, and the third side of which is a line across the corner
22 of the lot joining the non-intersecting ends of the other two sides (see Figures
23 5.040 (A)).

24 B. A clear vision area shall be maintained on each corner of property adjacent to
25 the intersection of two streets, a street and a railroad, and on driveways
26 providing vehicular access to a public way, excluding alleys.

27 C. On all corner lots, no vehicle, fence, wall, hedge, or other planting or structure
28 (temporary or permanent) shall be parked, erected, planted, placed, located or
29 maintained above three (3) feet in height measured from the top of the curb or,
30 where no curb exists, from the established street center line grade of the
31 intersecting streets, except for occasional tree trunks or poles, so as to impede
32 visibility within the sight triangle as defined and illustrated in Figure 5.040 (A).
33

34 D. Service drives which provide vehicular access to public streets from
35 commercial, industrial or community service developments shall have and
36 maintain a clear vision triangle with its base measured parallel to the public way

1 for 30 feet in both directions from the center of the driveway and the other sides
2 extending toward the apex of the triangle in the center of driveway thirty feet
3 from the street right-of-way line. No obstruction over twenty-four inches in
4 height that has a cross section over twelve inches shall be permitted in such
5 areas.

6 E. For residential driveways which provide vehicular access to a public way or a
7 private street, the clear vision area shall be a triangle with its base measured
8 parallel to the public way or private street for 20 feet in both directions from the
9 center of the driveway and the other sides extending toward the apex of the
10 triangle in the center of the driveway where the required front yard setback ends
11 (see Figure 5.040 (B)). Nothing in the areas formed by the public right-of-way or
12 private street and the sides of this triangle shall exceed three feet in height above
13 the center line of the public way or private street.

14 F. The foregoing provisions shall not apply to the following:

- 15 1. A public utility pole, signal pole, light pole, or other utility
16 appurtenances.
- 17 2. A tree trimmed (to the trunk) to a line at least eight feet above the level
18 of the intersection.
- 19 3. Another plant species of open growth habit that is not planted in the form
20 of a hedge and which is so planted and trimmed as to leave at all seasons
21 a clear and unobstructed cross-view.
- 22 4. A supporting member or appurtenance to a permanent building lawfully
23 existing on the date this document becomes effective.
- 24 5. An official warning sign or signal.
- 25 6. A place where the natural contour of the ground is such that there can be
26 no cross-visibility at the intersection.
- 27 7. A sign mounted ten feet or more above the ground with supports that do
28 not obstruct the clear-vision area.
- 29 8. A signalized intersection.

30 G. Buildings and uses in existence at time of passage of this code (December 9,
31 1986) are considered nonconforming and may continue as specified in Section
32 5.300.
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1 H. Any obstruction maintained in violation of this section shall be abated pursuant
2 to Chapter 17.

3 5.050 Fences And Windscreens. Fences and windscreens do not require permits but shall be
4 subject to the following standards:

5
6 A. Fences - Residential.

7
8 1. Fences on corner lots. Any fence or retaining wall, constructed upon or
9 adjacent to any property line that abuts two or more intersection streets,
10 shall not exceed three (3) feet in height within the clear vision area.

11 2. Fences in a required front yard. The height of a fence or retaining wall
12 in a required front yard shall not exceed three (3) feet six (6) inches.

13
14 3. Fences - Side and Rear Yards. The height of a fence or retaining wall or
15 the combined height of both when a fence is placed upon a retaining wall
16 in a required side street, side or rear yard shall not exceed six feet.

17
18 4. Sight-Obscuring Hedges. Trees or shrubs that form a sight-obscuring
19 hedge shall comply with the same height requirement as a fence within
20 the clear vision area. Trees separated by at least fifteen (15) feet apart
21 may grow to any height.

22 5. Front Yard Fences for Existing Dwellings on Major Arterials¹. The
23 height of a fence in a required front yard for an existing dwelling
24 (constructed prior to 6/9/87) facing a major arterial shall not exceed a
25 height of six (6) feet outside the clear vision area.

26 6. Front Yard Fences for Existing Dwellings on Crown Point Scenic
27 Highway east of the Sandy River Bridge. The height of a fence in a
28 required front yard for an existing dwelling facing Crown Point Scenic
29 Highway (constructed prior to 6/9/87) shall not exceed a height of six (6)
30 feet outside the clear vision area.

31
32 B. Fences - Commercial/Industrial.

