



CITY OF JUNCTION CITY

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Planning Commission Meeting (Possible Quorum of the Council)

Date: Wednesday, October 19, 2016
Time: **6:30 – 9:00 p.m.**
Location: Council Chambers, 680 Greenwood Street
Contact: Jordan Cogburn, 541-998-2153

A G E N D A

1. Open Meeting and Pledge of Allegiance
2. Review Agenda
3. Public Comment (for items not already on the agenda)
4. Approval of Minutes
 - September 21, 2016
5. Action Items (Request action by Planning Commission)
 - a) Planning Commission Chair and Vice-Chair Elections
6. Discussion Items
 - a) Zoning Code Review
7. Planning Activity Report
8. Planning Commission Agenda Forecaster
9. Commissioner Comments
10. Adjournment

*Next Standing November 16, 2016 – Check with City for changes
Location is wheelchair accessible (WCA)*

THIS MEETING WILL BE RECORDED

I. PUBLIC HEARING PROCESS

Public Hearings will be conducted as follows:

1. Open Public Hearing
2. Declaration of Conflict of Interest, Bias, Ex Parte Contacts, and Challenges to Impartiality
3. Staff Report
4. Applicant's Presentation
5. Proponents
6. Opponents
7. Neutral Parties
8. Rebuttal of Testimony
9. Questions from the Planning Commission
10. Staff Summary
11. Close of Public Hearing
12. Deliberation and Decision by the Planning Commission

If you provide testimony, please state your name and address for the record. Testimony and evidence must be directed toward the applicable substantive criteria or other criteria believed to apply to the decision.

If you would like an opportunity to present additional evidence, arguments or testimony regarding the application at a later date, you may request during the hearing that the Planning Commission hold the record open.

Helpful Tips When Speaking Before the Planning Commission

Before the meeting begins, give a copy of any written materials to the Planning Secretary.

Please speak clearly keep in mind the meetings are recorded.

Before beginning your statement say your name and address for the record.

Speak to the Commission through the Chairperson. For example, "Mr. /Ms. Chair, members of the Commission ..."

In order to give everyone the opportunity to speak the Planning Commission may set a time limit. Out of courtesy to citizens speaking after you, please respect the time limit.

Next Standing November 16, 2016 – Check with City for changes

Location is wheelchair accessible (WCA)

THIS MEETING WILL BE RECORDED

The Junction City Planning Commission met on Wednesday, September 21, 2016 at 6:30 p.m. in the Council Chambers at City Hall, 680 Greenwood Street, Junction City Oregon.

Present were: Planning Commissioners, Jason Thiesfeld (Chair), James Hukill, Jeff Haag, Ken Wells, Jack Sumner, and Sandra Dunn; Planning Commission Alternates, Alicia Beymer, and Patricia Phelan; City Planner, Jordan Cogburn; and Planning Secretary, Tere Andrews.

Absent: Planning Commissioner Stuart Holderby

1. Open Meeting and Review Agenda

Chair Thiesfeld opened the meeting at 6:30 pm and led the Pledge of Allegiance.

2. Changes to the Agenda

None

3. Public Comment (for items not already on the agenda)

None

4. Approval of Minutes

- July 20, 2016

Motion: Commissioner Phelan made a motion to approve the April 20, 2016 minutes as written. Commissioner Dunn seconded the motion.

Vote: Passed by a vote of 7:0:0. Chair Thiesfeld, Commissioners Dunn, Hukill, Haag, Wells, Sumner, and Phelan voted in favor.

5. Public Hearing: Wiechert Annexation and Rezone A-16-01/RZ-16-02

Chair Thiesfeld opened the public hearing for the Annexation and Rezone application from Bruce Wiechert Custom Homes, LLC, File #'s A-16-01/RZ-16-02 and asked if any Commissioner had a bias, ex parte contact or conflict of interest to declare.

There were no biases, ex parte contacts, or conflicts of interest declared.

Staff Report

Planner Cogburn reviewed the staff report. The subject site was located at 1635 W 10th Avenue and was inside the Junction City Urban Growth Boundary (UGB). It was contiguous to a city boundary line. It was designated Medium Density Residential (MDR) on the city's Comprehensive Plan Designation Map. A designation of MDR equated to a zoning of R2 (Duplex Residential).

An application was also submitted for subdivision of the property into single family home lots. Until the annexation and rezone applications had been reviewed by the Planning Commission and City Council, that application could not be reviewed. Should annexation and rezoning move forward, the subdivision application would come before the Planning Commission at a later date.

Chair Thiesfeld asked if there were questions from the Commission for Planner Cogburn.

There were none.

Testimony

Proponents

There were none.

Opponents

Ms. Paula Loftin, 820 Vine Street, Junction City OR 97448 said in conversations with neighbors, they were not in support of the annexation from an aesthetics point of view. They also expressed concerns about the potential about higher density housing such as duplexes which would be rentals. Additional traffic was also mentioned as a concern, particularly along Vine Street.

Planner Cogburn explained that in the R2 zoning district uses permitted in the R1 (Single Family Residential) were permitted outright. The subdivision application submitted, which would not be reviewed by the Planning Commission at this meeting, proposed single family lots.

Mr. Chris Rouse, 905 Vine Street, Junction City OR 97448 echoed his neighbors concerns regarding higher density residential housing and the increased traffic. He asked why the zoning had to be R2 rather than R1.

Planner Cogburn explained that the State required, through the comprehensive planning process, that a certain number of acres be designated as medium density, low density residential, commercial and industrial. The process to change a designation required a change to the City's Comprehensive Plan which took time. The R2 zoning name of Duplex Residential was somewhat misleading in that it did permit single family homes.

Mr. Rouse said the property had been a nice green space for the neighborhood. He asked if there were plans for replacement of the green space.

Planner Cogburn explained that the Parks Master Plan identified the need for additional parks/open spaces. That master plan included future parks on the west side of town.

Commissioner Haag noted an amendment to the Comprehensive Plan was a long and expensive process. He encouraged people to attend the public hearing for the subdivision application.

Commissioner Sumner added property owners within 300-feet of the subject site would be notified of a public hearing on a proposed subdivision.

Neutral Parties

There were none.

Deliberations

Chair Thiesfeld closed the public hearing for A-16-01/RZ-16-02.

Commissioner Haag noted the application met the criteria. Commissioners Hukill and Dunn agreed.

Motion: Commissioner Hukill made a motion to recommend to the City Council, approval of the proposed annexation and rezone, File # A-16-01/RZ-16-02 based on the findings presented in the Final Order. Commissioner Wells seconded the motion.

Vote: Passed by a vote of 7:0:0. Chair Thiesfeld, Commissioners Dunn, Hukill, Haag, Wells, Sumner, and Phelan voted in favor

6. Planning Commission Term Expirations

The following Planning Commission terms of office were set to expire October 1, 2016: Commissioners Jason Thiesfeld, Stuart Holderby, and Ken Wells and; Alternates: Alicia Beymer and Patricia Phelan.

Motion: Commissioner Haag made a motion to recommend, to the Mayor and City Council the re-appointment of Planning Commissioners Jason Theisfeld, Stuart Holderby, and Ken Wells and; Alternates Alicia Beymer, and Patricia Phelen. Commissioner Sumner seconded the motion.

Vote: Passed by a vote of 7:0:0. Chair Thiesfeld, Commissioners Dunn, Hukill, Haag, Wells, Sumner, and Phelan voted in favor.

7. Planning Activity Report

The Commission reviewed the September activity report.

8. Commission Agenda Forecaster

The Commission reviewed the agenda forecaster.

9. Commissioner Comments

There were none.

VIII. Adjournment

Motion: Commissioner Hukill made a motion to adjourn the meeting. Commissioner Phelan seconded the motion.

Vote: Passed by a vote of 7:0:0. Chair Thiesfeld, Commissioners Dunn, Hukill, Haag, Wells, Sumner, and Phelan voted in favor.

The meeting adjourned at 7:42 p.m.

The next regularly scheduled Planning Commission meeting would be Wednesday October 19, 2016 at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Secretary

Jason Thiesfeld, Planning Commission Chair

JUNCTION CITY PLANNING COMMISSION AGENDA ITEM SUMMARY



Officer Elections

Meeting Date: October 19, 2016
Department: Planning
www.junctioncityoregon.gov

Agenda Item Number: 5a
Staff Contact: Jordan Cogburn
Contact Telephone Number: 541.998.4763

ISSUE STATEMENT

Annual Election of Planning Commission Chairperson and Vice Chairperson

BACKGROUND

The Planning Commission Officers are the Chairperson and Vice-Chairperson. Elections are held each October. The October 19, 2016 meeting would be the scheduled date for the election of a Chairperson and Vice-Chairperson for the October 2016 to October 2017 term. Past practice, typically has been for newly elected officers to begin their terms at the next Planning Commission meeting.

Selection of a Chairperson and Vice-Chairperson would be from holders of Planning Commission seats. Currently the Planning Commissioners are Sandi Dunn, Jeff Haag, James Hukill, Stuart Holderby, Jack Sumner, Jason Thiesfeld, and Ken Wells. The Planning Commission By-Laws provide for election of the officers by the Planning Commission members.

RELATED CITY POLICIES

Article III: Officers

Section 2. The chair and vice chair shall be elected from the voting membership of the commission at its first regular meeting in October of each year. The term of office shall be one year. In case of vacancy of chair or vice chair occurring in any office, the commission may fill the same by an election at its earliest opportunity.

LEGAL REVIEW

Not Applicable

CITY ADMINISTRATOR'S COMMENT

The City Administrator requests that the Planning Commission follow process for election of a Chairperson and Vice-Chairperson

PLANNING COMMISSION OPTIONS

1. Chairperson Nominations and Election – MOTION: “I make a motion to nominate Commission ___ as Planning Commission Chairperson.”
2. Vice-Chairperson Nominations and Election – MOTION: “I make a motion to nominate Commissioner _____ as Planning Commission Vice-Chairperson.”

ATTACHMENTS

- A. Planning Commission By-Laws

FOR MORE INFORMATION

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Staff E-Mail: jcplanning@ci.junction-city.or.us

PROCEDURES AND BY-LAWS OF
THE
JUNCTION CITY PLANNING COMMISSION Adopted by
the Planning Commission December 1989
Amended September 21, 1999, October 21, 2009
October 18, 2011 and June17, 2014

ARTICLE I: ESTABLISHMENT

The Junction City Planning Commission was established in 1939 (Ordinance No. 220 as amended) and is appointed by the Mayor with Council approval in conformance with ORS 227.010 through 227.300, which sets forth the state requirements for establishing city planning commissions.

ARTICLE II: PURPOSE AND OBJECTIVES

- a. To keep current the Junction City Comprehensive Plan, functional plans and refinement plans for the City adopted by the Council as official guides to public and private uses of land.
- b. To prepare city legislation that will implement the purposes of the Junction City Comprehensive Plan.
- c. To keep current zoning, subdivision and sign code ordinances and to make amendments consistent with required findings and the purposes of the Junction City Comprehensive Plan.
- d. To hold hearings pertaining to minor partitions, major partitions, and subdivisions, and to approve or deny them on the basis of their consistency with the provisions set forth in the Junction City Subdivision Ordinance.
- e. To recommend and make suggestions to the council and to all other public authorities concerning laying out, widening, extending and locating of streets and parking areas, sidewalks, bikeways and boulevards, and for relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones or districts limiting use, height, area and bulk of buildings and structures (ORS 227.090).
- f. To recommend to the council and all other public authorities plans for regulation of the future growth, development, and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities and transportation facilities (ORS

227.090).

- g. To study and propose in general such measures as may be advisable for promotion of environmental quality as well as the public interest, health, morals, safety, comfort, convenience, and welfare of the city and of the area of influence (ORS 227.090).

ARTICLE III: OFFICERS

Section 1. The officers of this commission shall consist of a chair and vice chair.

Section 2. The chair and vice chair shall be elected from the voting membership of the commission at its first regular meeting in October of each year. The term of office shall be one year. In case of vacancy of chair or vice chair occurring in any office, the commission may fill the same by an election at its earliest opportunity.

Section 3. It shall be the duty of the chair to preside at all meetings of the commission; to enforce observance of the rules of procedure; to sign necessary Planning Commission correspondence and business; to decide all questions of order; offer for consideration all motions regularly made; apportion duties of the members of the commission; call special meetings; appoint all necessary committees; appoint advisory committees with the consent of the commission; and perform such other duties as the Chair's office may require. The chair shall make no motion or amendment.

Section 4. In the absence of the chair the vice chair shall perform the duties of the chair.

Section 5. In the absence of the chair and the vice chair, the commission shall elect a chair Pro Tem for the particular meeting in question.

Section 6. The commission may employ a Secretary of the Planning Commission. The secretary shall be responsible for keeping the records of the commission, arranging for meetings, preparing agendas, and performing such other services for the commission as are customary in that role.

ARTICLE IV: MEMBERSHIP AND VOTING

Section 1. The planning commission shall consist of the mayor and City building official, both of whom shall serve as ex officio nonvoting members; seven other members who shall be appointed by the mayor with the approval of the council, and two alternate members who shall sit as voting members only when there are absent members at a meeting of the commission. At least three of the seven members appointed by the mayor shall reside inside the city limits; an additional two members may reside anywhere in the urban growth boundary, and the remaining two members may reside anywhere in the area defined by the 97448 zip code. These restrictions apply only to the composition of the planning commission as appointed by the mayor; they are not intended to apply to the voting membership in attendance at a given meeting.

Section 2. No more than two members shall be engaged principally in buying, selling, or developing of real estate for a profit as individuals or be members of any partnership, or officers

or employees of any corporation that is engaged principally in buying, selling, or developing real estate for a profit. No more than two members shall be engaged in the same kind of business, trade or profession (ORS 227.030).

Section 3. Members shall be appointed for 4-year terms, renewable upon appointment by the Mayor and with the approval by the council.

Section 4. The Planning Commission shall review applications for membership to the commission and make recommendations concerning the filling of vacancies on the commission to the mayor and city council. Any vacancy shall be filled upon appointment by the Mayor for the unexpired term of the predecessor in office.

Section 5. Each member of the commission shall be entitled to vote at all regular and special meeting of the commission, except that a member shall not vote or take part in discussion as a member when there is a conflict of interest; i.e., when the action to be taken can confer a significant economic benefit or impose a significant economic loss on the individual member. For example, a member of the commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, and business in which he or she is then serving or has served within the previous two years, or any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at each meeting of the commission where the action is being taken (ORS 244.135).

Section 6. If a member wishes to abstain in a situation where there is no direct pecuniary conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from a relationship with the person involved or an extreme bias, the member may request the commission to allow that member to abstain. If the commission says "no," the member must vote. This provision is intended to relate to close relatives and to professional relationships, as well as to friendships.

Section 7. Any time a member present at a meeting does not record his vote, it is automatically recorded as a vote with the majority; and abstention must be entered as such in the minutes, with the reason recorded.

Section 8. Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses.

Section 9. Any member who misses more than three consecutive regular meetings without having been given a leave of absence by the commission shall be notified by registered mail of possible removal from the commission for further consecutive unexcused absences. Upon the fourth consecutive unexcused absence the commission shall recommend the removal of the absent member to the city council. The city council shall appoint another member to complete the unexpired term of any removed member.

Section 10. Alternate members shall sit as voting members only when there are absent members at a meeting of the commission. If members of the commission are late, alternates shall sit as voting members for the duration of the meeting.

ARTICLE V: MEETINGS

Section 1. Regular meetings of the commission shall be held the third Tuesday of each month at 6:30 p.m. in the Council Chambers. Special meetings can be called by the chair or vice chair with 24 hours notice.

Section 2. A majority of the members of the commission, excluding vacant positions, shall constitute a quorum. Except as otherwise provided by law, all actions of the Commission shall require the vote of the majority of those members present not abstaining.

Section 3. An abstention is not considered a position for the purposes of determining a majority vote.

Section 4. If a member of the commission is unable to attend a meeting, said member is expected to notify the chair and/or the secretary to the commission.

Section 5. Commissioners shall prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on an application that is continued to another hearing, the Commissioner shall not take part in the continuance hearing unless the Commissioner:

1. Reviews the staff report and materials provided by the Director as well as:
 - a. all materials submitted at the hearing, and
 - b. any additional materials prepared by the planning staff applicable to the application, and
 - c. Listen/view the audio/video recording of the hearing and review the draft minutes of the hearing.
2. Declares on the record at the continuance hearing that they are prepared to participate.

Section 6. All commission members shall be sent advance written notice of regular meetings or special meetings where action is to be taken. Notification for study sessions may be made at regular meetings or by telephone at least 24 hours in advance of the meeting time. The place and/or hour of any meeting may be changed by affirmative vote of the commission, and the hour of meeting may be changed by the chair; if adequate notice can be given to the public and all interested parties (ORS 192.640).

Section 7. Action may be postponed at the first hearing on any land use application where the applicant (or appellant) or a representative is not present. A written explanation for absence, coupled with a request that action not be delayed, may be honored, if the commission has sufficient information to proceed. If the commission agrees to postpone the application to a subsequent hearing date, at the request of the applicant, the applicant may be responsible for additional costs incurred by the city in meeting public notice requirements. It is the duty of the City Recorder, or such other Person designated by the City, to notify applicants at the time of initial application that they may be responsible for these additional costs.

Section 8. All meetings shall adjourn by 9:00 p.m. unless the commission, by majority vote, decides to extend business beyond that or continue the discussion to a later date. No new public hearing agenda item shall be considered for decision after 9:00 p.m.

Section 9. Public hearings shall begin at 6:30 p.m. in their order of public notice.

Section 10. Except as otherwise provided by the chair, Robert's Rules of Order shall apply to the procedures of all commission meetings. However, the commission has an obligation to be as clear and simple in its procedures as possible, and therefore should avoid the finer points of parliamentary rules, which may only obscure the issues.

Section 11. A planning commission member who attends a meeting of the city council as a representative of the commission should follow the following guidelines:

- a. The representative should answer questions about commission actions if these are addressed to him or her by the council.
- b. The representative should state the commission's majority report and should not present his/her own point of view nor that of the minority, unless specifically asked.

Section 12. The planning commission may hold executive sessions subject to

the requirements of ORS 192.610 to 192.690.

ARTICLE VI: PUBLIC HEARINGS

Section 1. The commission may retain a hearings officer to prepare staff reports, conduct public hearings and to create findings of fact documents. All staff reports furnished to the commission shall be considered as part of the record at the meeting and incorporated in the minutes thereto as if actually included. All staff reports shall be made available to applicants prior to the public hearing.

Section 2. The secretary to the commission shall tape record all public hearings and meetings and retain these records for a period of time not less than two years from the date of that hearing.

Section 3. In the interest of avoiding the appearance of bias, no individual planning commission member will discuss (ex parte contact) with the applicant for a specific land use, or others interested in the application, any request that is to be heard by the commission and on which he or she will vote, except that answering questions relating to time, place, and commission procedures will not be considered as violations of this rule. Any such ex parte contact shall be divulged on the record, by the affected commission member, at the beginning of the public hearing to which the contact pertains. The commission member shall state the name of the party or parties with which he or she had the contact, explain the nature of the pre-hearing discussion and state whether that contact has caused the commission member to become biased in voting upon the matter. A request for abstention shall be determined by the procedures set out in Section 6 of ARTICLE IV of these bylaws.

Section 4. Any interested parties may appear for themselves or be represented by a person of their choosing. Any persons speaking at a public hearing shall first identify themselves by name and address, and, if appearing in a representative capacity, identify whom they represent.

Section 5. Procedure for all matters considered by the commission shall be as follows:

- a. The chair or hearings officer will present the matter, action and considerations required of the commission by law, and any other information deemed necessary to establish appropriate consideration prior to public discussion or hearing.
- b. The chair or hearings officer shall ask for a declaration of ex parte contacts and potential conflicts of interest. Members who are excused from voting because of an ex parte contact or potential or actual conflict of interest shall remove themselves from the dais and refrain from participating as a member of the commission during the public hearing.

- c. The chair or hearings officer shall provide the audience an opportunity to challenge the jurisdiction of the Planning Commission and/or the impartiality of any commission member.

- d. (Open public hearing, if applicable) The proponents of the matter shall, before the commission, present their case.
- e. Opponents of the matter shall present their case.
- f. Proponents shall then have an opportunity to rebut any new matters presented by the opponents.
- g. Staff members and representatives of other public agencies shall, subject to the public's right of rebuttal, be afforded an opportunity to make presentations, furnish information and comment on implications of suggested actions prior to the close of the hearing.
- h. Planning Commission discussion and action.
- i. Persons with lengthy testimony are encouraged to submit it in advance of the public meeting.
- j. The chair or hearings officer may limit testimony to a specific amount of time in order to hear all persons desiring to testify.
- k. Continuance of applications pursued with due course to a later date should be made when:
 - 1. Further deliberation on the item may be necessary, including the request for new information by the commission, or
 - 2. Newly submitted evidence dictates further technical review and analysis, or
 - 3. Preliminary to commission action, staff preparation and review of findings and conditions are necessary.
- l. Relevant pertinent information to a commission member should be introduced through the staff or during the testimony portion of the public hearing. All information thus presented is available for rebuttal.

Section 6. Following the rendering of a decision the chair or hearings officer shall advise interested parties as to their appeal rights under the Junction City Zoning Ordinance (Ordinance No. 950).

Section 7. No quasi-judicial decision of the planning commission shall be final until the adoption of supporting findings of fact.

ARTICLE VII: SPECIAL RECORDS

Section 1. Special Reports: All reports made by the hearings officer, the planning staff, planning commission, committees of the commission, individual staff or commission members, or other interested parties, shall be filed and made available to the public.

Section 2. Policy Statements: All policy statements of the commission shall be recorded and shall be made available to the public.

Section 3. Planning Commission Interpretations: When the Planning Commission is required or requested to make a policy interpretation concerning any ordinance, either text or map, such interpretation shall be reduced to writing and placed in a special file entitled "Ordinance Text and Map Interpretations" and shall be made available to the commission at all meetings and to the public. In the case of map interpretations, the official zoning maps shall be changed to reflect such interpretations.

Section 4. All public documents of the commission shall be located in City Hall and shall be available to the public during normal business hours.

ARTICLE VIII: SUBCOMMITTEES

Section 1. The Chair shall appoint subcommittees as needed.

Section 2. The Chair may appoint a chairperson for each subcommittee or may serve in this capacity.

Section 3. The Chair is an ex officio member of all subcommittees.

ARTICLE IX: ADVISORY COMMITTEES

Advisory committees to the commission may be appointed by the chair with the concurrence of the commission members.

ARTICLE X: AMENDMENT TO BYLAWS

These bylaws may be amended by an affirmative vote of a majority of members present at any regular meeting, providing notice of such amendment is given at a preceding regular meeting.

JUNCTION CITY PLANNING COMMISSION

AGENDA ITEM SUMMARY



Development Code Discussion

Meeting Date: October 19, 2016
Department: Planning
www.junctioncityoregon.gov

Agenda Item Number: 6a
Staff Contact: Jordan Cogburn
Contact Telephone Number: 541.998.4763

ISSUE STATEMENT

Before the Planning Commission are various municipal code sections from regional cities highlighting the structure of their respective code chapters.

BACKGROUND

The Planning Commission Chair has requested that Staff bring research regarding Development Code revisions to the Commission for review.

Staff has provided a number of Municipal Code section pages, as well as the Oregon State Model Code, for consideration.

RELATED CITY POLICIES

Not Applicable.

PLANNING COMMISSION OPTIONS

Review the information presented and provide feedback to Staff regarding Development Code revision.

ATTACHMENTS

1. Oregon Model Code
2. Pages from the Gresham, Oregon Residential Code
3. Pages from the Cottage Grove, Oregon Residential Code
4. Pages from the Eugene, Oregon Commercial Code

FOR MORE INFORMATION

Staff Contact: Jordan Cogburn
Telephone: 541-998-2153
Staff E-Mail: jcplanning@ci.junction-city.or.us

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ARTICLE 2 – ZONING REGULATIONS

Chapters:

- 2.1 Establishment of Zoning Districts
- 2.2 Zoning District Regulations
- 2.3 Special Use Standards
- 2.4 Overlay Zones

User's Guide: Article 2 has been reorganized for this edition of the Model Code. The regulations are grouped by topic and optional provisions are identified more clearly. General requirements that most cities are likely to use have been consolidated in fewer pages.

- Chapter 2.2 contains provisions for allowed uses, lot dimensions, setbacks, and other lot development standards.
- Chapter 2.3 contains special use regulations.
- Chapter 2.4 is a placeholder for overlay zones, or combining zones, such as those for flood hazard areas, natural features, airports, and other areas of special concern.

The model code does not contain provisions specifically for airports; natural, scenic, and historic resources (Goal 5); adult-oriented businesses; or natural hazards (Goal 7). Sample ordinances for airports are available through the Oregon Department of Transportation-Aviation Division, and the Oregon Department of Land Conservation and Development maintains a library with sample ordinances for uses regulated under Goal 5 and Goal 7. Much of this information is available online.

2.1 – Establishment of Zoning Districts | Purpose and Classification of Zoning Districts

Chapter 2.1 – Establishment of Zoning Districts

Sections:

- 2.1.010 Purpose
- 2.1.020 Classification of Zoning Districts
- 2.1.030 Determination of Zoning District Boundaries

User’s Guide: The following should be adapted for consistency with local policies. Review your Comprehensive Plan and determine whether any plan updates or amendments are needed before adopting new zoning districts.

2.1.010 Purpose and Classification of Zoning Districts

Chapter 2.1 establishes zoning districts, consistent with the City of [name] Comprehensive Plan. Every unit of land (parcel, lot, tract and right-of-way) within the City of [name] is designated with a zoning district or “zone,” and may also be designated with one or more overlay zones. The use of land is limited to the uses allowed by the applicable zone(s).

2.1.020 Classification of Zoning Districts

Zoning designations are as depicted on the City of [name] Zoning Map. The [city official] maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern.

User’s Guide: Allowed uses and density standards must be based on a city’s comprehensive plan. Cities should make sure their codes allow needed housing, as defined by state statute, as state laws are very explicit about what local codes must allow. See ORS 197.303 through 197.307. Cities should also be careful not to over-zone for commercial uses on the outskirts of town, as this can undercut the economic vitality of downtowns, main streets, and other walkable centers. See also, related comments under Chapter 3.5 Parking and Loading.

A. Residential Districts (RL, [RM / RH], [RC]). Residential zoning districts are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. The following summarizes the purpose of each residential district. See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. The Residential Low Density (RL) district permits residential uses at densities between [#] and [#] dwelling units per [gross / net] acre. Permitted residential uses consist primarily of detached single-family housing [duplex housing subject to special use standards], and community service uses such as churches, schools, and parks.
2. The Residential [Medium / High] Density ([RM / RH]) district permits residential uses at densities between [#] and [#] dwelling units per [gross / net] acre. Permitted residential uses consist of detached (e.g., single-family and duplex) housing and attached (e.g., townhouse and multifamily) housing. The [RM / RH] district also allows, subject to special use standards, parks, schools, places of worship, and certain

2.1 – Establishment of Zoning Districts | Classification of Zoning Districts

community service uses.

3. *The Residential-Commercial (RC) district permits residential uses similar to those permitted in the [RM / RH] district. The RC district also allows, subject to special use standards, some commercial and employment uses.*

B. Commercial Districts ([D / MS,] GC). Commercial zoning districts accommodate a mix of commercial services, retail, and civic uses, with *[existing residences permitted to continue, and]* new residential uses permitted in the upper stories of some buildings. Two commercial zoning districts, one for *[Downtown/Main Street]* and one for General Commercial areas, provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities. The two commercial districts allow many of the same uses, except that different development and design standards apply to specific types of development based on the physical context *[, desired urban form]* and pedestrian-orientation of each district *[or subarea]*. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

C. Industrial Districts ([LI / ME], GI). Industrial zoning districts accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for *[Light Industry / Mixed-Employment]* and one for General Industry, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses. The General Industry district additionally provides suitable locations for intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution or other activities. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

User's Guide: The Public Facilities and Parks and Open Space districts are optional because not every city will need them. Public uses generally can fit into other zones. Though some public agencies prefer special zoning, particularly for larger holdings where residential or commercial zoning is not appropriate. The benefit of using subsection 'D' is that it can streamline the permit process for projects serving the public interest. A potential disadvantage is where the public agency-owner wants to sell the property and its value is less than it would be with residential or commercial zoning. An alternative approach is to create a PF "overlay" zone that accomplishes the same purpose, and where an overlay is applied, a property would retain its base zoning.

[D. Public Facilities and Parks and Open Space Districts (PF, P-OS). See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. *The Public Facilities (PF) district provides a zoning option for public and semi-public uses, including but not limited to schools, government offices, fire stations, police stations, libraries, public works yards, reservoirs, and other public facilities [, consistent with adopted public facility master plans].*
2. *The Parks and Open Space (P-OS) district provides for the use, protection, preservation, conservation, and enhancement of parks, natural areas, and similar areas in a manner that meets community needs for a wide*

2.1 – Establishment of Zoning Districts | Purpose and Classification of Zoning Districts

range of passive or active recreational uses (, consistent with adopted park or open space master plans).]

2.1 – Establishment of Zoning Districts | Classification of Zoning Districts

2.1.030 Determination of Zoning District Boundaries

User's Guide: Section 2.1.030 should be reviewed against your city's current zoning map. If the map contains parcels split by zoning, or the city routinely encounters problems in determining zoning boundaries, the following text may need to be adjusted.

Where due to the scale, lack of scale, lack of detail or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a zoning district boundary, the [Planning Official] or, upon referral, the [Planning Commission / City Council], shall determine the boundary as follows:

- A. Rights-of-way.** Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, [railroad,] or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zoning districts;
- B. Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and
- D. Natural features.** Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature.

Chapter 2.2 – Zoning District Regulations

Sections:

- 2.2.010 Purpose
- 2.2.020 Applicability
- 2.2.030 Allowed Uses
- 2.2.040 Lot and Development Standards
- 2.2.050 Setback Yards Exceptions
- 2.2.060 Residential Density Standards
- 2.2.070 Lot Coverage
- 2.2.080 Height Measurement, Exceptions and Transition

User's Guide: This chapter is intended to provide a framework for designating allowed uses by zoning district. It is designed for cities with not more than ten base zoning districts. The model provides a placeholder for additional zones, or overlay zones, under Chapter 2.4. Where a city requires more than ten base zones or has adopted regulations for special planning areas (e.g., specific plan district, or form-based code), the model can be modified to accommodate the additional zones.

Chapter 2.2 is meant to help cities comply with ORS 197.295-197.314 (Needed Housing) by providing clear and objective standards for housing. The model also addresses ORS 197.475-197.490, Manufactured Housing; ORS 197.660-197.670 Residential Homes and Facilities; and OAR 660-12-060, Transportation Planning Rule (TPR). In particular, the standards for downtowns and main street districts, including those provisions identified as optional, are consistent with TPR amendments for Multi-Modal Mixed Use Areas that went into effect January 1, 2012.

2.2.010 Purpose

Chapter 2.2 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of [name] Comprehensive Plan and the purposes of this Code, per Section 1.2.020.

2.2.020 Applicability

All real property in the City of [name] is subject to the zoning regulations of Chapter 2.2. Certain types of land uses are also subject to the Special Use regulations in Chapter 2.3. In addition, some properties are subject to both the general (“base zone”) regulations of Chapter 2.2 and the Overlay Zone regulations of Chapter 2.4. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

2.2 – Zoning District Regulations | Purpose

2.2.030 Allowed Uses

User’s Guide: Three types of land use designations are provided: “P” means the use is permitted; “S” means the use is permitted with Special Use Standards (Chapter 2.3); “CU” means the use is allowed, subject to approval of a Conditional Use Permit (Chapter 4.4); and “N” means the use is not allowed. Uses that are not listed and that the City determines are not similar to an allowed use are prohibited. The designation of allowed uses in Table 2.2.110 should be tailored to local conditions. First consider whether any existing land uses would become nonconforming before changing your code. (Chapter 1.4 addresses nonconforming uses.) The Model Code text should be adjusted, as needed, to minimize the number of non-conforming uses created.

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 2.2.030. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Other. Where Table 2.2.030 does not list a specific use, and Chapter 5, Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of Section 1.5.020 Code Interpretations. Uses not listed in Table 2.2.030 and not found to be similar to an allowed use are prohibited.
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted (P)” are allowed provided they conform to Section 2.2.040 Lot and Development Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter 2.3 Special Use Standards and Section 2.2.040 Lot and Development Standards. Uses listed as “Not Allowed (S)” are prohibited. Uses not listed but similar to those allowed may be permitted pursuant with Section 1.5.010.
- C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed subject to the requirements of Chapter 4.4 Conditional Use Permits.
- D. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of Chapter 2.2, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 2.4.
- E. Master Planned Developments.** Uses that are not otherwise allowed by the underlying zone may be permitted through the Master Planned Development procedure under Chapter 4.5.
- F. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Article 5 Definitions.
- G. Mixed-Use.** Uses allowed individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.
- H. Outdoor Uses and Unenclosed Activities.** Notwithstanding the provisions of Table 2.2.030, any use, except for an allowed accessory use, that occurs primarily outside (i.e., not within a permitted building)

2.2 – Zoning District Regulations | Allowed Uses

requires a Conditional Use Permit under Chapter 4.4. *[Examples of outdoor uses and unenclosed activities that may or may not be considered accessory uses, depending on their location and size relative to other uses on the same property, include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and similar uses.]*

- I. Temporary Uses.** Temporary uses occur *[only once in a calendar year and]* for not longer than *[(#) days]*, *[consecutively / cumulatively,]* in any calendar year. Uses may be permitted on a temporary basis, subject to review and approval under Chapter 4.3 Site Design Review.
- J. Disclaimer.** Property owners are responsible for verifying whether a specific use is allowed on a particular site. *[Submittal of a Zoning Checklist for review and approval by the City (Planning Official) (is/may be) required in order to determine whether use is allowed on a given site, and whether further land use review is required.]*

User’s Guide: Land uses vary in scale and intensity from city to city. Therefore concerns about land use impacts are not the same in all communities. While some small Oregon cities already have many of the uses listed, the market potential for some uses may be limited in other cities. The following table should be tailored to fit your community based on the comprehensive plan, which considers housing needs, economic opportunities, and local priorities. In general, the table is intended to encourage a wide range of housing choices while allowing flexibility for mixing compatible land uses. The optional Residential-Commercial (RC) zone, for example, is specifically designed to promote mixed-use, while serving as a transition between residential neighborhoods and more intensive commercial or employment areas. The model code also encourages small-scale retail operations in conjunction with allowed industrial uses, and light manufacturing or “artisanal uses” in conjunction with allowed commercial uses.

As you carry forward the regulations contained in your existing code and add new uses to Table 2.2.030, consider following the steps below:

- Where the current ordinance clearly describes a use as Permitted (P) or Permitted Conditionally (CU), carry those forward into the table, or make sure to discuss proposed policy changes with the planning commission and public.
- Where the current ordinance is silent on whether a use is allowed but it clearly designates a similar use as Permitted or Permitted Conditionally, consider applying the same designation in the new code.
- Where the current ordinance identifies a use as Permitted (P) but it prescribes specific standards for that use (e.g., hours of operation for home occupations, etc.), designate the use as a “Special Use (S),” and reference Chapter 2.3 Special Uses. Alternatively, if the standards are brief, consider including them into Table 2.2.030.
- Where the current ordinance is unclear with respect to allowed uses, flag those uses for discussion with the planning commission. Remember not all uses in the model code will be appropriate to include in your city code.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use][[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
A. Residential Uses¹											
Single-Family Dwelling, Non-Attached	P	P	[P]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.090
Single-Family Dwelling, Attached (Townhome)	[S/N]	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec. 2.3.090; Sec 2.3.210
[Accessory Dwelling]	[S]	[S]	[S]	[S]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.170]
[Boarding/Rooming House]	[N]	[CU]	[CU]	[CU]	[N]	[N]	[N]	[N]	[N]		
[Cottage Housing Cluster]	[N]	[S]	[S]	[N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.190]
Duplex Dwelling	S	P	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.060
Manufactured Home	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.090; Sec 2.3.130
Manufactured Home Park	N	[S/N]	[S/N]	N	N	N	N	[N]	[N]		Sec 2.3.140
Multifamily Dwelling	N	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.080; 2.3.090
Family Daycare	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.100
Residential Care Home	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Residential Care Facility	N	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Home Occupation	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.120
[Micro-Generation; wind, solar, or geothermal energy (household use)]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]		[Sec 2.3.200]
[Vacation Rental Dwellings]	[S]	[N]	[N]	[S/N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.220]

¹ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use][[X]	Special Use Standards
	<u>RL</u>	<u>[RM/RH]</u>	<u>[RC]</u>	<u>[D/MS]</u>	<u>GC</u>	<u>[LI/ME]</u>	<u>GI</u>	<u>[PF]</u>	<u>[P-OS]</u>	[x]	
User’s Guide: The above residential uses represent the range of “needed housing” that cities are generally required to zone land for under Statewide Planning Goal 10. Residential Care Homes/Facilities are also subject to ORS 197.665 and 197.670, and Federal Fair Housing Amendments Act (FHAA) of 1988 (42 U.S.C. § 3615). The model code also provides clear and objective standards for housing, per state law, and allows residential uses in commercial districts, per OAR 660-012-060.											
B. Public and Institutional Uses²											
<i>[Airport, Public Use]</i>	[N]	[N]	[N]	[N]	[N]	[S/N]	[N]	[S/N]	[N]		<i>[per Airport Overlay Zone]</i>
Automobile Parking, Public Off-street Parking	N	N	[P/CU]	CU	CU	CU	CU	[P]	[N]		
Cemetery, including Crematorium	[N/CU]	N	[N]	N	N	N	N	[CU]	[CU]		
Child Daycare Center	N	N	[P/CU]	CU	CU	CU	N	[CU]	[N]		
Club Lodge, Fraternal Organization	N	N	[P/CU]	CU	CU	N	N	[CU]	[N]		
Community Service; includes Governmental Offices	N	N	[P/CU]	P	P	CU	N	[P]	[CU]		
<i>[Community Garden]</i>	[P/CU]	[P/CU]	[P/CU]	[P/CU]	[N/CU]	N	N	[P]	[P]		
Clinic, Outpatient Only	N	N	[P/CU]	P	P	CU	N	[P]	[N]		
Emergency Services; includes Police, Fire, Ambulance	[N/CU]	[N/CU]	[CU]	CU	CU	CU	CU	[P]	[N]		
Hospital, including Acute Care Center	N	N	[N/CU]	[N/CU]	CU	CU	N	[CU]	[N]		
Mortuary	N	N	[N/CU]	[N/CU]	[N/CU]	[N/CU]	N	[CU]	[N/CU]		
Non-Profit Member Organization Offices	N	N	CU	CU	CU	CU	N	[CU]	[N]		
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[P]		<i>[Sec 2.3.210]</i>

² **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use][[X]	Special Use Standards
	<u>RL</u>	<u>[RM/RH]</u>	<u>[RC]</u>	<u>[D/MS]</u>	<u>GC</u>	<u>[LI/ME]</u>	<u>GI</u>	<u>[PF]</u>	<u>[P-OS]</u>	<u>[x]</u>	
[Prison]	[N]	[N]	[N]	[N]	[N]	[CU/N]	[N]	[CU/N]	[N]		

User's Guide: Because parks and open spaces can generate noise and lighting concerns, some communities require conditional use permit approval for parks and some open space uses. Another alternative is to allow uses subject to special standards. For example, a neighborhood parks (e.g., tot lots or informal play fields) and a natural areas that are limited to daytime use typically do not raise compatibility concerns and therefore can be permitted with standards.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
B. Public and Institutional Uses³ (continued)											
Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair	N	N	N	N	[CU/N]	[CU/N]	P	[P]	[CU]		
[Railroad Facilities]	[N]	[N]	[N]	[N]	[N]	[N]	[P]	[CU]	[N]		
Religious Institutions and Houses of Worship	CU	CU	CU	CU	CU	N	N	[N]	[N]		
School, Preschool-Kindergarten	CU	CU	CU	CU	CU	N	N	[CU]	[N]		
School, Secondary	CU	CU	CU	CU	CU	N	N	[CU]	[N]		
[School, College or Vocational]	N	N	CU	CU	CU	CU	N	[CU]	[N]		
Solid Waste Disposal/Recycling, except as accessory to permitted use	N	N	N	N	N	N	N	[CU]	[N]		
Transportation Facilities; includes construction, operation, and maintenance of facilities located within rights-of-ways controlled by a public agency, consistent with [Transportation System Plan / Comprehensive Plan].	The State Transportation Planning Rule (OAR 660, Division 12) requires that local codes permit transportation facilities. This is a placeholder.										
Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P	P	P	P	[P]	[P]		
Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[CU]	[N/CU]		
[Wireless Communication Facilities]	[CU/N]	[CU/N]	[CU/N]	[CU/N]	[CU/N]	[P/CU]	[P/CU]	[P/CU]	[CU/N]		

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District

Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	<u>RL</u>	<u>[RM/RH]</u>	<u>[RC]</u>	<u>[D/MS]</u>	<u>GC</u>	<u>[LI/ME]</u>	<u>GI</u>	<u>[PF]</u>	<u>[P-OS]</u>	[x]	
C. Commercial Uses⁴											
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	CU	<u>[P/ CU]</u>	<u>[P/ CU]</u>	N	N	<u>[CU]</u>	<u>[N]</u>		
Artisanal/Light Manufacture Use in Commercial zones – includes craftsman studio; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods/catering, or similar uses	-	-	S	S	S	-	-	-	-		Sec 2.3.040
Automobile Parking, Commercial Parking	N	N	CU	CU	CU	CU	CU	<u>[N]</u>	<u>[N]</u>		
Automotive Repair and Service, includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	<u>[N/ C U+S]</u>	<u>[N/ CU +S]</u>	S	CU	<u>[P/ CU]</u>	<u>[N]</u>	<u>[N]</u>		Sec 2.3.050
Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks	N	N	N	<u>[N/ CU +S]</u>	S	N	N	<u>[N]</u>	<u>[N]</u>		
<u>[Bed and Breakfast Inn]</u>	<u>[N/ CU+S]</u>	<u>[N/ CU+S]</u>	<u>[C +S]</u>	<u>[N/ CU+S]</u>	<u>[N/ CU+S]</u>	<u>[N]</u>	<u>[N]</u>	<u>[N]</u>	<u>[N]</u>		<u>[Sec 2.3.180]</u>
Commercial Retail Sales and Services	N	N	CU	P	P	N	N	<u>[N]</u>	<u>[N]</u>		
Commercial Retail Sales and Services, in Conjunction with a Permitted Industrial Use, and limited to <u>[x]</u> square feet gross leasable area	N	N	N	N	N	CU	N	<u>[N]</u>	<u>[N]</u>		

User’s Guide: The above provisions limiting automobile sales and service uses in downtowns and main street districts are consistent with the Multi-Modal Mixed Use provisions under OAR 660-012-060. See also, the drive-through service and general industrial use regulations in other parts of this table. The provision for “artisanal uses” is intended to encourage cottage industries that combine light manufacturing and retail uses in commercial zones.

⁴ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	<u>RL</u>	<u>[RM/RH]</u>	<u>[RC]</u>	<u>[D/MS]</u>	<u>GC</u>	<u>[LI/ME]</u>	<u>GI</u>	<u>[PF]</u>	<u>[P-OS]</u>	[x]	
C. Commercial Uses (continued)⁵											
<i>[Computer Server Hotel/Data Center]</i>											
These uses can be mistaken for Office uses, though they typically employ few people and have large electrical demands.	N	N	<i>[P/ CU]</i>	<i>[P/ CU]</i>	P	P	P	<i>[N]</i>	<i>[N]</i>		
Customer Call Center	N	N	<i>[P/ CU]</i>	P	P	P	N	<i>[N]</i>	<i>[N]</i>		
Drive-Through Service											
This use should be discouraged in RC and D/MS zones.	N	N	<i>[CU+S]</i>	<i>[N/CU +S]</i>	S	S	S	<i>[S]</i>	<i>[S]</i>		Sec 2.3.050
<i>[Golf Course, including driving range, and with pro shop and/or clubhouse/restaurant]</i>	<i>[N]</i>	<i>[N]</i>	<i>[N]</i>	<i>[N]</i>	<i>[CU]</i>	<i>[N]</i>	<i>[N]</i>	<i>[CU]</i>	<i>[N]</i>		
<i>[Golf Course without pro shop and clubhouse/restaurant]</i>	<i>[N]</i>	<i>[N]</i>	<i>[N]</i>	<i>[N]</i>	<i>[CU]</i>	<i>[N]</i>	<i>[N]</i>	<i>[CU]</i>	<i>[CU]</i>		
Hotels, Motels and Similar Overnight Accommodations	N	N	<i>[P/CU]</i>	P	P	N	N	<i>[N]</i>	<i>[N]</i>		
Kennel (See also, “Veterinary Clinic”)	N	N	N	<i>[CU/N]</i>	CU	CU	N	<i>[CU]</i>	<i>[N]</i>		
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	<i>[N/CU]</i>	<i>[N/ CU]</i>	CU	P	P	<i>[N]</i>	<i>[N]</i>		
Medical Clinic, Outpatient	N	N	<i>[CU/P]</i>	<i>[CU/ P]</i>	P	<i>[CU/ P]</i>	N	<i>[CU/P]</i>	<i>[N]</i>		
Offices	N	N	<i>[CU/P]</i>	P	P	P	<i>[CU/ P]</i>	<i>[CU/P]</i>	<i>[N/ CU]</i>		
<i>[Recreational Vehicle Park]</i>	N	N	<i>[N/CU]</i>	N	<i>[N/ CU]</i>	N	N	<i>[N/CU]</i>	<i>[N/ CU]</i>		
Self-Service Storage, Commercial	N	N	<i>[N/CU]</i>	<i>[N/ CU]</i>	<i>[CU/ P]</i>	P	P	<i>[N]</i>	<i>[N]</i>		
Veterinary Clinic	N	N	<i>[N/CU]</i>	<i>[CU]</i>	P	P	<i>[CU]</i>	<i>[N/CU]</i>	<i>[N]</i>		

⁵ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District												
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[Other Zones]		Special Use Standards
	RL	[RM or RH]	[RC]	[D or MS]	GC	[LI or ME]	GI	[PF]	[P-OS]	[x]	[y]	
D. Industrial and Employment Uses⁶												
[Airport]	[This use is subject to the Airport Overlay Zone, where applicable.]											
Artisanal Use/Light Manufacture Uses in Industrial and Public Facility zones	-	-	-	-	-	P	P	[S/N]	[N]			Sec 2.3.040
Auction Yard	N	N	N	N	CU	CU	P	[CU/N]	[CU/N]			
Beverage and Bottling Facility, except as allowed as for Commercial Uses	N	N	N	N	CU	CU	P	[N]	[N]			
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N	N	N	N	CU	[N]	[N]			
Cement, Glass, Clay, and Stone Products Manufacture[; except as allowed for Artisanal/Light Manufacture Uses]	N	N	N	N	N	N	CU	[N]	[N]			
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N	N	N	N	CU	[N]	[N]			
Concrete or Asphalt Batch Plants	N	N	N	N	N	N	CU	[N]	[N]			
Dairy Products Manufacture, e.g., Butter, Milk, Cheese, Ice Cream[; except as allowed for Artisanal/Light Manufacture Uses]	N	N	N	N	N	N	CU	[N]	[N]			
[Data Center/Computer Server Hotel]	N	N	[N/CU]	[CU/P]	P	P	[CU/P]	[N]	[N]			
Dwelling for a caretaker or watchman	N	N	N	N	N	[CU/P]	CU	[N]	[N]			
User's Guide: Industrial and employment uses vary in scale and intensity from city to city. Therefore concerns about land use impacts are not the same in all communities. The above list of uses should be tailored to fit your community based on local planning priorities and economic factors. Zoning for airports and for uses within airport approaches must conform to the State Airport Planning Rule (OAR 660-013). See Oregon Aviation Department Land Use Compatibility Guidelines and Model Ordinance.												

⁶ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Lot and Development Standards

2.2.040 Lot and Development Standards

- A. Development Standards.** Section 2.2.040 provides the general lot and development standards for each of the City’s base zoning districts. The standards of Section 2.2.040 are organized into two tables: Table 2.2.040.D applies to Residential [*and Residential-Commercial*] zones, and Table 2.2.040.E applies to non-residential zones.
- B. Design Standards.** City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 3. Notwithstanding the provisions of Table 2.2.040 and Article 3, different standards may apply in specific locations, such as at street intersections, [*within overlay zones,*] adjacent to natural features, and other areas as may be regulated by this Code or subject to State or Federal requirements. [*For requirements applicable to the City’s overlay zones, please refer to Chapter 2.4.*]
- C. Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. [*Submittal of a Zoning Checklist for review and approval by the City (Planning Official) (is/may be) required in order to determine whether use is allowed on a given site, and whether further land use review is required.*]

User’s Guide: The minimum lot sizes and other dimensions contained in 2.2.040 are based on contemporary zoning standards and development practices in small- and medium-sized Oregon communities. The standards are should be reviewed and adjusted to fit the context of the community. The standards are also more flexible than conventional zoning, so that minor adjustments in lot size, for example through the “lot size averaging,” “sloping site,” and “lot coverage bonus” provisions, can be made without requiring variances or planned unit approval. This section is also designed to promote efficient land use and pedestrian-oriented design, for example, through the required “build-to line” in multifamily and residential-commercial projects. Table 2.2.040 does not recommend specific residential densities; cities should base minimum and maximum density standards on the locally adopted comprehensive plan, including an assessment of housing needs and urban growth management policies.

2.2 –Zoning District Regulations | Lot and Development Standards

D. Lot and Development Standards for Residential Districts. The development standards in Table 2.2.040.D apply to all [new] development [as of (effective date)] in the city’s Residential zones.

Table 2.2.040.D – Lot and Development Standards for Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
Residential Density , per Section 2.2.060 (Dwelling Units per [gross / net] acre) – Minimum and Maximum	[Per Comp Plan]	[Per Comp Plan]	[Per Comp Plan]	
Minimum Lot Area* (square feet)				
Single Family, not attached				
Corner Lot	[6,000-7,000 sf]	[5,000-6,000 sf]	[5,000-6,000 sf]	
Not a Corner Lot	[5,000-6,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Single Family, common-wall dwellings:				
Corner Lot	[4,000-5,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Not a Corner Lot	[4,000-5,000 sf]	[2,500-3,000 sf]	[2,500-3,000 sf]	
Single Family, w/accessory d.u.	[6,000-6,500 sf]	[5,000-6,000 sf]	[5,000-5,500 sf]	
Duplex	[6,000-9,000 sf]	[5,000-7,000 sf]	[5,000-6,000 sf]	
Multiple-Family or Cottage Cluster	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	
Non-Residential Uses	[Same as single family, not attached]	[Same as single family, not attached]	[Same as single family, not attached]	
[Increased Lot Size for Sloping Site (15% or greater)]	[1-1/2 times] minimum lot size]	[1-1/2 times] minimum lot size]	[1-1/2 times] minimum lot size]	
User’s Guide: Minimum lot size should be based on a city’s planned residential densities, per the land use designations and housing needs in the comprehensive plan. An alternative to increasing lot size standards for sloping sites is to allow clustering of smaller lots in exchange for open space conservation on the most sensitive hillsides. See also, recommendations for “Lot Size Averaging” below.				
[*Lot size may be reduced in new subdivisions through Lot Size Averaging, per Section 4.3.050, or through approval of a Master Planned Development under Chapter 4.8, provided the density standards of this Section are met.] Minimum lot sizes do not apply to open space tracts and similar properties where development is restricted.				

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
Minimum Lot Width				
Single Family, Not Attached: Corner Lot Interior Lot	[50-60] ft [40-50] ft	[50-60] ft [40-50] ft	[50-60] ft [40-50] ft	
Single Family, Attached/Common Wall: Corner Lot Interior Lot	[40-50] ft [40-50] ft	[40-50] ft [25-30] ft	[40-50] ft [25-30] ft	
Duplex Multiple-Family (3 or more dwelling units on a lot, where allowed)	[60-80] ft [80-100] ft	[60-80] ft [80-100] ft	[60-80] ft [80-100] ft	
Non-Residential Uses	[50-60] ft	[50-60] ft	[50-60] ft	
Minimum Lot Depth [Street frontage width may be less than minimum lot width where Flag Lots are allowed, per Chapter 4.3.050.]	[1-1/2 times min. width or 100 feet, whichever is less]	[1-1/2 times min. width or 100 feet, whichever is less]	[1-1/2 times min. width or 100 feet, whichever is less]	
Building/Structure Height. See also, Sections 2.2.040 Setback Yard Exceptions, [2.2.080 Building Height Transition], 3.3.020 Clear Vision, and 3.4.050 Fences and Walls.				
<u>Level Site (slope less than 15%),</u> maximum height	[28-30 ft]	[30-35 ft]	[30-35 ft]	
<u>Sloping Site (15% or greater),</u> maximum height	[level site +3-5 ft]	[level site +3-5 ft]	[level site +3-5 ft]	
<u>Building Height Transition Required</u> Abutting RL District (Sec 2.2.080)	No	Yes	Yes	

User's Guide: The building height standards for sloping lots are intended to provide regulatory relief for daylight basements. Adjustment for a sloping site may not be necessary if the city measures building height from "grade plane," as defined by International Building Code. Grade plane provides for height adjustment on sloping lots by using an average finished grade as the basis for measuring height.