33 1. Fences on corner lots. Any fence or retaining wall, constructed upon or
34 adjacent to any property line that abuts two or more intersection streets,
35 shall not exceed three (3) feet in height within the clear vision area.

1 ¹Adopted by Ordinance No. 494-O 6/9/87

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2. 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.
 3. 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.
 4. 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.
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- C. Fence and Wall Height. Fence and/or wall height shall be measured from the ground to the top of the fence, retaining wall or the combination of the two from the property on which the fence and/or retaining wall is located.
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- D. 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.
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- E. 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 forty-two (42) 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.
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- F. Wire Fences.
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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.
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- G. 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.

1 5.060 Decks.

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

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

9 5.070 Temporary Structures. Temporary structures in connection with the building or sale of
10 dwellings and land, construction of industrial or commercial facilities, or as approved
11 by the Director, may be permitted in any zoning district, provided a temporary permit
12 is first obtained under the Type I procedure for a period not to exceed one year.
13 Renewal of a temporary permit shall be processed under the Type II procedure and may
14 require a public hearing.

15 5.080 Agricultural Use Permitted. Agricultural uses shall be permitted as an interim use under
16 the Type I procedure on parcels one acre in size or larger.

17 5.090 Street Side Sales. Street side sales of products including, but not limited to, flowers,
18 fruits, vegetables, firewood, arts & crafts, seafood, fireworks, and Christmas trees may
19 be permitted within commercial or industrial zoning districts or on sites with a
20 community service use, subject to the following provisions:

21 A. All activity related to street side sales, including signage, must be within the
22 boundaries of the property and is not permitted on any public right-of-way,
23 including sidewalks.

24 B. Signage shall be limited to one sign per street frontage of the property on which
25 the street side sales is located. Signs shall not exceed 24 square feet in size.

26 C. A business license for street side sales is valid for a period not to exceed sixty
27 (60) days. At the end of the sixty day period, the structure (including any
28 mobile unit) from which the street side sales is conducted, shall be removed
29 from the property.

30 D. Written permission of the property owner must be submitted with the business
31 license application.

32 E. Street side sales are not permitted to have automobile drive up window service.

- 1 F. An application for a street side sales business may be denied on the grounds that
2 the nature or location of the business activity would endanger persons or
3 property such that the business activity is a menace to the health, safety and
4 general welfare of the city.
- 5 G. Denial of a street side sales business may be appealed in accordance with
6 Chapter 5.04 of the Troutdale Municipal Code.

1 **Section 2, Chapter 5.100, including sections 5.110 through 5.210, is amended to read as**
2 **follows:**

3 5.100 HOME OCCUPATION IN A RESIDENTIAL DISTRICT HO

4 5.110 **Purpose:** The purpose of this section is to provide for occupations in residential districts
5 in a manner that will ensure that they are utilized only as accessory uses incidental to
6 the primary residential use of the premises upon which they are located. A business
7 license may be granted for a home occupation, provided the use is not inconsistent with
8 or disruptive to the normal residential usage of the premises, will not cause external
9 effects which are detrimental to neighboring properties and is compatible with the
10 characteristics of the residential district. Special regulations govern home occupations
11 classified as certified group day care, family day care provider, licensed adult foster
12 home, residential home, residential facility, or residential care facility.

13 5.120 **General Requirements for All Home Occupations.**

- 14 A. There shall be no exterior indication of the home occupation; no exterior signs
15 shall be used; no on-site advertising visible from the exterior shall be used
16 which informs the public of the address of the home occupation.
- 17 B. No home occupation shall be permitted which is objectionable due to noise,
18 smoke, dust, odor, glare, traffic attraction, vibration or other disturbing
19 influences greater than that of other residential properties in the vicinity.
- 20 C. If hazardous materials are used or stored on the premises of a home occupation,
21 a Materials Safety Data Sheet shall be provided with the business license
22 application.
- 23 D. Use and storage of hazardous materials in conjunction with a home occupation
24 must be approved by the local fire and emergency service agency.

25 5.130 **Operational standards - Businesses.** Business home occupations shall be limited to those
26 activities which are customarily carried on within a dwelling or accessory structure, and
27 which are operated entirely within a building by a member of the family residing in the
28 dwelling unit as a clearly secondary and incidental use of such property. The home
29 occupation must not change the residential character of the dwelling and shall meet all
30 of the following conditions:

- 31 A. No nonresidential employees or any persons other than members of the family
32 residing within the dwelling shall engage in a home occupation therein except as
33 provided for under Sections 5.140 through 5.190.

- 1 B. Customer and client contact shall be primarily by telephone, mail or in their
2 homes and places of business and not on the premises of the home occupation.
3 No sale of merchandise shall be made on the premises.
- 4 C. The scale of the operation shall be distinctly limited in nature and conducted
5 primarily as a supplementary, and not principal, source of family income; or as
6 an accommodation for handicapped or retired person; or as a starter operation
7 for a limited period only until its size or other characteristics compel relocation
8 to an appropriate non-residential district.
- 9 D. No more than 25% of the gross floor area of the residence shall be used for the
10 home occupation. If a home occupation is conducted within an accessory
11 structure, the home occupation shall not exceed the gross floor area of the
12 residence.
- 13 E. Must comply with all other City, County and State requirements:

14 5.140 Operational Standards - Certified Group Day Care. A certified day care facility (as
15 defined under applicable state law) may be established in any residential district. The
16 home occupation must not change the residential character of the dwelling and shall
17 meet all of the following conditions:

- 18 A. Provide care for no more than twelve children.
- 19 B. Be located in a building constructed as a single family dwelling.
- 20 C. Be licensed by Childrens Services Division as a day care provider.
- 21 D. Comply with all other applicable City, County and State standards.

25 5.150 Operational Standards - Family Day Care Provider. A family day care facility (as
26 defined under applicable state law) may be established in any residential zone. The
27 home occupation must not change the residential character of the dwelling and shall
28 meet all of the following conditions:

- 29 A. Provide care in the provider's home in the family living quarters for six or
30 fewer children full-time, with up to four additional full or part-time children
31 when school is not in session during the regular school year.
- 32 B. During the summer when school is not in session, have no more than four
33 additional part-time children of any age in care.
- 34 C. The four additional children shall be in care no more than four hours per day.
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2 D. There shall be no more than ten children at any given time, including the
3 provider's children.

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5 E. Comply with all other applicable City, County and State requirements:

6 5.160 Operational Standards - Licensed Adult Foster Home. An adult foster home (as defined
7 under applicable state law) may be established in any residential district. The home
8 occupation must not change the residential character of the dwelling and shall meet all
9 of the following conditions:

10 A. Provide care for five or fewer adults who are not related to the provider by
11 blood or marriage, with exclusions as noted in applicable state law.

12
13 B. Comply with all other applicable County and State standards.

14 5.170 Operational Standards - Residential Home. A residential home (as defined in under
15 applicable state law) may be established in any residential district. The home occupation
16 must not change the residential character of the dwelling and shall meet all of the
17 following conditions:

18 A. Provide residential care for five or fewer unrelated physically or mentally
19 handicapped persons.

20 B. May include residential space for staff persons who are not related to each other
21 or to any other home resident.

22 C. Comply with all other applicable City, County and State requirements

23 5.180 Operational Standards - Residential Facility. A residential facility (as defined in under
24 applicable state law) may be established in any residential district. The home occupation
25 must not change the residential character of the dwelling and shall meet all of the
26 following conditions:

27 A. Provide care in a residential facility for six to fifteen unrelated physically or
28 mentally handicapped persons or elderly persons.

29 B. Staff members may not exceed two in number. These staff members need not be
30 related to each other or to any other facility resident.

31 C. Be authorized by the Planning Commission through a Conditional Use Permit.

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34 D. Comply with all other applicable County and State standards.

1 5.190 Operations Standards - Residential Care Facility. A residential care facility (as defined
2 under applicable state law) may be established in any medium density residential
3 district. The home occupation must not change the residential character of the dwelling
4 and shall meet all of the following conditions:

- 5 A. Provide residential care for six or more physically handicapped or socially
6 dependent individuals in one or more buildings on contiguous properties.
7
8 B. Be authorized by the Planning Commission through a Conditional Use Permit.
9
10 C. Comply with all other applicable County and State standards:

11 5.200 Establishing and Maintaining a Home Occupation.