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
<p><u>Fences and Non-Building Walls</u> Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street-Side; or Reverse Frontage Lot (rear)</p> <p>(See also, Section 3.4.040.)</p>	4 ft [6-7 ft] [6-7 ft] [4 ft, or 6 ft]; with [4-5 ft] landscape buffer	4 ft [6-7 ft] [6-7 ft] [4 ft, or 6 ft]; with [4-5 ft] landscape buffer	4 ft [6-7 ft] [6-7 ft] [4 ft, or 6 ft]; with [4-5 ft] landscape buffer	
<p>Lot Coverage <i>[(two options)]</i>:</p> <p>1) Max. Lot Coverage (Foundation Plane Area as % of site area)</p> <p>Single Family, Not Attached Single Family, Attached/Common Wall Duplex Multifamily or Cottage Cluster Mixed-Use/Live Work/Commercial Civic/Institutional/Open Space</p>	[40%] [60%] [60%] [60%] Not applicable [60%]	[50%] [70%] [60%] [60%] [70%] [60%]	[50%] [70%] [60%] [60%] [70%] [60%]	
<p><i>[2) Coverage Bonus]</i></p> <p>This bonus is an incentive for low-impact development, to reduce impacts associated with surface water runoff.</p>	<p><i>[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an increases to the lot coverage standards, above, pursuant with Section 2.2.070.]</i></p>			
<p>Min. Landscape Area (% lot area), Landscape area may include plant areas and some non-plant areas as allowed under Section 3.4.030.</p>	[10%]	[10%]	[7-10%]	
<p>Minimum Setbacks (feet). See also, Sections 2.2.040 Setback Yard Exceptions, [2.2.080 Building Height Transition], 3.3.020 Clear Vision, and 3.4.050 Fences and Walls.</p>				
<p>Front/Street-Side Setback Yards</p> <p><u>Standard Setback</u> <u>Garage or Carport Opening</u> <u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio, wall) where structure is less than 50% enclosed</p> <p>Exception (0 ft for wheelchair ramp)</p>	15 ft 20 ft 10 ft	15 ft 20 ft 10 ft	15 ft 20 ft 10 ft	

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
Interior Side Setback Yards				
Structure >24' height (total of 2 interior sides, with no setback yard less than 3 ft)	[10-15] ft	10 ft	10 ft	
Structure 12'-24' height (total of 2 interior sides, with no setback yard less than 3 ft)	10 ft	10 ft	10 ft	
Structure ≤12' height (total of 2 interior sides, with no setback yard less than 3 ft)	[6-10] ft	10 ft	10 ft	
Garage/Carport Opening, except alley	20 ft	20 ft	20 ft	
Exceptions:				
Alley	5 ft	5 ft	5 ft	
Porch or Similar Open Structure (e.g., balcony, wheelchair ramp, portico, patio, wall) where structure is less than 50% enclosed	5 ft	5 ft	5 ft	
Common Walls/Zero Lot Line Developments	0 ft one side; [5-10] ft other side	0 ft one side; [5-10] ft other side	0 ft one side; [5-10] ft other side	

Note: Always avoid utility easements when building near property lines.

User's Guide: The City may require fire suppression sprinkler systems for some structures where due to the structure's height sprinkler systems are necessary.

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
<p>Rear Setback Yard</p> <p><u>Structure >24' height</u> <u>Structure 12'-24' height</u> <u>Structure <=12' height</u></p> <p><i>Garage/Carport Opening, except alley</i></p> <p><i>Exceptions:</i> <u>Alley</u> <u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio wall) where structure is <50% enclosed</p> <p><u>Common Walls/Zero Lot Line</u></p>	<p>[10-15] ft 10 ft [5-10] ft</p> <p>20 ft</p> <p>5 ft 5 ft</p> <p>0 ft</p>	<p>10 ft 10 ft 10 ft</p> <p>20 ft</p> <p>5 ft 5 ft</p> <p>0 ft</p>	<p>10 ft 10 ft 10 ft</p> <p>20 ft</p> <p>5 ft 5 ft</p> <p>0 ft</p>	[Reserve]
<p>Build-To Line (feet): <u>Applies to New Buildings Only, except does not apply to detached single-family dwellings:</u></p> <p>1) At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except that where a greater setback is required for a Planned Street Improvement, the build-to line increases proportionately.</p> <p>2) The City may also approve exceptions to the build-to line through Site Design Review where pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 3.2.060 Civic Space and Pedestrian Amenities.)</p>	Not Applicable	[15-20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]	[15-20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]	—
<p>Special Setback for Planned Street Improvements: New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.</p>				

2.2 –Zoning District Regulations | Lot and Development Standards

E. Lot and Development Standards for Non-Residential Districts. The development standards in Table 2.2.040.E apply to all [new] development [as of (effective date)] in the city’s Non-Residential zones, as follows.

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	[D / MS] Zone	GC and [LI / ME] Zones	GI Zone	PF and OS Zones
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, yard setback and coverage standards.	None	[None, or # acres, per Economic Opportunities Analysis]		None
Minimum Lot Width and Depth	None	[None, or # acres, per Economic Opportunities Analysis]		None
Building/Structure Height*				
<u>Standard (slope less than 15%), maximum height</u>	[35-60 ft]	[35-50 ft]	[35-50 ft]	[35-50 ft]
<u>[Sloping Site (15% or greater), maximum height]</u>	[standard +5 ft]	[standard +5 ft]	[standard +5 ft]	[standard +5 ft]
<u>[Height Bonus for Residential Use in Upper Building Story]</u>	[10-15 ft]	[10 ft in GC and ME / None]	None	None
<u>[Building Height Transition required adjacent to RL District, per Section 2.2.080.]</u>	[Yes/No]	[Yes/No]	[Yes/No]	[Yes/No]
<u>*[Height Increase The City may increase the standard height, above, for specific projects with approval of a Conditional Use Permit (CUP), per Chapter 4.4.]</u>	[Yes/No]	[Yes/No]	[Yes/No]	[Yes/No]

User’s Guide: The City may require fire suppression sprinkler systems for some structures where due to the structure’s height sprinkler systems are necessary.

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	[D / MS] Zone	GC and [LI / ME] Zones	GI Zone	PF and OS Zones
<p><u>Fences and Non-Building Walls</u> Max. Height – Front Yard Max. Height – Interior Side Max. Height – Rear Yard Max. Height – Street-Side or Reverse Frontage Lot (rear)</p> <p>(See also, Section 3.4.040.)</p>	<p>4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer</p>	<p>4 ft, except City-required screens 6 ft, except City-required screens 6 ft, except City-required screens 4 ft, or [6 ft] with 5 ft landscape buffer</p>		
<p>Lot Coverage <i>[(two options)]</i>:</p> <p>I. Max. Building Coverage (Foundation plane as % of site area)</p>	90%	80%		
<p><i>[2. Coverage Bonus]</i></p>	<p><i>[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an increases to the lot coverage standards, above, pursuant with Section 2.2.070.]</i></p>			
<p>Min. Landscape Area (% site area), includes required parking lot landscaping and any required screening. This standard does not apply to individual, detached single-family dwellings. [Landscape area may include street trees and civic space improvements in some zone, per Section 3.2.030.D and 3.2.060.]</p>	[5-10%]	[10-15%]	[5-10%]	

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones

(Except as provided by 2.2.040-2.2.080, or as modified under Chapter 4.5 Master Planned Developments and Chapter 4.7 Adjustments and Variances)

Standard	[C-D/M]	GC	[Reserve]
<p>Minimum Setback Yards (feet): (See also, Section 2.2.080, RL Height Step-Down.)</p> <p><u>Front, Street-Side, Interior Side, and Rear</u> property lines, except garage or carport, or as required by other code provisions</p> <p><u>Garage/Carport Entry</u>, setback from street</p> <p><u>Alley</u></p> <p><u>Adjacent to RL District</u></p>	<p>0 ft</p> <p>20 ft</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>	<p>0 ft</p> <p>20 ft</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>	<p>—</p> <p>—</p> <p>—</p> <p>—</p>
<p>Build-To Line (feet): <u>New Buildings Only:</u> At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.190.)</p>	<p><i>[0 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]</i></p>	<p><i>[60 ft; may be increased when a shopping street connects the primary building entrance(s) to the street, per Section 2.3.170]</i></p>	<p>—</p>
<p>Special Setback for Planned Street Improvements: New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.</p>			
<p><u>Note:</u> Always check for utility easements prior to construction.</p>			

2.2.050 Setback Yards Exceptions

User's Guide: The following supplements the dimensional standards in the above tables. The flag lot standards are optional because not all cities allow flag lots. Flag lots should be discouraged where local street connections are to be made. See also, Chapter 4.3 Land Divisions and Property Line Adjustments.

A. Encroachments

1. Except as otherwise restricted by applicable building codes, building elements such as eaves, chimneys, bay windows, overhangs, heating, cooling and ventilation systems, and similar incidental structures, may extend into the required setback yards by no more than [18-36] inches, provided that a setback of not less than thirty-six (36) inches is maintained, all applicable building codes are met, and the clear vision standards in Section 3.3.030 are met.
2. Porches, decks, patios, and similar features not exceeding [30] inches in height may encroach into setbacks, provided a minimum setback of not less than thirty-six (36) inches is maintained and all applicable building codes are met.
3. Fences may be placed within setback yards, subject to the standards of Section 2.2.040 and 3.4.040.

B. Reverse Frontage Lots

Buildings on reverse-frontage lots (through lots) are required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements of Section 2.2.040 and the design standards (e.g., materials and landscape buffer requirements) of Section 3.4.040.

[C. Flag Lots

The City decision-making body shall designate the front yard of a flag lot to ensure compatibility with adjacent land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features, as follows:

1. *Front yard parallel to the street providing automobile access, or*
2. *Front yard parallel to the flagpole from which driveway access is received.*

The City shall review proposals for flag lots pursuant to the standards in Section 4.3.050 and may impose reasonable conditions to ensure development is compatible with adjacent uses.]

2.2 –Zoning District Regulations | Lot Coverage

2.2.060 Residential Density Standards

To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new *[developments / subdivisions]* in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 2.2.040, except as provided below in subsections I-3:

User’s Guide: The following section is used in conjunction with Table 2.2.040. Your city should include minimum and maximum density standards in the table based on your comprehensive plan. Minimum density standards should apply to RM zones, at a minimum, and preferably in all residential and residential-commercial zones. Each city will need to determine how it calculates density. The following example is based on “gross density.”

If the gross (total) site area is five (5) acres, and the minimum allowable density is six (6) dwelling units per acre, then the maximum is 30 units. The equivalent average lot size for single family dwellings is determined by subtracting street right-of-way, water quality facilities and other non-buildable areas from the 5-acre site, then dividing the remaining (net) area by the number of units. Assuming 25 percent of the total site area for streets, open space, and other non-buildable areas, “average lot size” is calculated as follows: $(217,800 \text{ square feet} \times 0.75) / 30 \text{ units} = 5,445 \text{ square feet}$. If the minimum density were four (4) dwelling units per acre, the same five (5) acre site would yield a minimum of 20 units with an average lot size of 8,168 square feet.

This is only an example. The minimum density standard also applies to attached housing, including multiple family developments. Actual lot sizes will vary based on the proposed building type and the lot area standards in Section 2.2.030. The number of planned dwellings also varies depending on whether the comprehensive plan is based on net or gross density. Where a plan specifies 4 units per gross acre, the equivalent net density might be greater than 5 units per net acre.

- A.** Residential care homes/facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds *[fifteen (15) percent]* are exempt from the minimum density standard.
- B.** The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
- C.** Partitions and construction of single-family homes on lots exceeding *[20,000-40,000 square feet]* shall be located and constructed so that future division of such lots can occur and planned public facilities can be extended based on the minimum lot size and other applicable City standards.
- D.** Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard.
- [E.** Areas reserved for flag lot access (flag poles) *[are / are not]* counted for the purpose of calculating density.]

2.2.070 Lot Coverage

User's Guide: The following supplements the lot coverage standards in Table 2.2.040. Subsection "B" is necessary if your city allows the lot coverage bonus in Table 2.2.040.

A. Lot Coverage Calculation. The maximum allowable lot coverage, as provided in Table 2.2.040.D, is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 36 inches or greater above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios that do not meet the minimum elevation of 36 inches above grade. *[See subsection B, Impervious Surfaces.]*

[B. Lot Coverage Bonus. *The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve increases to the lot coverage standards in Table 2.2.040.D, as follows:*

1. *By up to one-half (1/2) square foot for every one (1) square foot of proposed automobile parking area to be contained in a parking structure, either above or below leasable ground floor space (e.g., residential, commercial or civic use), not to exceed a twenty (20) percent increase in allowable coverage; and*
2. *By up to one-half (1/2) square foot for every one (1) square foot of proposed parking area paving that uses a City-approved porous/permeable paving material (i.e., allowing stormwater infiltration); and*
3. *By up to one-half (1/2) square foot for every one (1) square foot of City-approved water quality treatment area (e.g., vegetative swale or bio-filtration) to be provided on the subject site; and*
4. *In approving increases in lot coverage under subsections 1-3 of this section, the City may require additional landscape buffering or screening, above that which is required by other provisions of this code, and may impose reasonable conditions of approval to ensure the ongoing maintenance of parking areas and surface water management facilities; and*
5. *Notwithstanding the lot coverage increases authorized by subsections 1-4 of this section, all other development standards of this Chapter, and other applicable provisions of this Code, must be met.]*

2.2 –Zoning District Regulations | Lot Coverage

2.2.080 Height Measurement, Exceptions, and Transition

User's Guide: The following supplements the building height standards in Table 2.2.040.

- A. Building Height Measurement.** Building height is measured pursuant with the International Building Code.
- B. Exception from Maximum Building Height Standards.** *[Except as required pursuant to FAA regulations,] [C/c]himneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.*
- [C. Building Height Transition.** *To provide for compatible scale and height relationships between new multi-story buildings and existing single-story dwellings [in the RL district], new buildings and vertical additions to existing buildings shall maintain a building height transition to adjacent single-story building(s), as follows:*
1. *This standard applies to new and vertically expanded buildings and structures (in any zone) within [20-40] feet (as measured horizontally) of an existing single-story building with a height of [20] feet or less [in the RL zone]; and*
 2. *The building height transition standard is met where the new or vertically expanded building or structure meets the following criteria:*
 - a. *The existing single-story dwelling is located within [20-40] feet of and on the same side of the street as the proposed structure; and*
 - b. *The height of the proposed structure is not more than [120] percent of the height of the subject single-story dwelling; and*
 - c. *Where the proposed structure is to be located between two existing single-story dwellings, the height of the proposed structure shall not exceed [120] percent of the average maximum height of both adjacent dwellings. For example, where the two adjacent dwellings have an average maximum height of 24 feet, the new or vertically expanded structure shall not exceed 28.8 feet in height.]*
2. *Exception: The building height transition standard does not apply when the approval body finds that the subject single story buildings located within [20-40] of the subject site are redevelopable. “Redevelopable,” for the purposes of this Section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from [name of County] Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the minimum lot size standards of the applicable zone.]*
- [D. Fence Height Increase.** *Where Table 2.3.040 provides for a height increase, the proposal shall be subject to City review and approval pursuant with Chapter 4.4.*

Chapter 2.3 – Special Use Standards

User’s Guide: The following provisions correspond to the special uses identified in Chapter 2.2, as noted in Table 2.2.030.

Sections:

- 2.3.010 Purpose
- 2.3.020 Applicability
- 2.3.030 Review Process
- 2.3.040 Artisanal Use/Light Manufacture
- 2.3.050 Drive-Through Service
- 2.3.060 Duplex Dwellings
- 2.3.070 Townhomes, Attached Single-Family Dwellings
- 2.3.080 Multifamily Development
- 2.3.090 Dwellings in Commercial *[and Mixed Employment]* Zones
- 2.3.100 Family Daycare
- 2.3.110 Residential Care Homes and Residential Care Facilities
- 2.3.120 Home Occupations
- 2.3.130 Manufactured Homes
- 2.3.140 Mobile Home and Manufactured Home Parks
- 2.3.150 Mobile Homes and Recreational Vehicles Used as Dwellings
- 2.3.160 Temporary Uses
- [2.3.170 Accessory Dwellings]*
- [2.3.180 Bed and Breakfast Inn]*
- [2.3.190 Cottage Housing Cluster]*
- [2.3.200 Micro-Generation Facilities]*
- [2.3.210 Parks and Open Spaces]*
- [2.3.220 Vacation Rental Dwelling]*
- [2.3.230 Wireless Communication Facilities]*

2.3.010 Purpose

Special uses included in Chapter 2.3 are uses, which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.

2.3.020 Applicability

All uses designated as Special (“S”) Uses in Table 2.2.020, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 2.3. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

2.3 –Special Use Standards | Artisanal/Light Manufacture Uses; Drive-Through Services

2.3.030 Review Process

The City uses the procedures for Site Design Review, under Chapter 4.2, in reviewing proposed uses for compliance with the requirements of Chapter 2.3.

2.3.040 Artisanal /Light Manufacture Uses

User's Guide: The following provisions are intended to encourage mixed-use employment, where light manufacturing and retail uses can be located on the same property.

A. Purpose. The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. For the purposes of this Section, artisanal uses are those that blend manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, cabinet makers, and similar uses, on the same site.

B. Applicability. The following standards apply where manufacturing uses are allowed in commercial zones and where retail uses are allowed in industrial zones. The standards are applied through Site Design Review or Conditional Use Permit review, as applicable.

C. Standards.

1. Where a manufacturing use is allowed in a commercial zone, it shall be permitted only in conjunction with a primary commercial use *[and shall not exceed the floor area of the primary commercial use]*; and
2. Where a manufacturing use is allowed in a commercial zone, it shall be wholly enclosed in a building*[, except the city may permit unenclosed operations of any use subject to this Section, subject to approval of a Conditional Use Permit]*; and
3. Where a manufacturing use is allowed in a commercial zone and the subject site is located within *[100 feet]* of a residential zone, the City may limit the hours of operation of the commercial and/or industrial use(s) to between *[7:00 a.m. and 9:00 p.m.]* where it has identified concerns about noise, parking, or other impacts related to the use; and
4. Where a commercial use is allowed in an industrial zone, it shall be permitted only in conjunction with the primary industrial use and shall not exceed the floor area of the primary industrial use*[/ ; and*

2.3.050 Drive-Through Service

Drive-through service uses shall comply with the design standards under Section 3.2.070.

2.3.060 Duplex Dwellings

User’s Guide: Most small cities allow both single-family and duplex dwellings in low-density (single-family) zones, though duplex design can be concern when new duplexes are constructed next to single-family homes in established neighborhoods. This section responds to those concerns by providing clear and objective standards for duplexes.

- A. Purpose.** The following provisions are intended to promote compatibility between duplex dwellings and single-family dwellings in the RL zone.
- B. Applicability.** The following standards apply where a duplex is proposed adjacent to a single-family dwelling where the duplex lot and single-family lot share a common property line. The standards are applied through a Type I *[Zoning Checklist]* review procedure, prior to submittal of building plans to the Building Official.
- C. Standards.** Where a duplex is proposed on an interior (non-corner) lot sharing a property boundary with a single-family dwelling lot, the duplex shall meet all of the following standards:
 - 1. The duplex shall not exceed the height of the subject single-family dwelling by more than *[20 percent]* for that portion of the duplex placed within twenty (20) feet of the single-family dwelling; and
 - 2. The duplex, if located on a corner lot and containing two garages, shall have each garage entrance orient to a different street and/or alley; and
 - 3. The duplex shall have no blank wall oriented to a street. This standard is met where the elevation(s) facing a street are comprised of not less than *[30 percent]* windows and door surface area; and
 - 4. The roof form on the duplex (e.g., gable, flat or hipped) is similar the roof form of adjacent single-family dwellings on the same block face¹; and
 - 5. *The duplex shall meet the height transition requirements of Section 2.2.080.C, as applicable.]*

2.3 –Special Use Standards | Townhomes, Attached Single-Family Dwellings

2.3.070 Townhomes, Attached Single-Family Dwellings

User's Guide: This section is intended to promote a compatible building scale while minimizing the impact of townhome garages along street fronts. For example, some communities allow attached single-family housing (e.g., townhomes) in low-density zones but limit the number of consecutively townhomes or the overall length of townhome buildings.

- A. Purpose.** The following provisions are intended to promote a compatible building scale where attached single-family dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking.
- B. Applicability.** The following standards apply to new attached single-family dwellings. The standards are applied through *[Site Design Review, pursuant to Section 4.2, / Zoning Checklist review, pursuant to Section 4.1.020,]* prior to issuance of building permits.
- C. Standards.** Where attached single-family dwellings are proposed, the structure(s) shall meet all of the following standards:
1. Each building shall contain not more than *[4-6]* consecutively attached dwelling units and not exceed an overall length or width of *[100-120]* feet; and
 2. The primary entrance of each dwelling unit shall orient to a street or an interior courtyard that is not less than *[24]* feet in width; and
 3. Where the subject site is served by an existing or planned alley, vehicle access shall be from the alley and all garage entrances shall orient to the alley; and
 4. The development standards Chapter 2.2 and the building and site design standards of Article 3 must be met;
- [5. The building shall meet the height transition requirements of Section 2.2.080.C, as applicable.]*

2.3.080 Multifamily Development

User’s Guide: The following provides clear and objective standards for multifamily housing, per state law. Local governments may apply discretionary standards/guidelines to what is defined as “needed housing” under ORS 197.303 only where their code also offers a clear and objective decision making option pursuant to ORS 197.307.

A. Purpose. The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle circulation and parking areas. The standards supplement the design standards of Article 3.

B. Applicability. This applies to new multifamily developments.

C. Standards.

- 1. Common Open Space and Landscaping.** A minimum of [15-20] percent of the site area in the R districts and [10] percent of the site area in the CR district shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:
 - a. “Site area” for the purposes of this Section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way;
 - b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.
 - c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than twenty (20) feet;
 - d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the City [decision body] may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.
- 2. Private Open Space.** Private open space areas shall be required for dwelling units based on the following criteria:
 - a. A minimum of [40] percent of all ground-floor dwelling units shall have front or rear patios or decks containing of at least [48] square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five (5) feet of the finished ground elevation (i.e., after grading and landscaping);
 - b. A minimum of [40] percent of all upper-floor housing units shall have balconies or porches containing at least [48] square feet of usable area. Upper-floor housing means housing units that are more than five (5) feet above the finished grade.
- 3. Access, Circulation, Landscaping, Parking, Public Facilities.** The standards of Chapters 3.2 through 3.6 shall be met.
- 4. Trash Storage.** Trash receptacles, recycling and storage facilities shall be oriented away from building

2.3 –Special Use Standards | Dwellings in Commercial *[and Mixed Employment]* Zones

entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six (6) feet in height. Receptacles must be accessible to trash pick-up trucks.

2.3.090 Dwellings in Commercial *[and Mixed Employment]* Zones

User’s Guide: This section provides standards for residential uses in commercial zones and addresses the need in some communities to grandfather single-family uses that would otherwise be nonconforming. An alternative to this approach, for example in an area with a large concentration of historic homes, is to establish a residential overlay zone allowing single-family dwellings in a defined area or sub-district of the downtown. The optional language under C, below, provides flexibility for allowing ground floor residential uses that do not front Main Street (or other defined street frontages), reserving storefronts on Main Street for commercial uses.

A. Purpose. This section provides standards for residential uses in the *[D / MS / ME]* zones[s].

B. Applicability. This section applies to dwellings in the *[D / MS / ME]* zone[s].

C. Standards. Residential uses in the *[D / MS / ME]* zone[s] shall conform to all of the following standards:

1. New residential uses shall not be located in a ground building floor space *[fronting (list “main” commercial streets)]*; and
2. New residential uses *[fronting (list “main” commercial streets)]* are permitted only above or below a ground floor space containing a permitted non-residential use[. /; and]
- [3. Single-family dwellings lawfully existing as of [effective date] may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner’s control, such single-family use may be rebuilt and reestablished pursuant with Section 2.2.030 and applicable building codes.]*

2.3 – Special Use Standards | Family Daycare; Residential Care

2.3.100 Family Daycare

Family daycare uses are limited to on-site care for not more than sixteen (16) children, and shall conform to the state licensing requirements and standards under ORS 657A.250 and ORS 657A.440(4). *[Family daycare uses must also have a current City of (name) business license.]*

2.3.110 Residential Care Homes and Residential Care Facilities

User's Guide: The following provisions are intended to implement state and federal laws pertaining to residential care uses. Pursuant with ORS 197.660 to 197.670, and the requirements of the Federal Fair Housing Amendments Act (FHAA) of 1988 (42 U.S.C. § 3615), in ORS 197.663, the Oregon Legislature has stated that:

1. Persons with disabilities are entitled to live within communities and should not be excluded because their disability requires them to live in groups.
2. Recognized a growing need for residential homes and residential facilities to prevent unjustified institutionalization; and local zoning regulations often make it difficult to site these residences.

State law allows “residential homes” and “residential facilities” to be placed in any zone that allows a single-family dwelling or multi-family dwelling, respectively. See ORS 197.665-197.667. Cities and counties cannot prohibit a residential home or residential facility to be sited in a zone that state law allows; and must amend their zoning ordinances to be consistent, if not already consistent, with these provisions. See ORS 197.670.

Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures. Note: Residential Care Facilities are not the same as an Acute Care Facilities, which are classified as Community Service uses; and they are not the same as Senior Housing facilities that provide limited or no medical care, which are classified as Multifamily Housing.

- A. Licensing and State Requirements.** Residential Care Homes and Residential Care Facilities shall be licensed by the State of Oregon and comply with State requirements, pursuant with ORS 197.660 through 197.670.
- B. Residential Care Homes.** Residential Care Homes may provide residential care alone, or in conjunction with treatment and/or training, for five (5) or fewer individuals who need not be related. Staff required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to Residential Care Homes, except where State law supersedes city standards.
- C. Residential Care Facilities.** Residential Care Facilities may provide residential care alone, or in conjunction with treatment and/or training, for between six (6) and fifteen (15) individuals who need not be related. Staff required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multiple family dwellings also apply to Residential Care Homes, except where State law supersedes city standards.

2.3 – Special Use Standards | Residential Care Homes and Residential Care Facilities

- D. Access.** The access and circulation standards of Chapter 3.3 shall be met.
- E. Parking.** The parking standards of Chapter 3.5 shall be met.
- F. Landscaping.** Residential Care Facilities are required to comply with the landscaping and screening standards of Chapter 3.4. The City may require the installation of a landscape hedge or fence on the property line separating a Residential Care Facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual Residential Care Homes.
- G. Building Design Standards.** Residential Care Facilities are required to comply with the building orientation and design standards for multifamily housing, pursuant with Chapter 3.1; except where a State requirement conflicts with a city standard, the State requirement, not the city standard, shall apply. The building design standards do not apply to Residential Care Homes.
- H. Review Procedure.** Residential Care Homes are subject to review and approval through a Type I [*Zoning Checklist*] review procedure under Section 4.1.020 prior to issuance of building permits. Residential Care Facilities are subject to a Type III (public hearing) review and approval under Section 4.1.040.

2.3.120 Home Occupations

User's Guide: The model code has been updated and simplified to provide one set of Home Occupation standards. Home businesses that meet standards do not require land use approval. This approach relies on self-enforcement. Cities might allow home occupation uses that exceed the following standards, subject to approval of a conditional use permit.

- A. Purpose.** The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.
- B. Applicability.** This Section applies to Home Occupation uses in Residential zones. A home-based business in a commercial or residential-commercial zone is considered a commercial use and is not subject to the standards of this Section.
- C. Home Occupation in Residential Zones.** Home Occupations of less than [500-1000] square feet of lot area are permitted, provided the owner completes a [*Home Occupation Registration Form / Zoning Checklist*] [*and obtains a City of (name) Business License*]. Home Occupations greater than [500-1000] square feet of lot area are allowed, subject to approval of a Conditional Use Permit. For the purpose of this Section, “lot area” includes building floor area, areas within accessory structures, and all other portions of a lot.
- D. Home Occupation Standards.** Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including but not limited to building codes and nuisance regulations.

I. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (*i.e.*, prior land use development permit or approval).
- d. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage:

- a. Outside storage visible from the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.

2.3 – Special Use Standards | Home Occupations

- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable material) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than [1-3] employee[s] at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

4. Advertising and Signs:

Signs shall not exceed a total of four (4) square feet of surface area on each side of one or two faces. [See also Municipal Code Section __ Signs.]

5. Vehicles, Parking and Traffic:

- a. Not more than [1-2] commercially licensed vehicle[s] associated with the home occupation [is/are] allowed at the home occupation site in the same 24-hour period. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.
- b. There shall be no commercial vehicle deliveries during [9:00 p.m. to 7:00 a.m.]

6. Business Hours.

There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from [7:00 a.m. to 9:00 p.m.] only, [Monday through Friday].

7. Prohibited Home Occupation Uses:

- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, is prohibited.
- b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a

2.3 – Special Use Standards | Home Occupations

temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business is allowed.

- c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:
 - (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;
 - (3) Auto and other vehicle repair, including auto painting; and
 - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

- 8. **Enforcement:** With cause, the City's *[designated Code Enforcement Officer / other law enforcement official]* may visit a home occupation site to inspect the site and enforce the provisions of this Code.

2.3 – Special Use Standards | Manufactured Home on a Single-Family Lot

2.3.130 Manufactured Home on a Single-Family Lot

User’s Guide: The following provisions have been updated to implement State law related to manufactured homes, recreational vehicles used as dwellings, and FEMA regulations related to manufactured homes in flood plains. Oregon Revised Statutes require that local regulations permit manufactured dwellings in zones where single-family dwellings are permitted, and limit placement standards for manufactured home to those contained in ORS 197.307(8), the intent of which is to apply standards similar to those that are customary for stick-built, single-family dwellings.

Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of [name] shall conform to City standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to [effective date of Code. See also, Sections 2.3.130 [and 2.3.140, respectively,] regarding Mobile Home and Manufactured Home Parks[, and Mobile Homes and Recreational Vehicles Used as Dwellings].

- A. Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;
- B. Roof.** The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each twelve (12) feet in width (14 degrees);
- C. Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- D. Garages and Carports.** If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house;
- E. Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards, or equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement;
- F. Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;
- G. Floodplain.** Manufactured homes shall comply with [Chapter 2.____ Flood Hazard Overlay] and the following standards.
 - I. The stand shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. [Manufactured Dwelling Specialty Code, 4-3.1(5)]

2.3 – Special Use Standards | Manufactured Home on a Single Family Lot

2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of twelve (12) inches above BFE. *[See definition of Lowest Floor in Manufactured Dwelling Specialty Code.]*
3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. 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 anchoring techniques). *[44 Code of Federal Regulations 60.3(c)(6)]*
4. Electrical crossover connections shall be a minimum of twelve (12) inches above BFE. *[Manufactured Dwelling Specialty Code 6-4.2(1)]*

H. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.

I. Prohibited. The manufactured home shall not be located in a designated historic district, except where the historic district regulations specifically provide for manufactured homes.

2.3 – Special Use Standards | Mobile Home and Manufactured Dwelling Parks

2.3.140 Mobile Home and Manufactured Dwelling Parks

User's Guide: The following implements ORS 197.314 Required siting of manufactured homes, including the optional design standards for homes in manufactured home parks that are smaller than three acres.

Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections A-[C/D], below:

- A. Permitted Uses.** Single-family residences, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).
- B. Development Standards.** Development of manufactured and mobile home parks, including placement of manufactured and mobile homes with a park, shall comply with applicable building codes and State requirements for Mobile Home and Manufactured Dwelling Parks in ORS 446
- C. Perimeter Landscaping.** When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and/or planting of a landscape buffer of five (5) to ten (10) feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences.
- D. Manufactured Dwelling Design In Small Developments.** In manufactured dwelling parks that are smaller than three (3) acres, manufactured homes shall meet both of the following standards:
 - 1. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each twelve (12) feet in width (14 degrees);
 - 2. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- [E. Floodplain.** *Compliance with the City of [name] Floodplain Overlay is required.]*

[2.3.150 Mobile Homes and Recreational Vehicles Used as Dwellings]

User's Guide: The following is a placeholder for jurisdictions that have mobile homes pre-dating current HUD standards. It is also intended to clarify where residential use of recreational vehicles is grandfathered.

2.3.160 Temporary Uses

User's Guide: It is recommended cities define temporary uses and regulate them appropriately. For example, one mobile food cart placed temporarily (e.g., summer months) on private property may not have much of an impact on public services or parking. However, an entire 'food court' (e.g., with multiple carts) that lasts the whole year through should be subject to public improvement standards just like any other development.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

A. Seasonal and Special Events. Through a Type II procedure, pursuant with Section 4.1.030, the City shall approve, approve with conditions or deny a temporary use application for a Seasonal or Special Event based on the following criteria being met:

1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The use occurs only once in a calendar year and for not longer than [30-60] consecutive days;
3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on his/her property;
5. Ingress and egress are adequate and do not raise safety concerns when the proposed use combined with the other uses of the site, pursuant with Chapter 3.3 Vehicular Access and Circulation;
6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Street Trees and Screening;
7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant with the Chapter 3.5 Parking and Loading;
8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public

2.3 – Special Use Standards | Temporary Uses

Facilities;

9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;
10. The use is adequately served by sewer or septic system and water, as applicable; and
11. The applicant shall be responsible for maintaining all required licenses and permits.

B. Temporary Sales Office or Model Home. Through a Type II procedure, pursuant with Section 4.1.030, the City shall approve, approve with conditions or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria being met:

1. **Temporary sales office:** The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose; and
 - c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.
2. **Model house:** The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:
 - a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated;
 - b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements; and
 - c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.

C. Temporary Buildings, Trailers, Kiosks, and Other Structures. Through a Type II procedure, pursuant with Section 4.1.030, the City shall approve, approve with conditions or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval);

2.3 – Special Use Standards | Temporary Uses

2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on his/her property;
3. The lot development standards of Section 2.2.040 are met;
4. Ingress and egress are adequate and do not raise safety concerns when the proposed use combined with the other uses of the site, pursuant with Chapter 3.3 Vehicular Access and Circulation;
5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Street Trees and Screening;
6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant with the Chapter 3.5 Parking and Loading;
7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities;
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;
9. The use is adequately served by sewer or septic system and water, as applicable;
10. The structure complies with applicable building codes;
11. Except where specifically authorized by the City [*decision body*], the length of time that the temporary structure may remain on a site shall not exceed [#] consecutive months or a total of [#] months in any one calendar year;
12. The applicant shall be responsible for maintaining all required licenses and permits; and
13. The City [*decision body*] may require installation of a water meter and may require other improvements, pursuant with Chapter 3.6 Public Facilities, as necessary, to protect public health, safety, or welfare.

2.3 – Special Use Standards | [Accessory Dwellings]

[2.3.170 Accessory Dwellings]

User's Guide: Accessory dwellings are not included in the state definition of needed housing, but they are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. Accessory dwelling regulations can be difficult to enforce, particularly where local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can also pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should also be considered. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

[Accessory dwellings, where allowed, are subject to review and approval through a Type II procedure, pursuant with Section 4.1.030, and shall conform to all of the following standards:

- A. One Unit.** *A maximum of one (1) Accessory Dwelling unit is allowed per legal lot;*
- B. Floor Area.** *An Accessory Dwelling unit shall not exceed [600-800] square feet of floor area, or [40] percent of the primary dwelling unit's floor area, whichever is smaller. The unit may be a detached cottage, a unit attached to a dwelling, or in a portion of an existing dwelling[.]; [The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area;]*
- C. Lot Size.** *The minimum lot size for a lot with an Accessory Dwellings is [6,000] square feet;*
- D. Building Design.** *The Accessory Dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling. The Accessory Dwelling shall comply with applicable Oregon Structural Specialty Code requirements;*
- E. Building Height.** *The height of an accessory dwelling shall not exceed the height of the primary dwelling;*
- F. Parking.** *A minimum of [2] off-street parking spaces are required, total, for a site containing an Accessory Dwelling unit; and*
- G. Screening and Buffering.** *The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.]*

[2.3.180 Bed and Breakfast Inns]

User's Guide: Bed and breakfast inns are popular in many communities where historic single family homes, or homes near attractive downtown areas, make for successful inns. Allowing bed and breakfast uses can help preserve a community's historic landmarks by providing a secondary income stream to the homeowners. Concerns about neighborhood compatibility, parking, and other factors should be considered when drafting codes for bed and breakfast inns. The following standards should be tailored to fit the needs of your community.

[Bed and Breakfast Inns, where allowed, are subject to review and approval through a Type II procedure, pursuant with Section 4.1.030, and shall conform to all of the following standards:

- A. Accessory Use.** *The use must be accessory to a permitted residential use.*
- B. Maximum Size.** *A maximum of [6] bedrooms for guests, and a maximum of twelve [12] guests are permitted per night.*
- C. Length of Stay.** *The maximum length of stay is [28] days per guest; any stay longer is classified as a hotel or commercial lodging use.*
- D. Employees.** *The inn shall have not more than [2] non-resident employees on-site at any one time. There is no limit on residential employees.*
- E. Food Service.** *Food service shall be provided only to overnight guests of the business, except where a restaurant use is also an allowed use (as in the CR zone);*
- F. Signs.** *Signs shall not exceed a total of four (4) square feet of surface area on each side of one or two faces. See also sign regulations in Municipal Code.*
- G. Screening and Buffering.** *The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.]*

2.3 – Special Use Standards | *[Other Misc. Special Uses]*

[2.3.190 Cottage Housing]

User’s Guide: Cottage housing offers an alternative housing choice that is responsive to changing household demographics lifestyles and housing needs. Although average household size is still decreasing, single-family housing remains a preferred housing type in most Oregon communities.

Cottage housing developments or “cottage clusters” consist of small houses, each usually with less than 1,000 square feet of floor area, oriented around a common open space area and with shared parking. Some developments might have other common amenities, such as a recreation area, laundry facility, common building, etc.

Depending on the development, cottages might be owned fee simple (each on its own lot) or they part of a condominium plat where the land is owned in common but the buildings are individually owned. Typically the open space and parking areas are owned and maintained in common.

In this way, cottage developments can offer elements of affordable single family housing without the feeling of living in an apartment. Cottage housing is not included in the state definition of needed housing, but it is an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing.

Metro (www.oregonmetro.gov) has developed its “Regional Model for Cottage Housing Standards,” which provides a good starting point for cities large and small. Local housing providers should also be consulted when drafting standards for accessory dwellings.

[2.3.200 Micro-Generation Facilities]

User’s Guide: Micro-generation refers to power generation by individual households or businesses for use on the premises. It may include solar, wind, hydro, geothermal, biomass, and other sources. Because the field is evolving rapidly, the model code does not provide standards. Cities should review their existing land use codes and identify any conflicts with micro-generation, such as building height and setback standards for accessory structures, lot coverage limitations, and others, and consider whether code changes are warranted. For example, Oregon House Bill 3516 (2011) requires that cities allow rooftop solar equipment. Cities may also want to refer to the US Green Building Council and Natural Step Network for additional information and sample rating systems and ordinances.

[2.3.210 Parks and Open Spaces]

User’s Guide: This section is a placeholder for cities that want to adopt special use standards as an alternative to requiring a conditional use permit for certain types of park facilities.

[2.3.220 Vacation Rental Dwelling]

User's Guide: Many of Oregon's small cities are attractive to retirees and second homeowners. As a result, much of the housing stock in those communities is actually a hybrid form of housing and commercial lodging. Land use concerns often arise around vacation rental dwellings (VRDs), including the number of occupants in a rental, the duration of each stay, parking, noise, trash storage, and landscaping and property maintenance, among others. This section is reserved for vacation rental dwelling standards, which should be tailored to meet the needs of each community. For an example of a local VRD code, cities might want to refer to Lincoln City's Vacation Rental Dwelling codes, which require both licensing of rentals and compliance with land use standards.

[2.3.230 Wireless Communication Facilities]

User's Guide: This section is reserved for codes regulating wireless communication facilities. Many cities adopted codes regulating the location and design of cell towers/antennae during the late 1990s, when cellular phone service was expanding rapidly. Local concerns arose regarding the visual impact of new towers, some over 150 feet tall and located in residential areas, and health concerns. In response, the Federal Telecommunications Act was adopted to, among other things, respond to those concerns and facilitate the siting of cell towers. For examples of codes regulating wireless communication facilities, cities might want to refer to: ???

2.3 – Special Use Standards | Overlay Zones [*and Specific Area Plan Regulations*]

Chapter 2.4 – Overlay Zones [*and Specific Area Plan Regulations*]

Sections:

2.4.010 Purpose

2.4.020 Applicability

[2.4.030 Overlay Zone 1]

[2.4.040 Overlay Zone 2]

[2.4.050 Overlay Zone 3]

User's Guide: Most cities have at least one overlay zone (e.g., Flood Hazard). Some have also adopted Specific Area Plans for individual neighborhoods or future growth areas. Chapter 2.4 is a placeholder for overlay zones and specific area plan regulations, as needed. The format and numbering of this chapter should be tailored to meet the needs of each city.

2.4.010 Purpose

[Draft overall purpose and intent for overlay zones.]

2.4.020 Applicability

[Reserved for applicability of overlay zones; relationship between base zones and overlays, etc.]

[2.4.030 Overlay Zone 1]

[2.4.040 Overlay Zone 2]

[2.4.050 Overlay Zone 3]

ARTICLE 4 LAND USE DISTRICTS AND PLAN DISTRICTS

SECTION 4.0100 RESIDENTIAL LAND USE DISTRICTS

General

4.0101 Purpose

Land Use District Characteristics

- 4.0110 Low Density Residential-5 (LDR-5)
- 4.0111 Low Density Residential-7 (LDR-7)
- 4.0112 Transit Low Density Residential (TLDR)
- 4.0113 Transition Residential (TR)
- 4.0114 Moderate Density Residential-12 (MDR-12)
- 4.0115 Moderate Density Residential-24 (MDR-24)
- 4.0116 Office / Residential (OFR)

Permitted Uses

4.0120 Permitted Uses

Land Use District Standards

- 4.0130 Residential Land Use District Standards
- 4.0131 Additional Standards for the LDR-5 and LDR-7 Districts
- 4.0132 Additional Standards for the LDR-5, LDR-7, TR and TLDR Districts
- 4.0133 Single-Family Attached Dwelling Standards for Phasing and Design Review
- 4.0134 Standards for Residential Districts Other than LDR-5, LDR-7, TLDR and TR
- 4.0135 Single Family and Duplex Construction on a Lot
- 4.0136 Manufactured Dwelling Requirements
- 4.0137 Accessory Dwellings
- 4.0138 Residential Compatibility Standards for LDR-5, LDR-7, TLDR and TR
- 4.0139 Large Lot Subdivision Option for LDR-5 and LDR-7
- 4.0140 Solar Energy Standards for Residential Districts
- 4.0141 Wind Energy Standards for Residential Districts
- 4.0142 Biomass Energy Standards for Residential Districts
- 4.0143 Geothermal Energy Standards for Residential Districts
- 4.0144 Micro-Hydro Energy Standards for Residential Districts
- 4.0150 Poultry and Livestock

General

4.0101 Purpose

Development on lands designated Low Density Residential-5, Low Density Residential-7 Transit Low Density Residential, Transition Residential, Moderate Density Residential-12, Moderate Density Residential-24, and Office / Residential is permitted when consistent with the provisions of this section and all other applicable requirements of the Community Development Plan.

Some non-residential uses may also be permitted within some of these districts. Areas of the city determined appropriate for the following Residential Land Use District developments are identified on the Community Development Plan Map.

Development of land in the following Residential Land Use Districts is permitted when development proposals are found to comply with the standards of this section and other relevant supplementary requirements of this ordinance.

Land Use District Characteristics

4.0110 Low Density Residential-5 (LDR-5)

The Low Density Residential-5 District is primarily intended for single-family detached dwellings and manufactured homes at a maximum net density of 8.71 units per acre. For all subdivisions, and for those partitions of parent parcels greater than 20,000 square feet, a minimum net density of 6.22 units per acre is required.

4.0111 Low Density Residential-7 (LDR-7)

The Low Density Residential-7 District is primarily intended for single-family detached dwellings and manufactured homes at a maximum net density of 6.22 units per acre. For all subdivisions, and for those partitions of parent parcels greater than 20,000 square feet, a minimum net density of 4.35 units per acre is required.

4.0112 Transit Low-Density Residential (TLDR)

The Transit Low Density Residential District designation is applied primarily to existing low-density residential neighborhoods within close proximity of light rail and/or bus transit service and is intended for single family detached and attached dwellings, manufactured homes, and duplexes at a maximum net density of 20 units per acre. For all subdivisions, and for those partitions of parent parcels greater than 13,000 square feet, a minimum net density of 10 units per acre is required. This district is intended to continue as a lower-density neighborhood, with detached single-family housing on small lots.

Manufactured dwelling parks are allowed at a maximum net density of 14 units per acre and a minimum net density of 7 units per acre.

4.0113 Transition Residential (TR)

The Transition Residential District designation is intended for a mix of single-family detached, single-family attached and duplex housing. It is applied primarily to locations between more intense land use districts (such as those that allow multi-family residential and commercial uses) and less intense land use

districts such as LDR-5 and LDR-7. TR provides a transition between these intensities while providing for a variety of housing types. The residential net density is 6.22 to 14.52 or 18.15 units per acre, depending on site size.

4.0114 Moderate Density Residential-12 (MDR-12)

The Moderate Density Residential District-12 is primarily intended for attached housing at a maximum net density of 12.1 units per acre and manufactured dwelling parks at a maximum net density of 8.71 units per acre. Manufactured dwelling parks shall be designed in conformance with standards and procedures of the Oregon Department of Consumer and Business Services, Building Codes Division as contained in Oregon Administrative Rules Chapter 918 Div. 600. Where standards of OAR 918-600 conflict with the following standards, the more restrictive standard shall apply.

4.0115 Moderate Density Residential-24 (MDR-24)

The Moderate Density Residential District-24 is primarily intended for attached housing at a maximum net density of 24.2 units per acre and a minimum net density of 12.1 units per acre. Some non-residential uses may also be permitted within this district.

4.0116 Office/Residential District (OFR)

The Office/Residential District is primarily intended for business offices, professional clinics and attached housing at a minimum net density of 8.71 units per acre and a maximum net density of 12.1 units per acre.

Permitted Uses

4.0120 Permitted Uses

Table 4.0120 lists those uses that are permitted in each Residential Land Use District.

- P = Permitted use
- L = Use is permitted, but is limited in the extent to which it may be permitted
- NP = Use not permitted
- SUR = Use permitted subject to a Special Use Review

Each of these uses must comply with the land use district standards of **Section 4.0130-4.0138** and all other applicable requirements of the Community Development Code.

Table 4.0120: Permitted Uses in the Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
RESIDENTIAL							
Single-Family Detached Dwelling	P	P	P	P	L ¹	NP	L ¹
Duplex	L ²	L ²	P	L ³	P	P	P
Single-Family Attached Dwellings	NP	NP	P	P	P	P	P
Attached Dwellings on a Single Lot	NP	NP	NP	NP	P	P	P
Elderly Housing ⁷	NP	NP	NP	NP	SUR	SUR	SUR
Manufactured Dwelling Park	NP	NP	P	NP	P	NP	NP
Residential Facility	NP	NP	NP	NP	P	P	P
Residential Home	P	P	P	P	L ¹	NP	L ¹
COMMERCIAL							
Auto-Dependent Use	NP	NP	NP	NP	NP	NP	NP
Business and Retail Service and Trade	NP	NP	NP	NP	NP	NP	L ⁴
Clinics	NP	NP	NP	NP	NP	NP	P
Commercial Parking	NP	NP	NP	NP	NP	SUR	SUR
Daycare Facilities	SUR	SUR	SUR	SUR	SUR	SUR	SUR
Live-Work	NP	NP	NP	NP	NP	NP	NP
Major Event Entertainment	NP	NP	NP	NP	NP	NP	SUR
Mini-Storage Facilities	NP	NP	NP	NP	NP	NP	NP
Outdoor Commercial	NP	NP	NP	NP	NP	NP	NP
INDUSTRIAL							
Construction	NP	NP	NP	NP	NP	NP	NP
Exclusive Heavy Industrial Uses	NP	NP	NP	NP	NP	NP	NP
Industrial Office	NP	NP	NP	NP	NP	NP	NP
Information Services	NP	NP	NP	NP	NP	NP	NP
Manufacturing	NP	NP	NP	NP	NP	NP	NP
Miscellaneous Industrial	NP	NP	NP	NP	NP	NP	NP
Trade Schools	NP	NP	NP	NP	NP	NP	NP
Transportation/Distribution	NP	NP	NP	NP	NP	NP	NP
Warehousing/Storage	NP	NP	NP	NP	NP	NP	NP
Waste Management	NP	NP	NP	NP	NP	NP	NP
Wholesale Trade	NP	NP	NP	NP	NP	NP	NP
INSTITUTIONAL USES							
Civic Uses	SUR	SUR	SUR	SUR	SUR	SUR	SUR
Community Services	SUR	SUR	SUR	SUR	SUR	SUR	SUR
Medical	NP	NP	SUR	SUR	SUR	SUR	SUR
Parks, Open Spaces, and Trails	SUR	SUR	SUR	SUR	SUR	SUR	SUR
Religious Institutions	SUR	SUR	SUR	SUR	SUR	SUR	SUR
Schools	SUR	SUR	SUR	SUR	SUR	SUR	SUR

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
RENEWABLE ENERGY⁸							
Solar Energy Systems	L ⁹	L ⁹	L ⁹	L ⁹	L/SUR ⁹	L/SUR ⁹	L/SUR ⁹
Wind Energy Systems	L ¹⁰						
Biomass Energy Systems	L/SUR ¹¹	L/SUR ¹¹	L/SUR ¹¹	L/SUR ¹¹	L ¹¹	L ¹¹	L ¹¹
Geothermal Energy Systems	L ¹²	L ¹²	L ¹²	L ¹²	L/SUR ¹²	L/SUR ¹²	L/SUR ¹²
Micro-Hydro Energy Systems	L ¹³						
OTHER							
Basic Utilities							
Minor basic utilities	P	P	P	P	P	P	P
Major basic utilities	L/SUR ⁵						
Heliports ⁶	NP						
Wireless Communications Facilities	SUR						
Temporary, Intermittent & Interim Uses	P	P	P	P	P	P	P

Notes

- ¹ Permitted on a lot of record only.
- ² See **Section 4.0131**.
- ³ Duplexes are allowed only on corner lots. Each unit of the duplex must have its address and main entry door oriented toward a separate street frontage. Conversion of an existing house may provide one main entrance with internal access to both units.
- ⁴ Limited Business and Retail Service and Trade when found to be consistent with the requirements of **Section 4.0134**.
- ⁵ Electrical Generating Facilities are not permitted on residentially designated land.
- ⁶ Permitted as an accessory use to Medical and Civic Uses through the Special Use Review process.
- ⁷ May have locational limitations, see **Section 8.0114**.
- ⁸ See **Section 10.0900** for additional standards that apply.
- ⁹ For limitations, see **Section 4.0140** Solar Energy System Standards for Residential Districts.
- ¹⁰ For limitations, see **Section 4.0141** Wind Energy System Standards for Residential Districts.
- ¹¹ For limitations, see **Section 4.0142** Biomass Energy System Standards for Residential Districts.
- ¹² For limitations, see **Section 4.0143** Geothermal Energy System Standards for Residential Districts.
- ¹³ For limitations, see **Section 4.0144** Micro-Hydro Energy System Standards for Residential Districts.

Land Use District Standards

4.0130 Residential Land Use District Standards

The development standards listed in **Table 4.0130** are applicable to all development within the Residential Land Use Districts. Development within these districts shall also be consistent with all other applicable requirements of the Community Development Code.

For purposes of **Table 4.0130** and **Table 4.0130(E)**, Residential Homes are treated like Detached Dwellings on a single lot; Residential Facilities and Elderly Housing are treated like Attached Dwellings on a Single Lot.