- 12 A. Issuance of Business License. A home occupation shall be required to have a
13 business license in order to operate within the City of Troutdale.
14
15 B. If, in the opinion of the applicant, the Director has acted arbitrarily or
16 capriciously in withholding or revoking a business license for a home
17 occupation, the applicant may request an interpretation of the ordinance by the
18 Planning Commission. In such cases, the dwelling to be used for home
19 occupation shall be open for inspection to the staff or Planning Commission on
20 any day between eight a.m. and ten p.m. during the review of the decision.
21
22 C. The City shall not issue a business license until the home occupation is approved
23 by the Director.

22 5.210 Revocation/Expiration. Home occupations are renewed annually in conjunction with
23 business licenses. Business licenses for home occupations may be revoked at any time
24 for noncompliance with the provisions of this code.

25 ***Section 3. Chapter 5.500, Solar Access - New Development, including sections 5.510***
26 ***through 5.530, is repealed.***

27 ***Section 4. There is enacted a new Chapter 5.500 to read as follows:***

28 5.500 BED AND BREAKFAST INN

29 5.510 Purpose. The purpose of this section is to provide standards for the establishment of a
30 bed and breakfast inn. This section is intended to enable homeowners to open their
31 homes, to the traveling public, by providing rooms for rent on a daily basis to
32 overnight guests.

1 5.520 Zoning Districts. The establishment of a bed and breakfast inn is a permitted use
2 within the following zoning districts:

- 3 R-20 Single Family Residential
- 4 R-10 Single Family Residential
- 5 R-7 Single Family Residential
- 6 R-5 Single Family Residential
- 7 R-4 Attached Residential
- 8 A-2 Apartment Residential
- 9 CBD Central Business District - Subarea A, B, and C

10 5.530 Review Procedures. Bed and breakfast inns shall be processed through a Type II Site
11 and Design Review procedure.

12 5.540 Standards for Bed and Breakfast. Bed and breakfast inns are not subject to the home
13 occupation operational standards provided in Section 5.130 but shall comply with the
14 following standards:

- 15 1. Bed and breakfast inns shall comply with requirements of the underlying zone
16 and overlay zone, if applicable.
- 17 2. Bed and breakfast inns must be an accessory use to the primary single family
18 residence.
- 19 3. Bed and breakfast inns shall be owner-occupied and shall maintain the
20 characteristics of a single family dwelling. No separate structures shall be
21 allowed.
- 22 4. Bed and breakfast inns shall be operated so as not to give the appearance of
23 being a business.
- 24 5. Bed and breakfast inns may have a maximum of two (2) non-resident
25 employees.
- 26 6. A maximum of four (4) bedrooms shall be used as part of the bed and breakfast
27 accommodations. Only rooms designed as bedrooms shall be used as guest
28 rooms. The number of guest rooms shall not be increased through any exterior
29 additions or exterior modifications to the structure.
- 30 7. The duration of each guest's stay at the bed and breakfast inn shall not exceed
31 15 consecutive days.

- 1 8. In addition to the provisions of chapter 9 of the TDC pertaining to parking
2 standards for single family dwellings, one (1) additional off-street parking space
3 shall be provided for each guest room. Required off-street parking shall not be
4 located in a required front or side yard setback area abutting a public street
5 unless located in front of a garage.
- 6 9. One (1) non-illuminated or exteriorly illuminated on-premise sign identifying the
7 name of the bed and breakfast inn and/or operator shall be permitted. The sign
8 shall not exceed six (6) square feet in area. Freestanding signs shall not exceed
9 three (3) feet in height. All signage shall be in keeping with the residential
10 character of the neighborhood. Sign details shall be included with the site and
11 design application for the bed and breakfast use.
- 12 10. The bed and breakfast inn shall obtain and maintain a City Business License and
13 is subject to City Transient Lodging Tax . In addition, bed and breakfast inns
14 shall obtain and maintain all applicable state licenses and permits.
- 15 11. The bed and breakfast inn shall meet all applicable health, fire safety and
16 building codes.