Table 4.0130: Development Requirements For Residential Land Use Districts

	LDR-5 ^{1,2}	LDR-7 ^{1,2}	TLDR	TR	MDR-12	MDR-24	OFR
A. Minimum Site Size	None	None	None, except 20,000 square feet for manufactured dwelling park ¹³	None	Attached dwellings: 7,200 square feet Manufactured dwelling parks: 20,000 square ft.	11,000 square feet	7,200 square feet
B. Minimum Lot Size:							
Detached dwelling unit manufactured home:	5,000 square feet	7,000 square feet	None	4,000 square feet	Not Applicable	Not Applicable	Not Applicable
Single family attached dwellings:	Not Applicable	Not Applicable	None	2,400 square feet	3,600 square feet	No minimum lot size	3,600 square feet
Duplexes:	Not Applicable	Not Applicable	None	7,000 square feet	7,200 square feet	3,600 square feet	7,200 square feet
C. Density:							
1. Minimum Net Density (See definition of Net Density In Article 3)	6.22 units per acre ¹⁴	4.35 units per acre ¹⁴	10 units per acre ¹⁴ Manufactured dwelling park: 7 units per acre	6.22 units per acre ¹⁴	Attached dwellings: 8.71 units per acre ⁴ Manufactured dwelling park: 3.78 units per acre	12.1 units per acre ⁵	8.71 units per acre
2. Maximum Net Density	8.71 units per acre Also See Section 4.0131(A)	6.22 units per acre Also See Section 4.0131(A)	20 units per acre Manufactured dwelling park: 14 units per net acre	Sites less than 1.5 acres: 18.15 units per acre Sites greater than 1.5 acres: 14.52 units per acre	Attached dwellings: 12.1 units per acre Manufactured dwelling park: 8.71 units per acre	24.2 units per acre Also See Section 4.0134(D)	12.1 units per acre

D. Minimum Lot Dimensions:							
1. Width at building line a. Interior lot b. Corner lot 2. Depth a. Interior lot b. Corner lot	Single Family detached: (1a) 35 feet (1b) 40 feet (2a) 70 feet (2b) 70 feet	Single Family detached: (1a) 40 feet (1b) 40 feet (2a) 70 feet (2b) 70 feet	None, except single-family attached shall be as per MDR-24 single-family attached	Single Family detached and Duplex: (1a) 35 feet (1b) 40 feet (2a) 70 feet (2b) 70 feet; Single Family Attached: (1a)(16) feet ⁷ (1b) Corner lot ⁸ (2) 0 feet	All uses except Single-family and Duplex: (1a) 65 feet (1b) 70 feet (2a) 90 feet (2b) 100 feet. Single Family Attached Dwellings and Duplex: (1a) 16 feet ⁷ (1b) Corner lot ⁸ (2) 0 feet	All uses except Single-family and Duplex: (1a) 60 feet (1b) 70 feet (2) 100 feet Single Family Attached Dwellings and Duplex: (1a) 16 feet ⁷ (1b) Corner lot ⁸ (2) 0 feet	(1a) 60 feet (1b) 70 feet(2) 100 feet
E. Minimum Yard Setback	See Table 4.0130(E). See Section 4.0138 for infill setback standards.	See Table 4.0130(E). See Section 4.0138 for infill setback standards.	See Table 4.0130(E) See Section 4.0138 for infill setback standards.	See Table 4.0130(E). See Section 4.0138 for infill setback standards.	See Table 4.0130(E)	See Table 4.0130(E)	See Table 4.0130(E)

F. Maximum Building Height	35 feet. See Section 10.1100 for shoreline height standards. See Section 4.0138 for infill height standards.	35 feet. See Section 4.0138 for infill height standards.	35 feet. See Section 4.0138 for infill height standards.	35 feet. See Section 4.0138 for infill height standards.	35 feet. See Section 4.0138 for infill height standards.	Single family attached dwellings: 35 feet. Other attached dwellings: 3 stories or 40 feet. Also see Sec. 4.0134(A) .	35 feet. See Section 4.0134(C) .
G. Height Transition	See Section 9.0600 for applicability.	See Section 9.0600 for applicability.	See Section 9.0600 for applicability.	See Section 9.0600 for applicability.	See Section 9.0600 for applicability.	See Section 9.0600 for applicability.	See Section 9.0600 for applicability.
H. Minimum Street Frontage⁹	35 feet. Corner lots: 40 feet ³	40 feet.	See Table Note 11.	See Table Note 11.	45 feet, except: Single family attached dwellings: 16 feet Single-family attached on a corner lot: varies depending on access. ³ Attached dwellings on a single lot: 45 feet.	Attached dwelling units on a single lot: 45 feet Single-family attached dwellings: 16 feet. Single family attached on a corner lot: varies depending on access ³	Not Applicable, except: Single family attached dwellings: 16 feet. Single family attached on a corner lot: varies depending on access ³
I. Public Facilities. Site and Supplementary Requirements	See Section 4.0132(F)	See Section 4.0132(F)	See Section 4.0132(F)	See Section 4.0132(F)	See Section 4.0134(F)	See Section 4.0134(F)	See Section 4.0134(F)
J. Commercial Development	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	See Section 4.0134(B)

K. Limited Retail Trade, Retail	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	See Section 4.0134(B)
M. Off Street Parking	See Section 9.0800	See Section 9.0800	See Section 9.0800 ¹²	See Section 9.0800	See Section 9.0800	See Section 9.0800	See Section 9.0800
N. Safe Neighborhood Design Performance Standards	See Section 4.0132(D)	See Section 4.0132(D)	See Section 4.0132(D) ¹²	See Section 4.0132(D)	Applicable for single family attached units	Applicable for single family attached units	Applicable for single family attached units
O. Buffers	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Sec. 9.0100 ¹²	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100
P. Infill Development Standards	See Section 4.0138	See Section 4.0138	See Section 4.0138	See Section 4.0138	Not Applicable	Not Applicable	Not Applicable

Table 4.0130 Notes:

- 1 Refer to Section 4.0131(D).
- 2 Refer to Section 4.0132(C).
- 3 As measured from the corner radius end point to the property corner 25 feet if there is an alley or shared access and 32 feet if there is no alley or shared access.
- 4 This does not apply to lots of record less than 7,200 square feet.
- 5 This does not apply to lots of record less than 11,000 square feet in size.
- 6 This does not apply to lots of record less than 20,000 square feet in size.
- 7 Single family attached dwelling lots of less than 22 feet width shall take access from an alley or from a shared access.
- 8 Abuts an alley = 16 feet; shared access = 25 feet; no alley or shared access = 42 feet
- 9 A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.
- 10 Parking stalls, aisles and maneuvering areas not allowed in setbacks.
- 11 All permitted uses except single family attached dwellings: 35 feet, except corner lots shall be 40 feet as measured from the corner radius end point to the property corner. Single family attached dwellings: 16 feet, except corner lots shall be 25 feet as measured from the corner radius end point to the property corner if there is an alley or shared access, and 32 feet from the corner radius end point to the property corner if there is no alley or shared access. A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.
- 12 For manufactured dwelling parks this provision is replaced by the requirements of Section 7.0211.
- 13 The minimum site size standard of Table 4.0130 shall be satisfied prior to issuance of a development permit for manufactured dwelling parks.
- 14 The minimum density standards do not apply to the partition of parent parcels of 20,000 net square feet or less in LDR-5, LDR-7 and TR Districts and the partition of parent parcels of 13,000

net square feet or less in the TLDR District.

Table 4.0130(E) - Minimum Setbacks in Residential Districts⁷

	FRONT			SIDE					REAR	
	Front Facade/ Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/ No Alley	Rear/ With Alley
Single Family Detached: ^{[6] [10]}										
LDR-5 ¹	10 feet	6 feet	20 feet	5 feet	6 inches on zero/ 6 feet on other side ⁸	10 feet	6 feet	20 feet	15 feet	6 feet
LDR-7 ¹	10 feet	6 feet	20 feet	5 feet	6 inches on zero/ 6 feet on other side ⁸	10 feet	6 feet	20 feet	15 feet	6 feet
TLDR ¹	10 feet	6 feet	20 feet	5 feet	6 inches on zero/ 6 feet on other side ⁸	10 feet	6 feet	20 feet	15 feet	6 feet
TR ¹	10 feet	6 feet	20 feet	5 feet	6 inches on zero/ 6 feet on other side ⁸	10 feet	6 feet	20 feet	15 feet	6 feet
MDR-12	10 feet	10 feet	20 feet	10 feet	NA	20 feet	20 feet	20 feet	15 feet	NA
OFR	10 feet	10 feet	20 feet	10 feet	NA	20 feet	20 feet	20 feet	15 feet	NA
Single Family Attached: ^{2, 3, 6}										
TLDR	10 feet	6 feet	20 feet	5 feet	NA	6 feet	6 feet	20 feet	10 feet	6 feet
TR	10 feet	6 feet	20 feet	5 feet	NA	6 feet	6 feet	20 feet	10 feet	6 feet
MDR-24, MDR-	10 feet	6 feet	20 feet	5 feet	NA	6 feet	6 feet	20 feet	10 feet	6 feet

Table 4.0130(E) - Minimum Setbacks in Residential Districts⁷

	FRONT			SIDE					REAR	
	Front Facade/ Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/ No Alley	Rear/ With Alley
12, OFR										
Attached Dwellings: 2, 3, 4, 6										
MDR-12	10 feet ⁵	NA ⁵	NA ^{2,5}	10 feet	NA	5 feet ⁵	5 feet ⁵	20 feet ⁵	15 feet	15 feet
MDR-24	10 feet ⁵	6 feet ⁵	NA ^{2,5}	10 feet	NA	5 feet ⁵	5 feet ⁵	20 feet ⁵	15 feet	15 feet
OFR	10 feet ⁵	NA ⁵	NA ^{2,5}	10 feet	NA	⁵	NA ⁵	NA ⁵	15 feet	15 feet

Table 4.0130(E) Notes:

- 1 See Section 10.0200 for setbacks of detached accessory structures and for setbacks of attached and detached patio covers in LDR-5, LDR-7, TLDR and TR.
- 2 Buffering and Screening Standards of Section 9.0100 may apply.
- 3 Height Transition Standards of Section 9.0600 may apply.
- 4 20 foot minimum distance between major structures on same lot, except for non-single family attached townhouse style dwellings on the same lot where a minimum of 10 feet in between major structures (side to side) will be required. Detached carports and detached garages are not major structures. See Section 10.0200 for accessory structure setback standards.
- 5 Maximum front and street-side setbacks apply as provided for the Corridor Multi-Family District in Table 4.0430 and Section 4.0433(B).
- 6 For double-fronted lots, each street frontage shall be considered a front yard in terms of setback requirements (except when one of the frontages is an alley or private accessway, in which case that yard will be the rear).
- 7 In cases where sidewalk access is provided by easement, the setback shall be measured from the easement line closest to the house or garage per Table 4.0130(E).
- 8 The Zero Lot Line option may only be employed on a lot designated as a zero lot line lot through a land division approval. See Section 4.0132(A)(3).
- 9 Setbacks for single family attached units are identified in Table 7.0201(M)(3)(a).
- 10 The maximum setback for single-family detached dwellings from the end of a Minor Access Street is 25 feet.

4.0131 Additional Standards for the LDR-5 and LDR-7 Districts

- A. Density Calculations
 - 1. Accessory dwellings are not included in the determination of density nor are dedicated streets or tracts created for non-dwelling unit purposes such as open space tracts, except where transfer of density from the tract to the remainder of the site is allowed by a Special Purpose Overlay District.
 - 2. A new lot created with a pre-existing dwelling on it may be excluded from the density calculation only if this new lot is less than 8,400 square feet or if the dwelling sits on a “leftover parcel” as described with **Section 4.0132(E)**.
- B. Development of a Lot of Record in LDR-5: A lot of record which is less than 5,000 square feet may be developed for all uses permitted in the LDR-5 district when in compliance with the other requirements of the LDR-5 District.
- C. Development of Duplexes on a Lot Created under standards in effect Prior to December 19, 1996: A lot that was created under standards in effect prior to December 19, 1996, may be developed with a duplex, only if:
 - 1. It is 8,000 square feet or more in size and any portion is located within 275 feet of a major arterial or standard arterial street; or
 - 2. It is designated on a recorded plat as a duplex lot.
- D. Development of a Lot of Record in LDR-7: A lot of record which is less than 7,000 square feet may be developed for all uses permitted in the LDR-7 District when in compliance with the other requirements of the LDR-7 District.

4.0132 Additional Standards for the LDR-5, LDR-7, TR and TLDR Districts

- A. Yard Setbacks for Single-Family Detached Dwellings
 - 1. Refer to **Table 4.0130(E)** for setbacks of single-family detached dwellings.
 - 2. See **Section 10.0200** for yard setback requirements for detached accessory structures and for attached and detached patio and deck covers.
 - 3. Zero lot line special side yard setback conditions:
 - a. For an adjacent lot, the yard abutting the 6 inch side shall be a minimum of 6 feet.
 - b. A zero lot line side yard setback shall not be employed where the abutting property is not part of a zero lot line development. When the zero lot line cannot be employed, the structure shall be a minimum of 5 feet from the interior side yard property boundary.
 - c. All side yard setbacks in a zero lot line development shall be clearly indicated on each lot for both the tentative partition or subdivision plan and final partition or subdivision plat.
 - d. A perpetual six foot maintenance and general utility easement shall be provided on the lot adjacent to the zero lot property line. This easement shall be kept clear of structures or any other object which could physically preclude access to areas within the easement for utilities access and for maintenance of the wall on the zero lot line side of the structure.

- B.** Yard Setbacks for Single-Family Attached Dwellings. Refer to **Table 4.0130(E)** and **Table 7.0201(M)(3)(a)** for setbacks of single-family attached dwellings.
- C.** Maximum number of units per lot: No more than one dwelling unit or duplex may be located on a lot except as authorized for those residential uses subject to a Special Use Review pursuant to **Section 8.0100** and except as authorized through the Accessory Dwelling provisions of **Section 10.0100** of the Community Development Code.

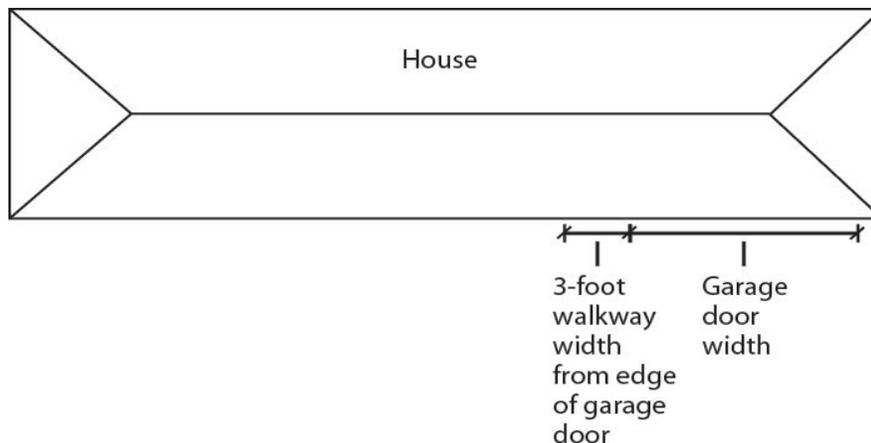
D. Safe Neighborhood Design Performance Standards
 These provisions are intended to help create safer neighborhoods and a high-quality pedestrian environment by incorporating crime prevention design that emphasizes linkages and surveillance between the dwelling and the street. These provisions apply to construction of new single-family detached dwellings, duplexes and single-family attached dwellings.

- 1.** Visible Dwelling Front. Except for homes on the flag portion of flag lots, the front door shall be oriented towards the street which the dwelling faces. At least 75 percent of that street frontage shall be visible from: 1) the front door; or 2) a street facing ground floor window in a frequently used room such as a living room, dining room, kitchen or bedroom (but, for example, not a window to a garage, bathroom or storage area); or 3) a street facing second story, minimum four-foot-by-four-foot window, except a bathroom window, placed no higher than 3 feet 6 inches from the floor to the bottom of the window sill.

This section allows portions of the front of a dwelling to protrude forward of other portions, as long as the visibility standard is satisfied. A dwelling on a lot created pursuant to **Section 10.1520** may use a private drive or future street to comply with this provision.

- 2.** Street Pedestrian Connection Options. Except for homes on the flag portion of flag lots, at least one of the following shall be provided:
 - a.** Separate Walkway. A separate, minimum three foot wide hard surfaced walkway directly from the public sidewalk to the front door; or
 - b.** Combined Walkway. A minimum three foot wide hard surfaced walkway from the public sidewalk to the front door with at least a portion of the walkway combined at the edge of the driveway. The walkway width must extend at least 3 feet beyond the edge of the garage door (see **Figure 4.0132(D)(2)(b)**).

Figure 4.0132(D)(2)(b): Combined walkway width extending beyond garage door



3. Street Surveillance Options. At least one of the following shall be provided:
 - a. Ground Level Outdoor Surveillance Area. A minimum 40 square foot covered, hard-surfaced entry area is placed immediately adjacent to the front door; or
 - b. Upper Level Outdoor Surveillance Area. A minimum 30 square foot second story covered or open porch, balcony or deck is placed on the front of the dwelling; or
 - c. Dwelling Front Location. The front of the dwelling (not including the garage) or of a covered entry has maximum setback of 16 feet; or
 - d. Dwelling and Garage Front Location. The front of the garage is flush with the front of the dwelling or is recessed back from the front of the dwelling.

E. Land Divisions with Left-Over Parcels

An application for a land division may have a “left-over” parcel or portion of the property which is capable of further development and which is not included as part of a phased subdivision. The area of up to two such parcels may be excluded from the average lot size calculation provided that a future development plan is submitted which demonstrates that the parcel(s) can be developed consistent with applicable standards.

Parcels created under this provision may not be developed until:

- a. Lots are created pursuant to **Article 6** - Land Divisions, which are consistent with the standards of the LDR-5, LDR-7 , TLDR and TR Districts (as appropriate) and other applicable provisions of the Community Development Code; or
- b. Approved through the Special Use Review process found in **Section 8.0100**.

The applicant shall file a note of the plat or other documents in the office of the County Recorder that such left-over parcel(s) shall not be developed until lots are created pursuant to **Article 6** - Land Divisions, which are consistent with the standards of the LDR-5, LDR-7, TLDR, and TR Districts (as appropriate) and other applicable provisions of the Community Development Plan; or approved through the Special Use Review process found in **Section 8.0100**.

- F. All developments shall also be subject to the applicable requirements of **Section 4.0130; Article 9** - Common Requirements; and **Section A5.000** - Public Facilities.

4.0133 Single-Family Attached Dwelling Standards for Phasing and Design Review

- A. If a phased development or subdivision is proposed for a development that includes single family attached dwellings, the first phase shall conform to density requirements without consideration of subsequent phases. Later phases shall conform to density requirements in a cumulative fashion, taking into account previous phases and while continuing to meet density standards at each phase. This is calculated by adding the number of lots for the current phase and all previous phases and dividing by the acreage of the current phase (taking into account subtractions in the “Net Density” definition) and all previous phases. The result shall meet the applicable density standard.
- B. All developments that include single family attached dwellings shall receive both land division approval to create lots for the single family attached dwellings as required in **Article 6**, and design review approval as required in **Article 7**.

Recording of the plat for the land division shall be a condition of approval of both design review and the issuance of building permits for single family attached dwellings.

4.0134 Standards for Residential Districts Other Than LDR-5, LDR-7, TLDR and TR

- A.** Building Height requirements for MDR-24 District. Three stories or 40 feet unless equipped with built-in fire protection systems. When fire sprinklers, alarms, and, when needed, enclosed, pressurized exit stairwell systems are provided, the building height can be increased to 45 feet.
- B.** Limited Business and Retail Service and Trade in OFR District. Limited Business and Retail Service and Trade are permitted in office complexes when all of the following standards are met:
 - 1.** The uses are scaled to service the tenants of the office complex or surrounding office area.
 - 2.** The uses do not exceed 20% of the total office floor area of a new or existing structure.
 - 3.** The commercial uses are not developed prior to the office uses on which the 20% area is based.
 - 4.** Siting and signage are internally oriented.
- C.** Moderate Density Residential District-12: A lot of record which is less than 10,000 square feet may be developed for all uses permitted in this district, except a manufactured dwelling park when in compliance with the other requirements of the Moderate Density Residential-12 District.
- D.** Moderate Density Residential District-24: A lot of record which is less than 11,000 square feet may be developed for all uses permitted in this district. Attached dwellings may be developed on a lot of record which is less than 11,000 square feet when in compliance with the following density requirements:
 - 1.** Minimum net density = a duplex
 - 2.** Maximum net density = 24.2 units per acre
- E.** Office/Residential District: A lot of record which is less than 7,200 square feet may be developed for all uses permitted in this district, except an attached dwelling when in compliance with the other requirements of the Office/Residential District.
- F.** All developments shall also be subject to the applicable requirements of **Section 4.0130; Article 9- Common Requirements; and Section A5.000 - Public Facilities.**

4.0135 Single Family and Duplex Construction on a Lot

- A.** The construction of a single-family detached dwelling, manufactured home or duplex in an LDR-5, LDR-7, TR or TLDR District, or single-family attached dwelling in the TR or TLDR District on a lot within an approved land division where sewer lines, water lines, storm drainage facilities, and streets are constructed to the city standards that were in effect when the land division was approved, and (in the case of single-family attached dwellings in TR or TLDR) an active design approval is in effect or the land division predated said requirement, shall be reviewed under the Type I procedure to determine if the proposal meets the site development requirements in Standards **Section 4.0130** or in the Variation to Development Standards of **Section 6.0321** (Planned Development) of the Gresham Community Development Code. The property owner shall still obtain all required permits.
- B.** The construction of a single-family detached dwelling, manufactured dwelling or duplex or single family attached dwelling that does not meet the requirements of **Subsection (A)** shall also be reviewed under the Type I procedure except that this review shall focus on street and utility requirements for new construction as per **Section A5.000**.

- C. Except as provided by **Section 5.0328**, the Manager may approve alterations to existing single-family detached dwellings under the Type I procedure. The proposal need not comply with **Section A5.000** of the Community Development Code. If the application for an alteration to a single-family detached dwelling is processed with another development permit application, all the standards of the Community Development Code shall apply.

4.0136 Manufactured Dwelling Requirements

- A. An application for a development permit for a manufactured dwelling shall provide proof that the proposed manufactured dwelling meets the definition of manufactured dwelling as stated in **Article 3**.
- B. The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- C. The manufactured dwelling shall be placed on, and attached to, an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.

The measurement is taken from the top of the foundation to grade. In the case of a sloped lot the foundation may be stepped down with a maximum of 30" of masonry exposed. Supporting framing material shall have coverings of siding material matching the siding material of the manufactured dwelling.

- D. The manufactured dwelling shall have a pitched roof with a nominal slope of at least 3 feet in height for each 12 feet of width.
- E. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State's building code as defined in ORS 455.010.
- F. The manufactured dwelling shall have a garage or carport with exterior materials matching the manufactured dwelling.

4.0137 Accessory Dwellings

The establishment of an accessory dwelling unit may be allowed in conjunction with single-family detached dwellings in the LDR-5, LDR-7, TR and TLDR districts. Accessory dwellings may be permitted as a means of providing more affordable housing opportunities for young families, empty nesters and others. Accessory dwellings can encourage additional density with minimal cost and disruption to surrounding neighborhoods; allow individuals and smaller households to retain large houses as residences; provide convenient care for the elderly and infirm on a long-term basis; and allow more energy-efficient use of large, older homes. Refer to **Section 10.0100** for Accessory Dwelling development requirements.

4.0138 Residential Compatibility Standards for LDR-5, LDR-7, TLDR and TR

- A.** Purpose. These standards are intended to provide safe, connected neighborhoods at a compatible scale supported by public street systems and to establishing special height, bulk and setback requirements.
- B.** Standards for Non-Standard Lots, Except Flag Lots.
The following standards apply to new residential development on existing or proposed lots in LDR-5, LDR-7, TLDR or TR that are non-standard but not flag lots. A non-standard residential lot or parcel is one that does not meet the standard lot depth, width, size, or frontage requirements for the district.

In addition, the Manager may require compliance with these standards by future development as a condition of approval for any land division which abuts existing single family residential development and which requires an adjustment or variance pursuant to **Section 10.1500**. When required, findings must support compliance with these standards as a condition of approval in order to help preserve the character of existing residential neighborhoods.

- 1.** Residential Floor Area Ratio (FAR). In order to preserve the residential character of existing neighborhoods and limit the mass of residential buildings in relation to the lot area, the following floor area standards are established:
 - a.** Residential Building Size Standard. The floor area on any lot proposed for residential development shall not exceed the following (see **Figure A12.002, Appendix 12.000**):
 - Lots with less than 4,000 square feet of effective lot area – 60 percent of the effective lot area.
 - Lots with 4,000 to 8,000 square feet of effective lot area – 2,000 square feet plus 10 percent of the effective lot area.
 - Lots with greater than 8,000 square feet of effective lot area – this standard does not apply.
 - b.** For the purposes of this section, “floor area” does not include unenclosed areas such as decks or porches and up to 500 square feet of garage space.
 - c.** Effective Lot Area. As used in **Section 4.0138**, “effective lot area” is the gross horizontal area of a lot minus any portion of the lot encumbered by an access easement (see **Figure A12.003, Appendix 12.000**).
- 2.** Building Height Setback (Rear and Side Yards). To provide compatible building scale and privacy between developments, taller buildings shall set back further to create a building height transition to neighboring residence(s). (See **Figure A12.005, Appendix 12.000**).
 - a.** This standard applies to new non-standard lot development over 20 feet in height that is not on a flag lot.
 - b.** For every foot of height over 20 feet, an additional six (6) inches of setback shall be added to the standard rear and/or side yard setback required by **Table 4.0130 E**. The additional setback(s) shall only be required along those property lines that are shared with existing or planned single family residence(s).

- c. Porches, bay windows and decks may intrude into the required additional setbacks provided they are less than 20 feet in height.

- 3. Developments required to comply with **Section 4.0138(B)** are exempt from **Section 4.0138(D)**.

C. Standards for Flag Lots

The following requirements apply to new development or expansions on existing or proposed lots in LDR-5, LDR-7, TLDR or TR that are flag lots whether the flag pole is part of the flag lot or the pole portion is an access easement. Flag lots and flag poles are defined in **Article 3**.

- 1. Process. Flag lots shall require a Type II Adjustment pursuant to **Section 10.1520**, Reduction in Minimum Street Frontage.
- 2. Minimum setbacks for the flag portion of the flag lot are:
 - a. Front and side: 10 feet.
 - b. Rear with no alley: 10 feet.
 - c. Rear with an alley: 6 feet.
- 3. Height limits for flag lot structures are:
 - a. Structures with roofs with a pitch less than 1 foot for each 4 feet of horizontal distance: 22 feet.
 - b. Structures with a butterfly or mansard roof: 22 feet.
 - c. Structures with pitched roofs not listed in (b) of this subsection where the pitch is equal to or greater than 1 foot for each 4 feet of horizontal distance: 30 feet.
- 4. Flag lots must comply with the applicable provisions of **Section 9.0100** – Buffering and Screening Requirements.
- 5. Creation of flag lots:
 - a. Permanent flag lots may be created only when mid-block streets or alleys cannot be extended to serve future development. Implementation of a Future Street Plan, pursuant to **Section 9.0700**, identifying mid-block streets shall be required whenever practicable as an alternative to approving a permanent flag lot (see **Figure A12.006, Appendix 12.000**).

For the purposes of this section “whenever practicable” shall mean other than as prevented by a topographic or natural feature, a transportation or public facility (e.g., an existing roadway, rail line, or school), or other feature of a fixed nature. Existing dwellings, other than those on the Gresham Historic and Cultural Overlay District or National Register, existing lot patterns, and financial inability or lack of willing participants shall not preclude a Future Street Plan if future redevelopment and lot consolidation is possible.

- b. Interim flag lots may be allowed in conjunction with an approved Future Street Plan in order to allow infill development to occur prior to construction of the future street.
- 6. Driveways related to flag lots:
 - a. A flag lot driveway (i.e., flag pole) may serve no more than two (2) flag lots.

Figure 4.0138(D)(1): Intent for smaller third floor



2. Applicability:

These standards apply to expansion of existing residential structures where building volume is being increased and to construction of new single-family detached dwellings, duplexes, single-family attached dwellings and associated accessory structures in the following circumstances.

The lot abutting the proposed development has the following characteristics:

- a. The abutting lot is in LDR-5, LDR-7, TR or TLDR; and
- b. A single-family detached dwelling or duplex exists that has been on the lot for at least 10 years; and
- c. The existing single-family detached dwelling or duplex is less than or equal to 15 feet tall, which means buildings with flat roofs are less than or equal to 15 feet tall and buildings with pitched roofs measure 15 feet or less from the ground to the highest exterior portion of the eave; and
- d. When the shared property line is:
 - 1. The side lot line for both lots and the existing single-family detached dwelling or duplex on the lot is within 15 feet of the shared property line between its lot and the lot with the new construction or expansion; or
 - 2. The rear lot line of the lot with the existing single-family detached dwelling or duplex and the side lot line of the lot with the proposed development and the existing single-family detached dwelling or duplex on the lot is within 30 feet of the shared property line; and
 - 3. The lot with the proposed development is in LDR-5, LDR-7, TR or TLDR or is a new or expanding single-family attached structure on a lot abutting a single-family dwelling or duplex in LDR-5, LDR-7, TR or TLDR.

3. Standards:

Buildings shall comply with a compatibility angle that limits the volume of buildings on the site. The angle is determined in the following manner and is shown in Figure 4.0138(D)(3):

- a. The starting point for the compatibility angle shall be the midpoint of the lot line of the existing dwelling. (See Figure 4.0138(D)(3)(a)). If a retaining wall is located at the property line's midpoint, the starting point shall begin halfway

- between the ground at the bottom of the wall and the top of the wall.
- b. From the midpoint, a horizontal plane perpendicular to the ground and 17 feet directly above the lot line shall be established. Then a plane shall be established at a 45-degree angle inward over the property with the new or expanding development, rising 1 foot of additional rise for each 1 foot from the lot line.
 - c. A potential adjustment may be allowed for lots on existing slopes where the compatibility angle restricts the building volume more than intended in **Section 4.0138(D)(1)**. It does not apply to lots where the grade has been artificially raised. Adjustments shall meet the following standards:
 1. Lots intended for proposed development that have existing slopes as described above can apply for the vertical plane to be raised if the compatibility angle results in a height at the 5-foot setback that is less than 20 feet on the portion of the lot where the applicant intends to build a structure; and
 2. The applicant requesting the change in vertical plane shall demonstrate that the development cannot comply with the compatibility angle by changing the location of the building because of Habitat Conservation Area, steep slopes, existing structures, tree preservation or similar constraints; and
 3. The revision shall be approved at the discretion of the Manager; and
 4. The revision shall conform to the intent of the compatibility angle to limit side wall heights to 22 feet facing the lot with the existing single-family detached dwelling or duplex that meets the standards in **Section 4.0138(D)(2)**.
 - d. If the compatibility angle results in a height at the 5-foot setback that is more than 26 feet in the area where the applicant intends to build a structure, the 17-foot vertical plane may be lowered at the discretion of the Manager until the compatibility angle results in a 22-foot height at the 5-foot setback. The angle would be lowered to meet the intent of **Section 4.0138(D)(1)**.
 - e. Solar collection equipment, vents, antennas and chimneys may project beyond the 45-degree compatibility angle. The maximum projection for solar collection equipment shall be 18 inches. For additional solar energy system standards, see **Section 10.0900** Renewable Energy.

Figure 4.0138(D)(3): Compatibility angle

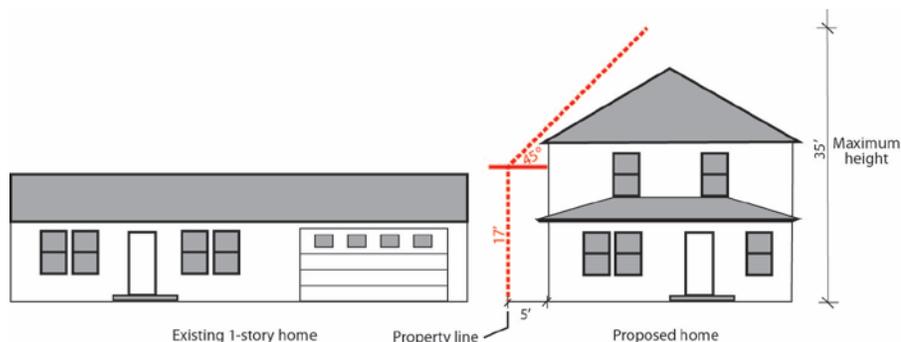
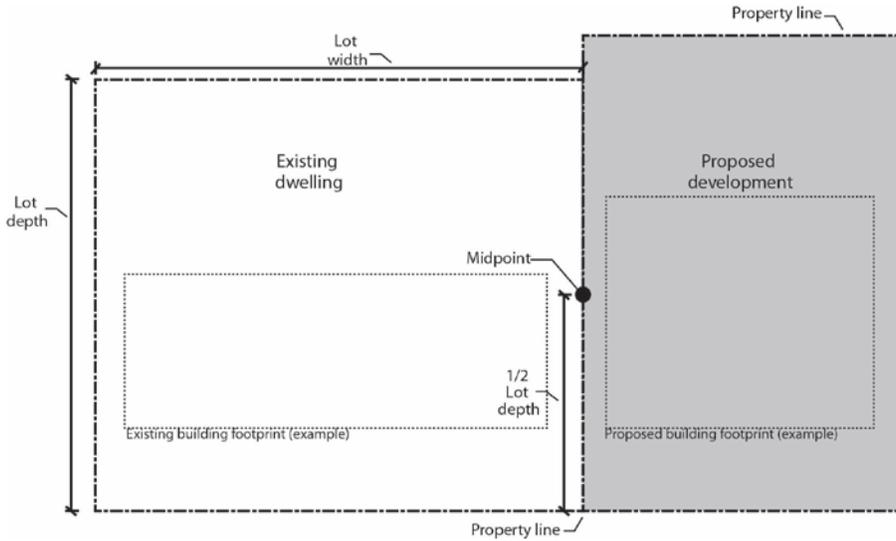


Figure 4.0138(D)(3)(a): Midpoint example



4.0139 Large Lot Subdivision Option for LDR-5 and LDR-7

A. This subsection is intended to provide for a greater range of housing choices in the city by making available as an option to property owners/applicants the opportunity to create a subdivision that has an average lot size within the 8,000 sq. ft. to 14,000 sq. ft. range in LDR-5 or LDR-7. Large lot subdivisions are not required to comply with the minimum density standard of the underlying LDR-5 or LDR-7 District. They shall be processed in the same manner as other subdivisions and subject to the applicable land division requirements of the development code. Subdivision lots created using the Large Lot Subdivision Option are not eligible for further land division.

B. Standards for large lot subdivisions. The following standards apply to large lot subdivisions:

1. A large lot subdivision must have an average lot size of at least 8,000 square feet and less than 14,000 square feet.
2. The minimum lot size in a large lot subdivision shall be 8,000 square feet.
3. Large lot subdivisions are restricted to detached single-family dwellings.
4. Minimum subdivision lot dimensions/yard setbacks:

Minimum subdivision lot dimensions:

Lot width at building line

(interior and corner lots): 50 feet

Lot depth (interior and corner lots): 100 feet

Minimum front yard setback:

All structures: 20 feet

Minimum side yard setbacks:

Interior side:	7.5 feet
Street side wall:	15 feet
Street side porch:	9 feet
Street side garage access:	20 feet

Minimum rear yard setbacks:	
Rear (no alley):	25 feet
Rear (with alley):	9 feet

5. Unless otherwise noted above, all other LDR-5 or LDR-7 standards and requirements apply to large lot subdivisions.

4.0140 Solar Energy Standards for Residential Districts

Solar energy systems are limited in residential districts as follows:

- A. Scale.**
 1. LDR-5, LDR-7, TLDR and TR: Small scale solar energy systems are permitted in these districts.
 2. MDR-12, MDR-24 and OFR: Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
- B. Type.**
 1. LDR-5, LDR-7, TLDR and TR: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
 2. MDR-12, MDR-24 and OFR: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
- C. Height.**
 1. LDR-5, LDR-7, TLDR and TR: The following limitations on maximum height apply to solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated. Systems shall not exceed the district height limit in which they are located and shall not exceed the roof peak height of the portion of the roof on which the system is installed.
 - b. Ground-mounted. Systems shall not exceed 6 feet in height.
 2. MDR-12, MDR-24 and OFR: The following limitations on maximum height apply to solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated.
 - i. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - ii. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.

2. MDR-12, MDR-24 and OFR: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street in these districts.

4.0142 Biomass Energy Standards for Residential Districts

Biomass energy systems are limited in residential districts as follows:

- A. Scale.
 1. LDR-5, LDR-7, TLDR and TR: Small scale biomass energy systems are permitted in these districts with a Special Use Review.
 2. MDR-12, MDR-24 and OFR: Small scale biomass energy systems are permitted in these districts.
- B. Type.
 1. LDR-5, LDR-7, TLDR and TR: Non-hazardous biomass systems are permitted in these districts.
 2. MDR-12, MDR-24 and OFR: Non-hazardous biomass systems are permitted in these districts.
- C. Height.
 1. LDR-5, LDR-7, TLDR and TR: Biomass energy systems shall not exceed the maximum district height limits in these districts.
 2. MDR-12, MDR-24 and OFR: Biomass energy systems shall not exceed the maximum district height limits in these districts.
- D. Setbacks and Yards.
 1. LDR-5, LDR-7, TLDR and TR: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in front or street-side yards between the building and the street, or in side yards in these districts.
 2. MDR-12, MDR-24 and OFR: Biomass energy systems shall not be allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street, or in side yards in these districts.

4.0143 Geothermal Energy Standards for Residential Districts

Geothermal energy systems are limited in residential districts as follows:

- A. Scale.
 1. LDR-5, LDR-7, TLDR and TR: Small scale geothermal energy systems are permitted in these districts.
 2. MDR-12, MDR-24 and OFR: Small scale geothermal energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
- B. Type.
 1. LDR-5, LDR-7, TLDR and TR: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.
 2. MDR-12, MDR-24 and OFR: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.
- C. Height.

1. LDR-5, LDR-7, TLDR and TR: Geothermal energy systems shall not exceed the maximum district height limits in these districts.
2. MDR-12, MDR-24 and OFR: Geothermal energy systems shall not exceed the maximum district height limits in these districts.

D. Setbacks and Yards.

1. LDR-5, LDR-7, TLDR and TR: Geothermal energy systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per **Section 9.0900** Projections.
2. MDR-12, MDR-24 and OFR: Geothermal energy systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units like heat pumps can project into the setbacks per **Section 9.0900** Projections.

4.0144 Micro-Hydro Energy Standards for Residential Districts

Micro-hydro energy systems are limited in residential districts as follows:

A. Scale.

1. LDR-5, LDR-7, TLDR and TR: Small scale micro-hydro energy systems are permitted in these districts.
2. MDR-12, MDR-24 and OFR: Small scale micro-hydro energy systems are permitted in these districts.

B. Type.

1. LDR-5, LDR-7, TLDR and TR: In-pipe micro-hydro energy systems in water, stormwater or wastewater pipes are permitted in these districts.
2. MDR-12, MDR-24 and OFR: In-pipe micro-hydro energy systems in water, stormwater or wastewater pipes are permitted in these districts.

C. Height.

1. LDR-5, LDR-7, TLDR and TR: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.
2. MDR-12, MDR-24 and OFR: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.

D. Setbacks and Yards.

1. LDR-5, LDR-7, TLDR and TR: Micro-hydro energy systems contained within piping are allowed and pipe can run within the setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply.
2. MDR-12, MDR-24 and OFR: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback

limits apply.

4.0150 Poultry and Livestock

The keeping of poultry and livestock is permitted in the LDR-5, LDR-7, TR, TLDR, MDR-12 and MDR-24 districts provided the poultry and livestock are kept over 100 feet from any residence other than the dwelling on the same lot.

See also the Gresham Revised Code for the keeping of chickens.

Chapter 2.2 - Residential Districts

Sections:

- 2.2.100 Residential Districts – Purpose**
- 2.2.110 Residential Districts – Allowed Land Uses**
- 2.2.120 Residential Districts – Development Standards**
- 2.2.130 Residential Districts – Setback Yards and Build-To Line: Exceptions, Reverse Frontage Lots, Flag Lots, Garage/Carport**
- 2.2.140 Residential Districts – Infill Standards**
- 2.2.150 Residential Districts – Housing Density**
- 2.2.160 Residential Districts – Lot Coverage and Impervious Surfaces**
- 2.2.170 Residential Districts – Building Height: Measurement, Exceptions, R and R-1 Step-Down Requirement**
- 2.2.180 Residential Districts – Building Orientation**
- 2.2.190 Residential Districts – Architectural Design Standards**
- 2.2.200 Residential Districts – Special Use Standards**

2.2.100 Residential Districts – Purpose

The Residential Districts are intended to promote the livability, stability and improvement of the City’s neighborhoods. Six districts are provided: 1) The Restricted Residential (R) zone is intended primarily for household living at lower densities in areas with development restrictions such as steep slopes; 2) The Single Family Residential (R-1) district is intended primarily for household living at low densities, with parks, schools, places of worship, and other supportive services that are at an appropriate neighborhood scale; 3) The Medium Density Multiple Family (R-2) district is intended to accommodate a wider variety of housing types and more intensive land use than the R-1 district; 4) The Mobile Home Park District is intended to accommodate existing mobile home parks; 5) The High Density Multiple Family Residential (R-3) district is intended to accommodate higher density residential development near commercial areas, with a mix of types of multifamily housing types adjacent to highways, major arterials and collector streets; and 6) The Residential-Commercial (RC) district is intended to combine a variety of housing similar to the R-2 district with public and commercial services at an appropriate neighborhood scale to provide a transitional zone between residential and commercial zones.

This chapter provides standards for land use and development in each of the six districts, based on the following principles:

- Promote the orderly expansion and improvement of neighborhoods.
- Make efficient use of land and public services and implement the Comprehensive Plan.
- Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
- Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
- Provide for compatible building and site design at an appropriate neighborhood scale;

2.2 – Residential (R) Land Use Districts – Purpose

provide standards that are in character with the landforms and architecture existing in the community.

- Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.
- Maintain and enhance the City’s historic architecture and historic neighborhoods.

2.2.110 Residential Districts – Allowed Land Uses

Table 2.2.110 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

Table 2.2.110 – Land Uses Allowed in Residential Districts (R, R-1, R-2, R-3, RC)

Key:

- P = Permitted, subject to land use/site review**
- S = Permitted with standards (Section 2.2.220)**
- CU = Conditional Use permit required (Chapter 4.4)**
- MP = Master Plan required (Chapter 4.5)**
- N = Not permitted**

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Residential Categories						
Household Living						
Single Family (not attached)	P	P	P	N	N	CU
Accessory Dwelling, per Section 2.2.200.	S	S	S	N	N	S
Duplex (2 dwellings sharing a common wall on one lot) <ul style="list-style-type: none"> ■ One duplex on a corner lot ■ One duplex on interior lot 	N N	P P	P P	N N	N N	P P
<ul style="list-style-type: none"> ■ More than one duplex (4+ units) attached, per Section 2.2.200 	N	N	S	N	S	S

2.2 – Residential (R) Land Use Districts – Allowed Land Uses

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot, per Section 2.2.200	N	S	S	N	S	S
Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing 1200 square feet or less of floor area)	CU	CU	CU	N	CU	P
Manufactured Home, per Section 2.2.200	S	S	S	S	N	CU+S
Zero Lot Line Housing (not common wall), per Section 2.2.200	N	N	S	N	S	S
Multifamily (3 or more dwellings on lot), except as provided for Cottage Housing (includes Senior Housing, Assisted Living, and Single Room Occupancy Uses, but not Group Living)	N	N	S	S	S	S

2.2 – Residential (R) Land Use Districts – Allowed Land Uses

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Group Living						
Group Home, per Section 2.2.200	S	S	S	N	S	S
Group Facility, per Section 2.2.200	N	N	S	N	S	S
Congregate Care Facility	N	N	N	N	CU	CU
Assisted Living Facility, Nursing Home (licensed by State)	CU	CU	CU	N	CU	CU
Commercial Categories						
Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190	N	N	N	N	N	N
Bed and Breakfast Inn	S	S	S	N	S	S
Educational Services, not a school (e.g., tutoring or similar services), gross floor area limited to 2,000 square feet per use	N	N	CU	N	CU	P
Entertainment, Major Event	N	N	N	N	N	N
Home Occupation	S	S	S	S	S	S

2.2 – Residential (R) Land Use Districts – Allowed Land Uses

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Cottage Industry, per Section 2.2.200 and 4.9.200	CU+S	CU+S	CU+S	CU+S	CU+S	CU+S
Office, floor area limited to 2,000 square feet per use	N	N	N, or through MP	CU	CU	P
Outdoor recreation, Commercial	N	N	N	N	N	N
Quick Vehicle Servicing or Vehicle Repair	N	N	N	N	N	N
General Commercial Retail Sales and Service, gross floor area limited to 2,000 square feet per use	N	N	N, or through MP	CU	CU	P
Downtown Retail Sales and Service	N	N	N	N	P	P
Tourist Commercial Retail Sales and Service	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Industrial Categories						
Light or Medium/Heavy Industrial Service, enclosed in primary building	N	N	N	N	N	CU

2.2 – Residential (R) Land Use Districts – Allowed Land Uses

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Light or Medium/Heavy Industrial Service, not enclosed	N	N	N	N	N	N
Manufacturing and production, enclosed in primary building	N	N	N	N	N	CU
Warehouse and Freight Movement	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	P	P	P	P	P	P
Colleges	CU	CU	CU	N	CU	CU
Community Service, no drive-up uses <ul style="list-style-type: none"> ■ limited to 2,000 square feet gross floor area ■ exceeding 2,000 square feet gross floor area 	N N	N N	N N	N N	CU N	P CU
Family Child Care (12 or fewer children) under ORS 657A.250	P	P	P	P	P	P
Child Care	N	CU+S	CU+S	CU+S	S	S

2.2 – Residential (R) Land Use Districts – Allowed Land Uses

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Parks and Open Space	CU	CU	CU	CU	CU	CU
Parks and Open Space, when designated on an adopted Specific Area Plan, or when part of a subdivision application (Chapter 4.3) or Master Planned Development application (Chapter 4.5)	P	P	P	P	P	P
Religious Institutions and Houses of Worship	CU	CU	CU	CU	CU	CU
Schools	CU	CU	CU	CU	CU	CU
Other Categories						
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> ■ no taller than 14 ft. and no larger than 600 square feet of building footprint ■ taller than 14 ft. or larger than 600 square feet of building footprint 	P	P	P	P	P	P
	CU	CU	CU	CU	CU	CU

2.2 – Residential (R) Land Use Districts – Allowed Land Uses

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
<ul style="list-style-type: none"> - Temporary Fireworks Sales - Christmas Tree Lots - Similar uses - Temporary Food Vendors (not enclosed in building) 	<p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p>	<p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p>	<p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p>	<p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p>	<p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p> <p style="text-align: center;">N</p>	<p style="text-align: center;">CU</p> <p style="text-align: center;">CU</p> <p style="text-align: center;">CU</p> <p style="text-align: center;">P</p>
Transportation Facilities (operation, maintenance, preservation and construction)	<p style="text-align: center;">P</p>					
Community Garden	<p style="text-align: center;">CU</p>					

2.2.120 Residential Districts – Development Standards

The development standards in Table 2.2.120 apply to all uses, structures, buildings, and development, and major remodels, in the Residential Districts. *Note: MHP standards are specified in Section 2.2.200.I.*

**Table 2.2.120 – Development Standards for Residential Districts (R, R-1, R-2, R-3, RC)
(except as modified by 2.2.140 – Residential Infill Standards)**

Standard	R	R-1	R-2	R-3	RC
<i>Density (DU/acre) – Minimum and Maximum</i>	3.0 min 5.0 max	4.0 min 6.0 max	6.0 min 12.0 max	10.0 min	6.0 min 12.0 max
<i>Minimum Lot Area* (square feet)</i>					
Single Family, not attached	10,000 sf	6,000 sf	5,500 sf	N/A	N/A
Single Family, attached	N/A	3,500 sf	3,000 sf	2,000 sf	3,000 sf
Duplex on corner lots	N/A	7,000 sf	7,000 sf	N/A	7,000 sf
Duplex on interior lots	N/A	9,000 sf	7,000 sf	N/A	7,000 sf
Multiple-Family or Cottage Cluster	N/A	10,000 sf	9,000 sf	8,000 sf	9,000 sf
Non-Residential Uses	N/A	N/A	6,000 sf	6,000 sf	6,000 sf
Flag lot	10,000 sf	6,000 sf	6,000 sf	6,000 sf	6,000 sf
*Lot size may be reduced through lot size averaging. See related land division procedures in Chapter 4.3.115. Minimum lot sizes do not apply to open space tracts.	(not including panhandle)				
<i>Minimum Lot Width</i>					
Single Family, not attached	60 ft	60 ft	60 ft	N/A	N/A
Single Family, not attached, with alley access	60 ft	50 ft	40 ft	N/A	N/A
Single Family, attached	N/A	25 ft	20 ft	18 ft	18 ft
Duplex on corner lot	N/A	65 ft	65 ft	N/A	50 ft
Duplex on interior lots	N/A	65 ft	60 ft		
Multiple-Family or Cottage Cluster	N/A	60 ft	50 ft	50 ft	50 ft
Non-Residential Uses	N/A	60 ft	50 ft	50 ft	50 ft
<i>For flag lots, width is measured at the front building line.</i>					

2.2 – Residential (R) Land Use Districts – Development Standards

Standard	R	R-1	R-2	R-3	RC
<p><i>Minimum Lot Depth</i></p> <p>*Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots, Section 4.3.115.</p>	80 ft	80 ft	80 ft	N/A	N/A
<p><i>Maximum Building/Structure Height</i> (See also, Sections 2.2.130 Setback Yards; 2.2.140, Infill Standards; 2.2.170, RL Height Step-Down; 3.1.2, Clear Vision, and 3.2.500, Fences and Walls.)</p> <p><u>Building Height Transition</u> Required Adjacent to R and R-1 District, per Section 2.2.170</p> <p><u>Fences, Retaining/Garden Walls</u> Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street Side or Reverse Frontage Lot (rear)</p> <p><i>Height Bonus</i></p>	28 ft	28 ft	35 ft	40 ft	35 ft
	No	No	Yes	Yes	Yes
	4 ft	4 ft	4 ft	4 ft	4 ft
	6 ft	6 ft	6 ft	6 ft	6 ft
	6 ft	6 ft	6 ft	6 ft	6 ft
	4 ft, or 6 ft with 5 ft setback	4 ft, or 6 ft with 5 ft setback	4 ft, or 6 ft with 5 ft setback	4 ft, or 6 ft with 5 ft setback	4 ft, or 6 ft with 5 ft setback
	N/A	N/A	Add'l 10 ft if recreation increased to 15% of site	Add'l 10 ft if recreation increased to 15% of site	Add'l 10 ft if recreation increased to 15% of site
<p><i>Lot Coverage</i></p> <p>Max. Building Coverage (Foundation plane as % of site area)</p>	50%	40%	50%	N/A	N/A
<p><i>Min. Landscape Area (% site area)</i>, <i>except</i> does not apply to Single Family Dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Section 3.2.300.D.</p>	10%	10%	10%	10%	10%

2.2 – Residential (R) Land Use Districts – Development Standards

Standard	R	R-1	R-2	R-3	RC
<p>Minimum Setbacks (feet): (See also, Sections 2.2.130 Setback Yards; 2.2.140, Infill Standards; 2.2.170, RL Height Step-Down; 3.1.2, Clear Vision, and 3.2.500, Fences and Walls.)</p> <p>Front/Street Setback</p> <p><u>Structure</u> except garage/carport entries</p> <p><u>Garage/Carport Entry</u> (measured from property line or rear of sidewalk, whichever is closer)</p> <p><u>Open Structures</u> (e.g., porch, balcony, portico, patio, wall), where structure is less than 50% enclosed on side elevations</p> <p><i>Note: Always avoid utility easements when building near property lines.</i></p>	<p>15 ft 10 ft if garage entry setback 25 ft or from rear</p> <p>20 ft</p> <p>5 ft</p>	<p>15 ft 10 ft if garage entry setback 25 ft or from rear</p> <p>20 ft</p> <p>5 ft</p>	<p>15 ft 10 ft if garage entry setback 25 ft or from rear</p> <p>20 ft</p> <p>5 ft</p>	<p>10 ft with garage access from rear or side</p> <p>N/A</p> <p>5 ft</p>	<p>10 ft with garage access from rear or side</p> <p>N/A</p> <p>5 ft</p>
<p>Side Setback, except alleys (total of 2 sides)</p> <p><u>Structure >28' height</u> <u>Structure 16'-28' height</u> <u>Structure <=16' height</u></p> <p>Garage/Carport Entry, except alley</p> <p>Exceptions: <u>Alley</u></p> <p><u>Common Walls/Zero Lot Line</u></p> <p>Note: Building/Fire Codes require additional protection for structures less than 5 ft from property line.</p>	<p>15 ft total 15 ft total 15 ft total (3' min on each side)</p> <p>20 ft (rear of sidewalk)</p> <p>5ft min</p> <p>0 ft</p>	<p>10 ft total 10 ft total 10 ft total (3' min on each side)</p> <p>20 ft (rear of sidewalk)</p> <p>5ft min</p> <p>0 ft</p>	<p>10 ft total 10 ft total 10 ft total (3' min on each side)</p> <p>20 ft (rear of sidewalk)</p> <p>5ft min</p> <p>0 ft</p>	<p>10 ft total 10 ft total 10 ft total (3' min on each side)</p> <p>20 ft (rear of sidewalk)</p> <p>5ft min</p> <p>0 ft</p>	<p>10 ft total 10 ft total 10 ft total (3' min on each side)</p> <p>20 ft (rear of sidewalk)</p> <p>5ft min</p> <p>0 ft</p>

2.2 – Residential (R) Land Use Districts – Development Standards

Standard	R	R-1	R-2	R-3	RC
Minimum Setbacks (continued):					
Rear Setbacks, except alley					
<u>Structure >28' height</u>	15 ft	10 ft	10 ft	10 ft	10 ft
<u>Structure 16'-28' height</u>	10 ft	10 ft	10 ft	10 ft	10 ft
<u>Structure </=16' height</u>	10 ft	10 ft	10 ft	10 ft	10 ft
<u>Accessory Structure </= 16' height</u>	5 ft	5 ft	5 ft	5 ft	5 ft
<u>Garage or Carport Entry</u>	20 ft	20 ft	20 ft	20 ft	20 ft
<i>Reductions:</i>					
<u>Open Structures</u> (e.g., porch, balcony, portico, patio wall), where structure is less than 50% enclosed on side elevations	5 ft min. on side with open structure	5 ft min. on side with open structure	5 ft min. on side with open structure	5 ft min. on side with open structure	5 ft min. on side with open structure
Common Walls/Zero Lot Line	0 ft	0 ft	0 ft	0 ft	0 ft
Alley Setbacks					
<u>All Structures</u>	2 ft	2 ft	2 ft	2 ft	2 ft
<u>Garage or Carport Entry (no conversion allowed)</u>	5 ft	5 ft	5 ft	5 ft	5 ft
Note: Always avoid utility easements when building near property lines.					
Vision Clearance (per Section 3.1.200(N))					
Corner Lots (intersection of two streets)	20 ft	20 ft	20 ft	20 ft	20 ft
Alley-Street intersection	15 ft	15 ft	15 ft	15 ft	15 ft
Alley-Sidewalk intersection	10 ft	10 ft	10 ft	10 ft	10 ft
Build-To Line (feet):					
<u>New Buildings Only:</u> At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.180.)	N/A	N/A	N/A	10 ft, may be increased when pedestrian amenities are provided between a primary building entrance and street	10 ft, may be increased when pedestrian amenities are provided between a primary building entrance and street

2.2 – Residential (R) Land Use Districts – Development Standards

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2.2.130 Residential Districts – Setback Yards and Build-To Line: Exceptions, Garage/Carport, Reverse Frontage Lots, Flag Lots

A. Residential Yard Setbacks – Purpose.

Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback yard standards contained in Table 2.2.120 are also intended to promote human-scale design and traffic calming by diminishing the visual presence of garages along the street and encouraging the use of pedestrian amenities, such as extra-wide sidewalks and street furnishings in multiple family developments and in residential-commercial projects. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

B. Setback Yards – Exceptions.

The following architectural features may encroach into the setback yards by no more than 24 inches, provided that a setback of not less than 36 inches is preserved, all applicable building and fire codes are met, and the clear vision standards in Section 3.1.2 are met:

1. Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than 24 inches.
2. Covered porches and similar structures not exceeding 30 inches in height above grade may encroach into setbacks as provided in Table 2.2.120.
3. Uncovered patios and decks under 30 inches in height may be constructed up to the side and rear property lines.
4. Walls and fences built on property lines are subject to the height standards in Table 2.2.120 and the provisions of Sections 3.1.200, Vision Clearance, and 3.2.500, Fences and Walls.