17 **Section 5. Section 3.013 is amended to read as follows:**

18 3.013 **Conditional Uses.** The following uses and their accessory uses are permitted in an R-20
19 district:

- 20 A. Community service uses.
- 21 B. Day care centers in association with an established community service uses.
- 22 C. Guest or parental residence and servant's quarters.
- 23 D. Utility facilities, major.
- 24 E. Other uses similar in nature to those listed above.
- 25

26 **Section 6. Add the following use to the list of permitted uses in the R-20, R-10, R-7, R-5, R-4, and A-**
27 **2 zoning districts:**

28 Bed and breakfast inns subject to the provisions of Chapter 5.500.

Section 7. Section 3.131 is amended to read as follows:

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

PERMITTED (P) AND CONDITIONAL USES (CU)	SUBAREA			
	A	B	C	D
A = Anchor B = Market C = Promenade D = Railroad				
Apartments and duplexes	P	P	P	P ²
Assembly or limited manufacturing uses	CU	CU	CU	CU
Automobile repair shops	P	CU	CU	CU
Automobile fueling stations	CU	--	--	--
Bed and breakfast inn (but not subject to provisions of section 5.500)	P	P	P	--
Boat ramp; repair shop and service facility	P	P	P	P
Congregate housing, nursing homes and homes for the aged	CU	CU	CU	CU
Convenience store	P	CU	CU	--
Museum, theater, gallery or studio for art, dance, photography	P	P	P	P
Parking garage or parking lot	P	P	P	P
Personal services including but not limited to: medical or dental clinic, small animal veterinary clinic, pharmacy, professional offices, general business office, savings and loan companies or other financial institutions	P	P	P	P
Restaurant (excluding fast food with drive thru), 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, garden supply store, pet store, jewelry store, shoe store, office supply, art and photo supply, liquor store, grocery store (excluding a convenience market), meat market, bakery, delicatessen 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	--
Utility facility: major and community service uses	CU	CU	CU	CU
Utility facility: minor	P	P	P	P

³³ Permitted above street level floor of commercial establishments only

1 ***Section 8. Section 1.050, Solar Access Definitions, including subsections 1.050.01 through***
2 ***1.050.17, is repealed.***

3 ***Section 9. Subsection 7.100(2)(k) is amended as to read as follows:***

4 k. Identification of building setback lines or building envelope lines.

5 ***Section 10. Subsection 7.180 (N) is amended to read as follows:***

6 1. Major and minor arterials are designed to expedite the movement of traffic to
7 and from major trip generators and between communities; to collect and
8 distribute traffic from freeways or expressways to minor arterial streets, collector
9 or neighborhood collector streets, or directly to traffic generators and to facilitate
10 traffic movement between neighborhoods.

11 2. City minor arterials are designed to collect and distribute traffic from major and
12 minor arterials to neighborhood collectors and local streets, or directly to traffic
13 destinations.

14 3. Neighborhood streets are designed to collect and distribute traffic from higher
15 type arterial streets to neighborhood access streets or directly to traffic
16 destinations.

17 4. Local streets are designed to provide direct access to abutting property and
18 connect to collector streets.

19 5. Cul-de-sacs are designed to provide access to directly abutting property.

20 6. Design standards for public streets shall be in accordance with City of Troutdale
21 Construction Standards for Public Works Facilities.

22 ***Section 11. The Design Standards Tables for Collector Street, Neighborhood Collector***
23 ***Street, Local Street and Cul-de-sac Street are repealed.***

24 ***Section 12. Subsection 8.050(A) is amended to read as follows:***

25 ***8.050 Procedures and Submission Requirements***

26 A. Site and design review shall be a Type II procedure. However, the Director
27 shall refer a development proposal to the Planning Commission when the
28 applicant requests variances or exceptions to the Development Code which
29 require a Type III level review. The Director may refer a development proposal
30 which is particularly complex in nature to the Planning Commission for public
31

1 hearing. Site and design review may also be conducted by the Planning
2 Commission in conjunction with a conditional use application.

3 **Section 13. Sections 2.050 and 2.060 are amended to read as follows:**

4 **2.050 Submission of Application.**

5 Application materials shall be submitted to the Director who shall have the date of
6 submission indicated on each copy of the materials submitted. Within 15 working days
7 from the date of submission, the Director shall determine whether an application is
8 complete. If the Director determines that the application is incomplete or otherwise does
9 not conform to the provisions of this code, the Director shall immediately notify the
10 applicant by mailing or otherwise conveying an explanation to the applicant of what
11 information is missing and allowing the applicant to submit the missing information.
12 The application shall be deemed complete upon receipt of the missing information.
13 When an application is deemed complete and in conformance with the provisions of this
14 code, the Director shall accept it and note the date of acceptance and the approvals
15 needed for approving the request on the required copies. If the applicant refuses to
16 submit the missing information, the application shall be deemed complete for the
17 purposes of satisfying the requirements of ORS 227.178(1) on the 31st day after the
18 application was first submitted.

19 **2.060 Referral and Review of Applications.**

20 Within 5 days of deeming an application complete, the Director shall do the following:

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

34 **Section 14. Section 15.060 is amended to read as follows:**

1 15.060 City Council Action.

2 A. The City Council may limit the nature of the information it will receive at a
3 hearing and may establish separate rules for consideration of each of the
4 following:

5 1. Compliance with the Plan.

6 2. Appropriateness of the legislative process.

7 3. Recommended action by the Commission including any policy changes or
8 refinements proposed.

9 B. After confirming, amending or reversing the recommendations of the Planning
10 Commission, the City Council may take any of the following steps:

11 1. Enact or defeat an ordinance on all or part of the proposal under
12 consideration. In taking this step it shall not be necessary to segregate
13 incidental results that might have been possible to accomplish by
14 administrative action.

15 2. If the ordinance is defeated but some or all of the proposal is found
16 appropriate for administrative processing, Council may either act on the
17 matter by the appropriate administrative procedure or refer the matter to
18 the Planning Commission for such action. Unless different notice would
19 be required under the provisions of this code for the Type II, III or IV
20 administrative action, no further hearing is necessary for the City Council
21 to take administrative action. If different notice is appropriate or if the
22 matter is referred to the Planning Commission for a decision or recom-
23 mendation, an additional hearing shall be held.

24 3. Refer some or all of the proposal back to the Planning Commission for
25 further consideration. If such referral is subsequently returned, no further
26 hearing need be conducted if the proposal is processed under the City
27 procedure for ordinance enactment.

28 C. The city council may take final action on a proposed amendment to the zoning
29 district map by order rather than by ordinance.

30 ***Section 15. Section 3.005 is amended to read as follows:***

31 3.005 Zoning District Map.

- 1 A. The zoning district map and all amendments to the map shall remain on file in
2 the City Recorder's office.
- 3 B. The boundaries of all districts are established as shown on the Zoning District
4 Map.
- 5 C. Zoning district boundary lines are intended to follow property lines, lot lines, or
6 center lines of streets, alleys, streams, or railroads, or the extension of such lines
7 except where reference is made on the map to a street line, political boundary or
8 other designated line by dimensions shown on said map.
- 9 D. The exact location of zoning district boundary lines shall be interpreted by the
10 Director or designated official.
- 11 E. Whenever any street, alley or other public way is vacated by official action, the
12 zoning district adjoining the side of such public way shall be automatically
13 extended, depending on the side or sides to which such lands revert, to include
14 the right-of-way thus vacated, which shall be subject to all regulations of the
15 extended zoning district or districts.

16 **Section 16.** *Section 2.120 is amended to read as follows:*

17 2.120 Type IV Procedure.

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

- 24 A. The Type IV procedure is for use where indicated in this code. Under the Type
25 IV procedure, the Director shall schedule a public hearing pursuant to Chapter
26 16 and this section before the Planning Commission. The form of notice and
27 persons to receive notice are as required by the relevant sections of this code. At
28 the public hearing the staff and interested persons may present testimony relevant
29 to the proposal. If pertinent, they may give information on whether the proposal
30 does or does not meet appropriate criteria and standards for approval or their
31 proposals for modifications they consider necessary for approval. If criteria are
32 involved, the Planning Commission shall make a finding for each of the criteria
33 applicable, including whether the proposal conforms to criteria found in the
34 Comprehensive Plan. A written report and recommendation shall be submitted to
35 the City Council.

1 B. If the Planning Commission has recommended against a legislative proposal or
2 has failed to act on a legislative proposal, the City Council may terminate further
3 consideration of the proposal. For a proposal on which the Planning Commission
4 has made a favorable recommendation and for other proposals that have not been
5 terminated, the City Council shall conduct a public hearing pursuant to Chapter
6 16. The Director shall set a date for the hearing. The form of notice and persons
7 to receive notice are as required by the relevant sections of this code. At the
8 public hearing, the staff shall review the report of the Planning Commission and
9 provide other pertinent information, and interested persons shall be given the
10 opportunity to present new testimony and information relevant to the proposal
11 that was not heard before the Planning Commission and make final arguments
12 why the matter should or should not be approved and, if approved, the nature of
13 the provisions to be contained in approving action.

14 **Section 17. Troutdale Municipal Code Chapter 15.16, Fences and Retaining Walls,**
15 **including sections 15.16.010 through 16.16.110, is repealed.**