C. Setback Yards – Garage and Carport Entries.

Setback requirements in Section 2.2.120 for garage and carport entries are measured from the property line or the rear of the sidewalk along a street, whichever is closer to the house. These setbacks are intended to allow for adequate space for the parking of vehicles in front of a garage or carport without overhanging the sidewalk. If the carport/garage entry is oriented so as to not face the street, the standard front/street setback for structures applies.

D. Setback Yards – Reverse Frontage Lots.

Buildings on reverse-frontage lots (through lots) shall be required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback

requirements in Section 2.2.120 and the landscape buffer requirements in Chapter 3.2.300.

E. Setback Yards – Flag Lots.

The front yard of a flag lot shall conform to one of the following two options:

1. Parallel to the street from which access is taken, or
2. Parallel to the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. [Note: The City may impose such conditions as provided under Section 2.2.140 and Section 4.3.115.]

F. Setback Yards – Exclusions.

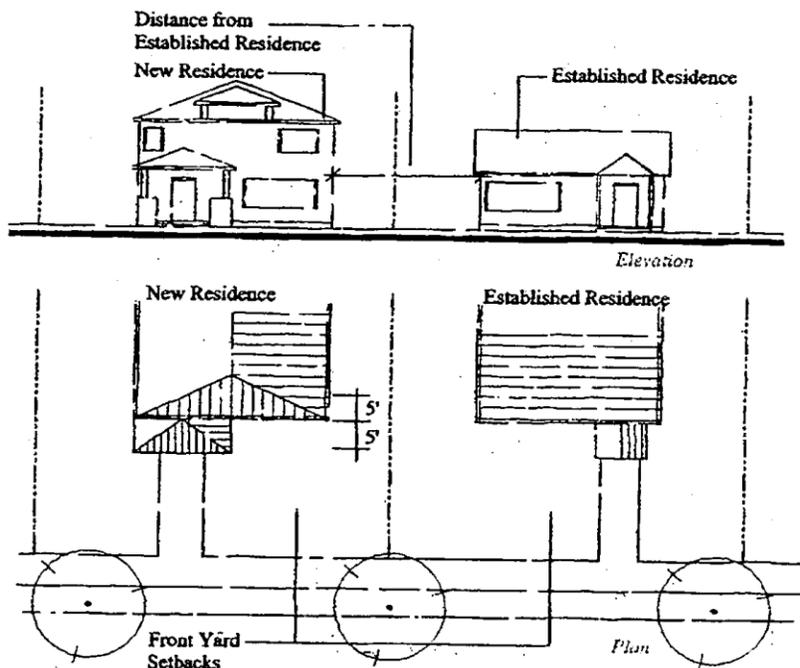
Required setbacks shall not be used for accessory buildings, storage of trailers, boats, cars or appliances, or of any materials, nor shall the required front or street side yards be used for the regular or constant parking of automobiles or other vehicles.

2.2.140 Residential Districts – Infill Standards

The purpose of Section 2.2.140 is to ensure compatibility of new development and redevelopment in existing subdivisions. The setback and building height standards in Section 2.2.140 supersede those in Table 2.2.120 when a new building or full story addition is proposed on a subdivision lot in a Residential District that was platted 10 years or more ago or a newly subdivided lot in an existing (platted 10 years or more ago) neighborhood. The approval body shall use the criteria and standards in subsections A-C, below, in determining applicable setbacks and building heights. In addition, the approval body shall use the criteria and standards in Subsection D for those buildings in historic neighborhoods. Application of Subsection D will require a Type II review.

- A. Compatibility with Yards of Adjacent Residence(s).** Except as provided in Section 2.2.140.D, when an existing single family residence is located within 40 feet of the subject site on the same side of the street, and said residence has a front yard setback that is greater than the minimum setback in Section 2.2.120, a front yard setback similar to that of the nearest single family residence(s) shall be used. “Similar” means the setback is equal to or within 10 percent of the setback provided by the nearest single family residence on the same side of the street. (Figure 2.2.140.A.) For example, if the existing single family residence has a front yard setback of 30 feet, then the new building shall have a front yard setback between 27 feet and 33 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be the average setback of both adjacent residences, plus or minus 10 percent.

Figure 2.2.140.A – Residential Infill Front Yards



- B. Compatibility with Building Height of Adjacent Residence(s).** Except as provided in Section 2.2.140.D, when an existing single family residence is located within 40 feet of the subject site on the same side of the street, and said residence has a building height that is less than the maximum building height allowed in Table 2.2.120, a building height similar to that of the nearest single family residence(s) shall be used. “Similar” means the building height is not more than 110 percent of the height of the nearest single family residence on the same side of the street. (Figure 2.2.140.B) For example, if the existing single family residence has a height of 26 feet, then the new building shall have a height that does not exceed 28.6 feet. If the new building is to be located between two existing residences, then the height of the new building shall not exceed 110 percent of the average height of both adjacent buildings.
- C. Exception to Standard for Redevelopment Potential on Adjacent Lot(s).** The provisions of Section 2.2.140.A do not apply when the approval body finds that the subject single-family residential lots located within 40 feet of the subject site are redevelopable. “Redevelopable,” for the purposes of this Section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from Lane County Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the Residential District standards.
- D. Compatible Architecture.** For buildings to be located in a historic neighborhood (as identified in the City’s historic resource inventory), the following standards also apply (through a Type II review process):
1. The building design follows, borrows from, or appropriately adapts a recognized architectural style of the community (e.g. Craftsman Bungalow, Prairie, Queen Anne, Vernacular, etc.) as exemplified in its ground plan, elevations (rhythm, color, materials, and structure (e.g. roof shapes, garage location, details such as windows and doors).
 2. The placement of garages shall be similar to that on surrounding properties. Alley access is encouraged if typical for neighborhood.
 3. Front porches are desirable to encourage neighbor interaction and visibility of the streetscape, thereby enhancing neighborhood safety. Front porches are required where compatible with surrounding neighborhood.
- A. Discretionary Review.** The applicant may apply for a Type III Site Design Review if they feel their proposed design meets the intent without meeting the letter of the above standards A-D.

2.2.150 Residential Districts – Housing Density

A. Residential Density Standard. To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 2.2.120, except as provided below in subsections 1-3:

1. Residential care homes/facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds 20% are exempt from the minimum density standard.
2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
3. Partitions and construction of single-family homes on lots exceeding 20,000 square feet shall be planned so that the land is used efficiently and future development on these lots or parcels can occur based on the minimum lot size and other dimensional standards of the district.

B. Residential Density Calculation.

1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard (e.g. “gross density”).
2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum densities.

2.2.160 Residential Districts – Lot Coverage and Impervious Surfaces

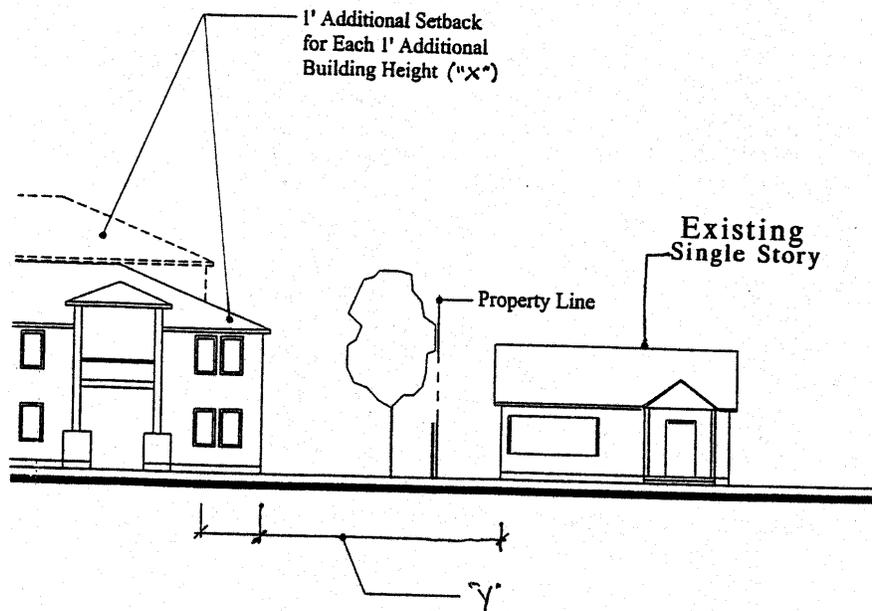
- A. Lot Coverage Calculation.** The maximum allowable lot coverage shall be as provided in Table 2.2.120. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 30 inches above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios. See subsection B, Impervious Surfaces.
- B. Impervious Surface Calculation.** Impervious surfaces are calculated as the percentage of a lot or parcel covered by the foundation plan area (lot coverage) and other non-permeable surface-level development (e.g., asphalt, concrete, and similar impervious paving). It does not include planted areas, and other areas allowing stormwater infiltration, as approved by the City.

2.2.170 Residential Districts – Building Height: Measurement, Exceptions, R/R-1 Step-Down Requirement

Building heights shall conform to the standards in Table 2.2.120, and subsections A-C, below:

- A. Building Height Measurement.** Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the midpoint of the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. Measurements shall be taken from the grade plane, a reference plane that is the average of the finished ground level adjoining the building within a five-foot horizontal distance of all exterior walls.
- B. Exclusions from Maximum Building Height Standards.** Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.
- C. Height Step-down – R/R-1 District Transition.** To provide compatible scale and relationships between new multi-story buildings and existing single-family dwellings in the R or R-1 Districts, multi-story buildings and structures in R-2, R-3, RC, C2-P, CT, M-1, and M-2, districts shall “step-down” to create a building height transition to adjacent single-family building(s) in the R or R-1 Districts, as provided in subsections 1-2, below:
1. This standard applies to new and vertically expanded buildings and structures in any district that are within 20 feet (as measured horizontally) of an existing single family building in the R or R-1 Districts, as shown in Figure 2.2.170.C.
 2. The transition standard is met when the height of the taller structure (“x”) does not exceed 1 foot of height for every 1 foot separating the two structures (“y”), as shown in Figure 2.2.170.D.

Figure 2.2.170.C – R/R-1 Height Step-Down/Transition



Exception: The provisions of subsections 2.2.170.C.1-2 do not apply when the approval body finds that the subject single family buildings located within 20 feet of the subject site are redevelopable. “Redevelopable,” for the purposes of this Section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from Lane County Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the Residential District standards. Exceptions will require Type II application approval.

2.2.180 Residential Districts – Building Orientation

- A. Purpose.** The following standards are intended to orient buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”
- B. Applicability.** Section 2.2.180 applies to all developments that are subject to Site Design Review, including developments that are reviewed as part of a Master Planned Development or Conditional Use application. The following supplements the building orientation standards in Table 2.2.120.
- C. Building orientation standards.** All developments that are subject to Section 2.2.180 shall have buildings that are oriented to a street. This standard is met when all of the following criteria are met:
1. Compliance with the setback and build-to line standards in Section 2.2.120;
 2. Except as provided in subsections 3 and 4, below, all buildings in the Residential Districts shall have at least one primary building entrance (i.e., dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units or commercial spaces) facing an adjoining street, or if on a side elevation, not more than 20 feet from a street sidewalk. See Figures 2.2.180.C(1).

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Commercial Zones

- 9.2100 Purpose of C-1 Neighborhood Commercial Zone.** The C-1 Neighborhood Commercial zone is designed to implement the Metro Plan by providing commercial areas to serve the day-to-day needs of the surrounding neighborhood. Neighborhood commercial areas should enhance rather than intrude on the character of a neighborhood by providing landscaped buffering and ensuring sufficient street frontage to provide safe and efficient access. These areas are usually 5 acres or less in size. Some uses not necessarily oriented to daily consumer needs, but similar in size and external impacts to convenience commercial and personal service uses, are also included in the C-1 zone.
(Section 9.2100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.2110 Purpose of C-2 Community Commercial Zone.** The C-2 Community Commercial zone is designed to implement the Metro Plan by providing areas for community commercial uses. These areas usually include at least 5 acres and not more than 40 acres, and are intended to include a wide range of purchaser goods and entertainment, office, and service needs for a support population smaller than that of the metropolitan area but larger than that of a neighborhood. Housing is also permitted in this zone, which may occur independently on individual lots or parcels, or be located in clusters that share parking facilities and other common areas.
(Section 9.2110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.2120 Purpose of C-3 Major Commercial Zone.** The C-3 Major Commercial zone is designed to implement the Metro Plan by providing areas for regional commercial uses. These uses include a wide range of purchaser goods, educational opportunities, entertainment, offices, travel accommodations, and services that attract people from the entire metropolitan area, Lane County, and adjacent counties.
(Section 9.2120, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.2130 Purpose of C-4 Commercial/Industrial Zone.**
(Section 9.2130, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Section 9.2130 repealed by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)
- 9.2140 Purpose of GO General Office Zone.** The GO General Office zone is designed to implement the Metro Plan by providing areas that allow a compatible mix of office and residential development. The zone is intended to provide for small- to medium-sized office buildings, often in transitional locations between residential and commercial uses. Developments shall be compatible with nearby residential uses in terms of scale, bulk, building and parking coverage, traffic generation, and other external factors. This zone also encourages a compatible mix of dwellings and offices on the same or adjacent properties. Retail uses are also permitted.
(Section 9.2140, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.2150 Commercial Zone Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the following C-1 Neighborhood Commercial siting requirements apply:
- (1) New C-1 zones shall be located within convenient walking or bicycling

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distance of an adequate support population. For new C-1 areas between 4½ and 5 acres, an adequate support population is 4,000 people (existing or planned) within an area conveniently accessible to the site.

- (2) New C-1 areas larger than 1.5 acres shall be located on a collector or arterial street.
- (3) Existing neighborhood commercial areas shall not be allowed to expand to greater than 1.5 acres unless the development area site abuts a collector or arterial street.

(Section 9.2150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

9.2160 Commercial Zone Land Use and Permit Requirements. The following Table 9.2160 Commercial Zone Land Uses and Permit Requirements identifies those uses in Commercial Zones that are:

- (P) Permitted.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to a conditional use permit or an approved final planned unit development.
- (S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations described in EC 9.2161.

Examples shown in Table 9.2160 are for informational purposes, and are not exclusive. Table 9.2160 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Accessory Uses				
Accessory Use. <u>An example</u> includes storage and distribution incidental to the primary use of the site. Parking areas that are accessory to a primary use on the same development site shall comply with EC 9.2161(5).	P	P	P	P
Agricultural, Resource Production and Extraction				
Horticultural Use. <u>Examples</u> include field crops, orchards, berries, and nursery or flower stock.	P	P		P
Eating and Drinking Establishments				
Bar and Tavern	C(1)	P	P	
Delicatessen	P(1)	P	P	P(2)
Restaurant	P(1)	P	P	P(2)
Specialty Food and Beverage. <u>Examples</u> include bagel, candy, coffee, donut, and ice cream stores. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	P(1)	P	P	P(2)
Education, Cultural, Religious, Social and Fraternal				
Artist Gallery/Studio	P(1)	P	P	
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	P(1)	P	P	C

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Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Church, Synagogue, and Temple, including associated residential structures for religious personnel	P(1)	P	P	P
Club and Lodge of State or National Organization		P	P	P
Community and Neighborhood Center	P	P	P	C
Library		P	P	
Museum		P	P	
School, Business or Specialized Educational Training (excludes driving instruction)		P	P	
School, Driving (including use of motor vehicles)		P	P	
School, Elementary through High School		P	P	
University or College		P	P	
Entertainment and Recreation				
Amusement Center (Arcade, pool tables, etc.)	C	P	P	
Arena, Indoors		C	C	
Athletic Facility and Sports Club	P(1)	P	P	C
Bowling Alley		P	P	
Golf Course, Miniature Indoor		P	P	
Golf Course, Miniature Outdoor		SR		
Golf Driving Range		SR		
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Uses not specifically listed in this Table 9.2160 that are listed under the "Entertainment and Recreation" category in Table 9.2630.		S(8)	S(8)	S(8)
Theater, Live Entertainment	C	P	P	
Theater, Motion Picture		P	P	
Financial Services				
Automated Teller Machine (ATM)	P(1)	P	P	P
Bank, Savings and Loan Office, Credit Union	P(1)	P	P	P
Government				
Government Services, not specifically listed in this or any other uses and permit requirements table. <u>An example</u> could include: a fire station.	P(1)	P	P	P
Information Technology Services				
Computer Networking (includes services and technical support center)	P(1)	P	P	P
E-commerce (includes on-site shipping via truck)		P	P	
E-commerce (excludes on-site shipping via truck)	P(1)	P	P	P
Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics)	P(1)	P	P	P
Internet and Web Site (includes services and technical support center)	P(1)	P	P	P
Software Development (includes services and technical support center)	P(1)	P	P	P
Lodging				
Bed and Breakfast Facility		P	P	P
Homeless Shelter not in existence as of January 1, 1984				

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Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Hotel, Motel, and similar business providing overnight accommodations		P	P	
Recreational Vehicle Park, may include tent sites (See EC 9.5600)		S		
Manufacturing				
<p>Manufacturing Allowance in C-1, manufacturing is permitted if the following standards are met:</p> <ul style="list-style-type: none"> -- No external air emissions required a permit from an air quality public agency. -- All industrial activity completely enclosed within building. -- Industrial uses limited to apparel, food and beverage, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in C-1. -- Each individual business is limited to 5,000 square feet of area exclusive of parking area. 	P			
<p>Manufacturing Allowance in C-2 and C-3, manufacturing is permitted if the following standards are met:</p> <ul style="list-style-type: none"> -- No external air emissions requiring a permit from an air quality public agency. -- All industrial activity completely enclosed within building. -- Industrial uses limited to apparel, food and beverage products, electronic communication assembly, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in C-2 and C-3. -- Each individual business is limited to 10,000 square feet of floor area exclusive of parking area. These types of businesses are limited in size to assure that they will not dominate the commercial area and to limit any negative external impacts on commercial and residential uses. 		P	P	
Recycling, reverse vending machine	P	P	P	P
Recycling, small collection facility (See EC 9.5650)	S	S	S	S
Medical, Health, and Correctional Services				
Blood Bank		P	P	P
Correctional Facility, excluding Residential Treatment Center		C	C	C
Clinic or other Medical Health Treatment Facility (including mental health).	P(1)	P	P	P
Drug Treatment Clinic - Non-residential		P(3)	P(3)	
Hospital		C	C	C
Laboratory, medical, dental, X-ray		P	P	P
Meal Service, Non-Profit	C	P	P	
Nursing Home		P	P	P
Plasma Center, must be at least 800 feet between Plasma Centers		P		
Residential Treatment Center		P	P	C
Motor Vehicle Related Uses				
Car Wash		P	C	
Motor Vehicle Sales/Rental/Service, excluding recreational vehicles and heavy trucks		P	C	
Motorcycle Sales/Rental/Service		P	C	

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Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Parking Area not directly related to a primary use on the same development site		SR (4)	P(5)	P
Parts Store		P	P	
Recreational Vehicles and Heavy Truck, Sales/Rental/Service		C		
Repair, includes paint and body shop		P		
Service Stations, includes quick servicing		P	C	
Structured Parking, up to two levels not directly related to a primary use on the same development site		P	P	P
Structured Parking, three or more levels not directly related to a primary use on the same development site		C	P	C
Tires, Sales/Service		P	C	
Transit, Neighborhood Improvement	P	P	P	P
Transit Park and Ride, Major		P	P	P
Transit Park and Ride, Minor	C	P	P	P
Transit Station, Major	C	SR	SR	SR
Transit Station, Minor	C	P	P	P
Office Uses				
Administrative, General, and Professional Office	P(1)	P	P	P
Scientific and Educational Research Center	P(1)	P	P	P
Personal Services				
Barber, Beauty, Nail, Tanning Shop	P(1)	P	P	P(2)
Day Care Facility (Not associated with a residence.)	P	P	P	P
Dry Cleaner	P(1)	P	P	P(2)
Film, Drop-off/Pick-up	P(1)	P	P	P(2)
Locksmith Shop	P(1)	P	P	P(2)
Laundromat, Self-Service	P(1)	P	P	P(2)
Mailing and Package Service	P(1)	P	P	P(2)
Shoe Repair Shop	P(1)	P	P	P(2)
Tailor Shop	P(1)	P	P	P(2)
Residential				
Dwellings				
One-Family Dwelling	P(6)	P(6)	P(7)	
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	S(6)	S		P
Duplex (Two-Family Attached on Same Lot)	P(6)	P(6)	P(7)	P
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S	S	S
Four-plex (Four-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S	S	S
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	S(6)	S	S	S
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)				
Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)		P	P	P
Assisted Care (6 or more people living in facility)		P	P	C
Day Care (4 to 16 people served)	P	P	P	P
Day Care (17 or more people served)	C	P	P	P

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Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Rooms for Rent Situations				
Boarding and Rooming House		P	P	C
Campus Living Organization, including Fraternities and Sororities		P	P	C
Single Room Occupancy (SRO)		P	P	
University and College Dormitories		P	P	P
Trade (Retail and Wholesale)				
Agricultural Machinery Rental/Sales/Service		C		
Appliance Sales/Service		P	P	
Bicycle Rental/Sales/Service	P(1)	P	P	
Boat and Watercraft Sales/Service		P	C	
Book Store	P(1)	P	P	
Building Materials and Supplies				
Computer Store	P(1)	P	P	
Convenience Store	P(1)	P	P	P(2)
Drug Store (excluding Drug Treatment Centers)	P(1)	P	P	
Electrical Appliances and Supplies	P(1)	P	P	
Equipment, Light, Rental/Sales/Service		P	P	
Equipment, Heavy, Rental/Sales/Service- includes truck and tractor sales		C		
Fabric Store		P	P	
Floor Covering Store		P	P	
Furniture and Home Furnishing Stores		P	P	
Garden Supply/Nursery	P(1)	P		
General Merchandise (includes supermarket and department store)	P(1)	P	P	P(2)
Hardware/Home Improvement Store	P(1)	P	P	
Healthcare Equipment and Supplies		P	P	
Liquor Store		P	P	
Manufactured Dwelling Sales/Service/Repair		C		
Office Equipment and Supplies		P	P	
Plumbing Supplies		P	P	
Regional Distribution Center				
Retail trade when secondary, directly related, and limited to products manufactured, repaired or assembled on the development site	P(1)	P	P	
Storage Facility, Household/Consumer Goods, enclosed		P		
Specialty Store (an example includes a gift store)	P(1)	P	P	P(2)
Toy and Hobby Store	P(1)	P	P	
Video Store	P(1)	P	P	
Wholesale Trade (excluding regional distribution center)				
Utilities and Communication				
Amateur Radio Antenna Structure (See EC 9.5050)	S	S	S	S
Broadcasting Studio, Commercial and Public Education		P	P	P(7)

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Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P	P	P	P
Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P	P	P	P
Pump Station, well head, non-elevated reservoir, and other water or sewer facilities must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P	P	P	P
Telecommunication Tower or Facility (See EC 9.5750)	S	S	S	S
Water Reservoir, elevated above ground level	SR	SR	SR	SR
Other Commercial Services				
Building Maintenance Services		P	P	
Catering Service	P(1)	P	P	P(2)
Collection Center, Collection of Used Goods (See EC 9.5150)	S	S	S	
Home Occupation (See EC 9.5350)	S	S	S	S
Mortuary		P	P	
Photographers' Studio	P(1)	P	P	
Picture Framing and Glazing	P(1)	P	P	P
Printing, Blueprinting, and Duplicating		P	P	
Publishing Service		P	P	
Temporary Activity (See EC 9.5800)	S	S	S	S
Train Station		C	C	
Upholstery Shop		P	C	
Veterinarian Service	C	P		

(Section 9.2160, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; administratively corrected October 27, 2003; amended by Ordinance No. 20305, enacted December 3, 2003, effective January 2, 2004; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014; and Ordinance No. 20557, enacted July 27, 2015, effective August 30, 2015.)

9.2161 Special Use Limitations for Table 9.2160.

- (1) **Small Business Incentives in C-1.** Each individual business is limited to 5,000 square feet of floor area in new buildings. Individual businesses shall be permitted to occupy up to 10,000 square feet of floor area on development sites that have a floor area ratio (FAR) of at least .65.
- (2) **Retail Sales and Personal Services Allowance in GO.** Retail sales and personal services are allowed in the GO zone only if the use is located within

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a building that already contains office and/or residential uses. The retail sales and personal services area must be limited to 10 percent of the floor area of the building.

- (3) **Drug Treatment Clinic - Non-Residential Allowance in C-2 and C-3.** Use is permitted on property located within a quarter of a mile of a transit route.
- (4) **Parking Areas in C-2.** Any parking area established after August 1, 2001 that is not directly tied to a specific development shall require approval through the site review process.
- (5) **Parking Areas in C-3.** The maximum number of surface parking spaces on a development site shall be 20. Up to 20 additional surface parking spaces may be created if all on-site parking is accessed via an alley and no vehicle access from any street right-of-way (i.e. no access connection) is allowed. All parking spaces in excess of these limits shall be in structured parking.
- (6) **Residential Use Limitation in C-1 and C-2.**
 - (a) All residential dwellings in the C-1 zone and one and two-family dwellings in the C-2 zone are allowed if the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments.
 - (b) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, the maximum number of dwellings per lot is specified at EC 9.3625(8) and 9.3626(1).

Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments		
	C-1	C-2
Commercial Uses Requirements in Mixed-Use Residential Developments		
Minimum Percent of Building Street Frontage in Commercial Use. Building street frontage shall be measured along the length of the building at the ground level within the maximum front yard setback. As used herein, "commercial" includes any non-residential use occupying a space at least 15 feet deep from the street facade of the building, excluding parking areas and garages.	80%	60%
Minimum Percent of Ground Floor Area in Commercial Use.	80%	20%

- (7) **Residential Use Limitation in C-3.** Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, a structure may include one- and two-family dwellings if 80 percent of the ground floor of the structure is used for commercial or non-residential purposes.
- (8) **Broadcasting Studios, Commercial and Public Education Allowance in GO.** Any number of receiving antennas, and up to 1 station-to-station transmitter-link antenna not to exceed 10 watts are permitted in the GO zone.
- (9) Permitted in the Commercial zone, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

(Section 9.2161, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20412, enacted July 14, 2008, effective August 16, 2008; Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; and Ordinance No. 20528

enacted May 14, 2014, effective June 23, 2014.)

9.2170 Commercial Zone Development Standards - General.

- (1) **Intent.** These commercial zone development standards are intended to achieve the following:
 - (a) Improve the quality and appearance of commercial development in the city.
 - (b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.
 - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
 - (d) Increase opportunities for use of alternative modes of transportation.
 - (e) Regulate the intensity of use allowed on a site.
 - (f) Control the overall scale of commercial buildings.
 - (g) Promote streetscapes that are consistent with the desired character of the various commercial zones.
 - (h) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.
- (2) **Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2170 Commercial Zone Development Standards shall apply to all development in commercial zones.

Table 9.2170 Commercial Zone General Building Height and Setback Standards				
	C-1	C-2	C-3	GO
Building Height (See EC 9.2170(3))				
Maximum Building Height	35 feet	120 feet	150 feet	50 feet
Setbacks (See EC 9.2170(4))				
Minimum Front Yard Setback	10 feet	0 feet	0 feet	10 feet
Maximum Front Yard Setback	15 feet	15 feet	15 feet	15 feet
Minimum Interior Yard Setback	0 feet to 10 feet	0 feet to 10 feet	0 feet	0 feet to 10 feet

- (3) **Building Height.**
 - (a) Exceptions to the general height restrictions for commercial structures stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards are contained in:
 1. EC 9.6715 Height Limitation Areas.
 2. EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.
 - (b) Subject to the limitations in subsection (a) of this section, in the C-2 or C-3 zones, no portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.
 - (c) Subject to the limitations in subsection (a) of this section, the maximum permitted building height for main or accessory buildings in the GO zone shall not exceed 35 feet in height within 50 feet of an abutting AG, R-1, or R-2 zone. Otherwise, main and accessory building height maximums shall not exceed 50 feet.

(4) Setbacks.

- (a) Exceptions to the general minimum front and interior yard setback requirements stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards are contained in:
 - 1. EC 9.6745 Setbacks - Intrusions Permitted.
 - 2. EC 9.6750 Special Setback Standards.
- (b) The maximum front yard setbacks stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, front yard setback may be measured from a public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, all new buildings and the portion of the development site specifically affected by the new building are subject to the requirements of this subsection. **(See Figure 9.2170(4)(b) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)**
 - 1. In C-1, at least 80% of all street facing facades of the building must be within the specified maximum front yard setback.
 - 2. In C-2 and C-3, a minimum of 25% of all street facing facades must be within the specified maximum front yard setback, or, orientation to an internal accessway, private drive, or shopping street as defined in EC 9.2175(3) is permitted in compliance with EC 9.2173(4)(a).
 - 3. In GO, at least 60% of all street facing facades of the building must be within the specified maximum front yard setback.
 - 4. Vehicular parking and circulation is not permitted in between the street and the portion of the building that is used to comply with this subsection.
 - 5. Buildings fronting on a street must provide a main entrance facing the street on any facade of the building within the front yard setback. A main entrance is a principal entrance through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street.
 - 6. The land between the portion of a building complying with EC 9.2170(4)(b)1. or 2. and a street must be landscaped or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least the equivalent of 1 pedestrian amenity for every 200 square feet of hard surface. The use of porous materials for hard surfacing is encouraged. Residential developments are exempt from this subsection. **(See Figure 9.2170(4)(b)6. Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)**
 - 7. The maximum front yard setback may be exceeded if the area between the building and the front property line is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. **(See Figure 9.2170(4)(b)6. Landscaped or**

Paved Pedestrian Area with Pedestrian Amenities.)

- (c) Where lot lines abut property within a residential zone category, the minimum interior yard setback for any building shall be 10 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on the criteria in EC 9.8030(16).
 - (d) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, setbacks from all portions of interior lot lines (as that term is defined for purposes of the S-JW Special Area Zone) shall be at least 10 feet from the interior lot line. In addition, at a point that is 20 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from that lot line.
 - (e) Adjustments. Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the minimum and maximum front yard setbacks in this subsection, except subsection (4)(a), may be made, based on criteria at EC 9.8030(2) Setback Standards Adjustment. Within the Downtown Plan Area, adjustments to the minimum and maximum front yard setbacks in this subsection, except subsection (4)(a), may be made, based on the criteria at EC 9.8030(16).
- (5) Landscaping.** The following landscape standards apply to new buildings, and the portion of the development site specifically affected by the new building and shall be subject to the requirements of this subsection.
- (a) Minimum Landscape Area Required. In all commercial zones, except C-2 within the Downtown Plan Area as shown on Map 9.2161(6) and C-3, a minimum of 10 percent of the development site shall be landscaped with living plant materials. Within the C-2 zone within the Downtown Plan Area, a minimum of 5 percent of the development site shall be landscaped with living plant materials. No minimum landscaping is required in the C-3 zone. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front or interior yard setbacks or off-street parking areas, shall apply toward the development site minimum landscape requirement. The area of exterior landscaping on the roof of a building or exposed terrace may be used to meet the 10% minimum landscaping standard. Up to 50% of the landscape area may be a hard surface for recreational or enhanced pedestrian space.
 - (b) Minimum Landscape Standard. Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1).
 - (c) Landscaping In Interior Yard Setbacks Abutting Residential Zones. Landscape planting beds within the interior yard setbacks abutting a residential zone shall be a minimum of 7 feet in width and shall comply with EC 9.6210(3) High Screen Landscape Standard (L-3).
 - (d) Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedure.
 - (e) Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections (a) and (b) may be made based

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on the criteria in EC 9.8030(16).

(6) **Fences.**

- (a) **Types.** The type of fence, wall or screen used in any situation is limited only by specific requirements stated in landscape standards beginning at EC 9.6200 Purpose of Landscape Standards.
- (b) **Locations and Heights.**
 - 1. Fences up to 42 inches in height are permitted within the minimum or maximum front yard setback whichever is greater.
 - 2. Fences up to 8 feet high are allowed in interior yard setbacks.
 - 3. The height of fences that are not in required setback areas is the same as the regular height limits of the zone.
 - 4. Fences must meet standards in EC 9.6780 Vision Clearance Area. **(See Figure 9.2170(6) Fencing Standards in Commercial Zones and Figure 9.0500 Vision Clearance Area.)**
- (c) **Adjustments.** Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections (6)(a) and (6)(b) may be made based on the criteria in EC 9.8030(16).

(7) **Outdoor Storage Areas.** Except for plant nurseries, outdoor storage is not permitted in any commercial zone. All merchandise to be stored must be enclosed entirely within buildings or structures.

(8) **Outdoor Merchandise Display.**

- (a) Except for plants and garden supply products, outdoor merchandise display is not allowed in C-1 and GO zones.
- (b) In the C-2 zone, outdoor display of the uses listed in subsection 1. of this subsection, is permitted when in conformance with the standards listed in subsection 2. of this subsection.
 - 1. Plants and garden supply products; motor vehicle sales, service, and repair; new and used boat sales; large equipment sales and rentals; service station pump islands; vending machines; manufactured home sales; children's outdoor play equipment; and hot tubs.
 - 2. Outdoor merchandise display is not permitted in required setback areas. Except for plant and garden supply displays, outdoor display areas shall be set back a minimum of 7 feet from the front lot lines with required setbacks landscaped to at least the EC 9.6210(1) Basic Landscape Standard (L-1).

(9) **Garbage Screening.** All outdoor garbage collection areas shall be screened on all sides within a solid perimeter enclosure that meets the following standards:

- (a) Materials within enclosures shall not be visible from streets and adjacent properties.
- (b) Required screening shall comply with EC 9.6210(6) Full Screen Fence Landscape Standard (L-6).
- (c) Garbage collection areas shall not be located within required setbacks. Trash or recycling receptacles for pedestrians are exempt from these requirements.

(10) **Underground Utilities.** All utilities on the development site shall be placed underground. Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on criteria in EC 9.8030(5). Within the Downtown Plan Area, adjustments to this

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section may be made based on criteria in EC 9.8030(16). Refer also to EC 9.6775.

(11) **Delivery and Loading Facilities.**

- (a) Delivery and loading facilities are not permitted in required setback areas.
- (b) On lots abutting parcels with a residential zone, delivery and loading facilities shall be set back a minimum of 10 feet from property lines with required interior yard setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

(12) **Drive-Through Facilities.**

- (a) Application. The regulations in (b) through (e) of this subsection apply to the establishment of new drive through facilities, the addition of travel lanes for existing drive-through facilities in existing developments, and the relocation of an existing drive-through facility.
- (b) Drive-Through Facilities in C-1 Zone. Drive-through facilities are not permitted in C-1 zones.
- (c) Service Areas Setback and Landscaping. Service areas and stacking lanes shall be set back a minimum of 10 feet from all lot lines. Setback areas abutting a street shall be landscaped to at least the standards in EC 9.6210(1) Basic Landscape Standard (L-1). Interior yard setback areas must be landscaped to at least the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).
- (d) Driveway Entrances. All driveway entrances, including stacking lane entrances, must be at least 100 feet from an intersection, as measured along the property line from the tangent point of a corner radius and the closest edge of a driveway.
- (e) Stacking Lanes. Design of stacking lanes shall conform with the requirements of EC 9.6415 Loading and Drive-Through Design Standards.
- (f) Adjustments. Except for lots adjacent to land zoned residentially:
 - 1. Outside of the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsection (c) Service Areas Setback and Landscaping may be made based on criteria at EC 9.8030(2) Setback Standards Adjustment.
 - 2. Within the Downtown Plan Area adjustments to subsection (c) Service Areas Setback and Landscaping and subsection (e) Stacking Lanes may be made based on the criteria at EC 9.8030(16).

(Section 9.2170, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

9.2171 Special Commercial Zone Development Standards for Table 9.2170.

(Section 9.2171, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20353,

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enacted November 28, 2005, effective January 1, 2006; and amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009; amended by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; and amended and incorporated into Section 9.2170 by Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013.)

9.2173 Commercial Zone Development Standards - Large Commercial Facilities.

- (1) Description and Purpose.** The intent of these regulations is to:
 - (a) Improve the appearance and function of large commercial developments in any commercial zone.
 - (b) Encourage efficient use of land resources and urban services.
 - (c) Encourage mixed use.
 - (d) Support transportation options.
 - (e) Promote detailed, human-scale site and building design.
- (2) Application of Standards.**
 - (a) In addition to the standards of EC 9.2170 Commercial Zone Development Standards - General, except as provided in subsection (b) below, all of the standards in this section apply to any new building with 25,000 square feet or more of floor area in commercial or non-residential use, and the portion of the development site specifically affected by the new building.
 - (b) The standards in subsections (5), (6), (7), (9) and (11) do not apply with the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map.
- (3) Building Entrances.**
 - (a) All building sides that face an adjacent street shall feature at least one customer entrance. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**
 - (b) Where a building faces more than two adjacent streets, excluding those with limited access, this requirement shall apply only to two sides of the building.
 - (c) Corner entrances, placed at an angle of up to 45 degrees from the primary street, as measured from the street lot line, may be substituted for separate entrances required under subsection (b), above. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**
- (4) Off-Street Parking.**
 - (a) No off-street parking shall be located between the front facade of any new building(s) and the primary adjacent street.
 - (b) Individual parking areas may be no larger than 55,000 square feet in size. Separation between individual parking areas may be achieved by placement of internal accessways. Such accessways used to separate parking areas shall have at least one travel lane, curbs, and sidewalks at least 8 feet in width on both sides of the access way.
- (5) Vehicle Connections Between Sites.** For development sites that abut an arterial or collector street, at least one internal vehicle accessway connection must be made between the subject development site and adjacent sites zoned for commercial use.
- (6) On-Site Pedestrian Circulation.** In place of standards set forth in EC 9.6730 Pedestrian Circulation On-Site, the following standards shall apply to large commercial facilities:

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- (a) A continuous internal pedestrian walkway, no less than 8 feet in width, shall be provided from the public sidewalks or right-of-way to all customer entrances of all buildings on the development site, and to all public sidewalks and paths abutting the development site.
 - (b) Sidewalks, no less than 8 feet in width, shall be provided along the full length of building walls featuring a customer entrance, and along any wall abutting public parking areas. Such sidewalks shall be located at least 6 feet from the wall of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 - (c) Sidewalks, no less than 8 feet in width, shall be provided for direct connection to entrances of all new and existing buildings on the development site to one another, except entrances used for loading and unloading freight.
 - (d) Internal pedestrian walkways provided in conformance with subsection (a) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
 - (e) At least one pedestrian accessway connection, a minimum of 8 feet in width, shall be made to connect the buildings on the subject development site to all adjacent sites either developed or zoned for commercial, office, residential, or institutional use.
 - (f) All on-site pedestrian walkways located in vehicle use areas shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (7) Interior Yard Landscaping.** Interior yards abutting a lot with a residential zone shall be provided with landscaping that meets the requirements in EC 9.6210(7) Massed Landscape Standard (L-7). The required landscaping may be pierced by pedestrian and vehicular access ways.
- (8) Service and Loading Areas.**
- (a) Loading docks, outdoor storage, utility meters, mechanical equipment, trash collection, trash compaction, and other service functions shall comply with the standards stated in EC 9.2170 Commercial Zone Development Standards - General.
 - (b) Outdoor areas for the display and sale of seasonal inventory shall be permanently defined and landscaped as set forth in EC 9.2170(8) Outdoor Merchandise Display.
- (9) Delivery and Loading Facilities.** Delivery and loading facilities shall be set back a minimum of 30 feet from interior yards abutting residentially zoned lots with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).
- (10) Exterior Wall Articulation, Facades, and Ground Floor Windows.**
- (a) Exterior building walls shall not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall that has no variation in exterior surface along its length. Except for building walls facing an alley, ground floor facades 100 feet or greater in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. **(See**

Figure 9.2173(10)(a) Large Commercial Facilities-Exterior Wall Articulation.)

- (b) Ground floor facades that face streets adjacent to the development site shall have arcades, collonades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. **(See Figure 9.2173(10)(b) Large Commercial Facilities-Exterior Facades.)**
- (c) Except for building walls facing an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finished grade to any head height. The portion of window area meeting this standard is from the sill (bottom edge) to the head (top edge) including portions up to 9 feet above the finished grade. Alcoves, entryways, and extruding portions of the wall shall be treated by measuring through such areas as though along the flat wall of a building. **(See Figure 9.2173(10)(c) Large Commercial Facilities-Ground Floor Window Calculation.)** Solid walls are prohibited along street frontages. This standard does not apply to parking structures. For a wall with a loading dock, the wall length referred to in subsection (10)(c)1., below, shall exclude the wall area affiliated with the loading and unloading of freight.
 - 1. General Standard. The windows in any walls that require windows shall occupy at least 50 percent of the length and 25 percent of the ground floor wall area. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. The bottom of the windows shall be no more than 4 feet above the finished grade.
 - 2. Corner Lots. On corner lots, the general ground floor window standard stated in subsection (c) must be met on one street frontage only. On the other street(s), the requirement is ½ of the general standard. The applicant may choose on which street to apply the general standard.

(11) Interior Yard Setbacks from Residential Zoning. Interior yard setbacks shall be a minimum of 30 feet from abutting residentially zoned lots.

(12) Adjustments. Except for the Downtown Plan Area, adjustments to the standards in this section may be made, based on criteria at EC 9.8030(6) Large Commercial Facilities Standards Adjustment. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the standards in this section may be made based on the criteria at EC 9.8030(16).

(Section 9.2173, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20280, enacted February 24, 2003, effective March 26, 2003; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and amended by Ordinance 20433, enacted June 8, 2009, and effective July 10, 2009; amended by Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013.)

9.2175 Commercial Zone Development Standards - Large Multi-Tenant Commercial Facilities.

- (1) Description and Purpose.** The intent of these regulations is to assure that the design and layout of large multi-tenant commercial facilities (e.g. shopping centers) facilitates pedestrian safety, comfort, and convenience.

(2) Application of Standards.

- (a) In addition to the standards in EC 9.2170 Commercial Zone Development Standards - General, and the standards in EC 9.2173 Commercial Zone Development Standards - Large Commercial Facilities the standards in this section apply to all development projects proposing at least 50,000 square feet of floor area within 3 or more new buildings on a development site, and the portion of the development site specifically affected by the new buildings.
- (b) Notwithstanding subsection (2)(a) above, the standards in this section do not apply to development projects within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map.

(3) On-Site Vehicle Circulation. Site plans for large multi-tenant commercial facilities shall clearly indicate the types of circulation facilities to be built on site. **(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)**

Types to be identified include the following:

- (a) Internal Accessways. Accessways are used to provide separation and circulation between individual parking areas on the site. See EC 9.2173(4)(b). Accessways used to provide separation between parking areas shall have at least one travel lane, curbs, and sidewalks (minimum 8' in width) on both sides of the accessway.
- (b) Private Drive. Private drives are used to provide general circulation around the site and must include the following elements: two travel lanes, sidewalks (minimum 8' in width) on both side of the streets; street trees with an average spacing of 50'; pedestrian-scale lighting and on-street parking (except in required fire lanes).
- (c) Shopping Streets. Shopping streets are part of the general circulation system, are designed to provide a comfortable and pleasant shopping environment for the pedestrian, and may be either public or private streets. Shopping streets must include the following elements: two travel lanes, sidewalks (minimum 12' in width) on both sides of the street; street trees planted within planting strip and with an average spacing of 50', pedestrian-scale lighting; curb extensions at intersections and on-street parking. **(See Figure 9.2175(3)(c) Shopping Street Standards.)**

(4) Shopping Street Site Layout.

- (a) To insure that large multi-tenant centers include pedestrian-oriented areas, the site plan must include a shopping street designed to accommodate and stimulate pedestrian activity.
- (b) Shopping streets blocks shall not exceed 400' in length.
- (c) Buildings shall occupy at least 80% of the frontage on both sides of the shopping street. **(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)**

(5) Building Orientation.

- (a) All buildings on the site must be oriented to either a public street, a private drive, or a shopping street. The building orientation standard is met when the building is placed within the maximum setback established for the zone. The maximum setback may be exceeded if the area between the building and the street or private drive is landscaped or is an enhanced pedestrian space. **(See Figure 9.2175(3)(c) Shopping Street Standards.)**

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- (b) Private drives used to meet building orientation standards must incorporate street design elements described in EC 9.2175(3)(b). When private drives are used, the setback is measured from the back of the sidewalk.
- (c) On all buildings that meet the building orientation standard, building entries must be in compliance with EC 9.2173(3)(b). **(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)**
- (6) Pedestrian Amenities and Community Spaces.**
 - (a) Each development site subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing a space where at least two of the following: patio-seating area, pedestrian plaza with benches, covered playground area, kiosk area, water feature, clock tower or other similar focal feature or amenity. Any such area shall have direct access to the public sidewalk network and be placed in a visible location that is convenient for use as a public gathering area.
 - (b) The review authority may find compliance with this standard if the proposed pedestrian amenities and community spaces are incorporated as part of the shopping street. Examples include wider sidewalks, special paving, ornamental lighting, planters, public benches and seating walls, and public art. **(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)**
- (7) Adjustments.** Adjustments to the standards in this section may be made, based on criteria at EC 9.8030(7) Large Multi-tenant Commercial Facilities Standards Adjustment.

(Section 9.2175, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, and effective July 10, 2009.)

9.2180 Commercial Zone Lot Standards. The following Table 9.2180 sets forth lot standards within commercial zones. The numbers enclosed within (#) indicate a special development standard of EC 9.2181.

Table 9.2180 Commercial Zone Lot Standards (See EC 9.2181 Special Standards for Table 9.2180.)				
	C-1	C-2	C-3	GO
Area Minimum (1)				
All Lots	6,000 square feet	6,000 square feet	6,000 square feet	6,000 square feet
Frontage Minimum (1)				
Interior Lot	50 feet	50 feet	50 feet	50 feet
Corner Lot	50 feet	50 feet	50 feet	50 feet
Curved Lot	35 feet	35 feet	35 feet	35 feet
Cul-de-sac Bulb	35 feet	35 feet	35 feet	35 feet
Flag Lot				
1 Lot	15 feet	15 feet	15 feet	15 feet
2 to 4 Lots	25 feet	25 feet	25 feet	25 feet
Width Minimum (1)				
Interior Lot	50 feet	50 feet	50 feet	50 feet
Corner Lot	50 feet	50 feet	50 feet	50 feet
Curved Lot	35 feet	35 feet	35 feet	35 feet
Cul-de-sac Bulb	35 feet	35 feet	35 feet	35 feet
Flag Lot	40 feet	20 feet	20 feet	20 feet

Eugene Code

(Section 9.2180, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

9.2181 Special Standards for Table 9.2180.

- (1)** Lot area, frontage, and width minimums may be adjusted in accordance with the provisions of EC 9.8030(1). Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General.)

(Section 9.2181, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

MEMORANDUM

TO: Planning Commission
FROM: Planning Department
RE: October Planning Activities

**Land Use Application and Planning Project Status**

- Current Planning related projects include:
 - Staff has submitted the Adopted Transportation System Plan and associated documents to the County for Co-Adoption. A hearing will be scheduled as soon as the County Planning Commission calendar permits.
 - Staff attended the 2nd in a series of 3 Community Tree Management Institute trainings in Vancouver, Washington this month. The focus of the trainings is to develop a cohesive City Tree Ordinance and planting program and to develop effective relationships with community partners.
 - A Dangerous Building comment has been submitted to the City regarding the structure at 1480 Ivy Street. The building was recently subject to a massive fire that nearly destroyed the entire facility. However, the building remains in a hazardous condition and the Building Inspector has substantiated the citizen claim. The issue was presented to the Council at the October 11, 2016 meeting where the Council set a Public Hearing (as required by JCMC 15.20) for the November 8 standing meeting.
 - Planning and Public Works Staff, as well as the applicant contracted engineer, ODOT and Lane County Representatives, met with potential developers on October 18, 2106 regarding the "Y" property between 99W and 99E, north of Ivy Street and 18th Avenue. A preliminary proposal indicates a large format retailer, credit union, and a small shopping center with potential for residential development.

City Council Update

- Staff will take the Grain Millers Inc. Skinner Lane Vacation request to the City Council at the standing November 8, 2016 meeting. The Right-of-Way Vacation request requires a Public Hearing. An approval by the City would satisfy a Development Review Condition of Approval regarding the 100,000+ square foot industrial facility.
- Staff will also take the Wiechert Annexation and Rezone proposal to the Council at the standing November meeting. Once the Council has made a determination, the submitted Subdivision application will be presented to the Planning Commission for review.

Future Action Items

- SUB-16-01 - Wiechert Subdivision request.
- Grain Millers Inc. Development Review Extension request.

Planning Commission

- Staff requests Planning Commission review of the Junction City Municipal Code in order to address deficiencies and user friendliness.

Building Activities:

- The current building permit report for 2016 is included as an attachment to this report.

2016 Building Permit Activity Report

Monthly Totals	Residential Housing									
	January	February	March	April	May	June	July*	August	September	Total
Submitted Permits	1	3	2	1	1	1	2	0	2	13
Issued Permits	2	3	6	3	1	3	0	1	3	22
SFD - Total Sq Ft	3,571	4,954	9,408	6,411	1,656	4,612	0	1,546	5,669	37,827
SFD-Average Sq Ft	1,786	1,651	1,568	2,137	1,656	1,537	0	1,546	1,890	1,719
Permit Fees	\$ 5,805	\$ 9,119	9,700	7,093	2,802	3,796	1,777	1,809	6,496	\$ 48,398
SDC Fees	\$ 26,280	\$ 38,360	26,280	26,280	13,140	13,140	0	13,140	26,280	\$ 182,900
Zone of Benefit	\$ 13,285	\$ 19,931	13,295	6,651	6,663	0	0	6,680	13,363	\$ 79,867
Total Valuation	\$ 443,000	\$ 732,000	841,000	755,500	208,000	347,000	0	205,000	615,000	\$ 4,146,500
Monthly Totals	Residential Remodel/Addition									
	January	February	March	April	May	June	July	August	September	Total
Submitted Permits	0	1	1	1	1	0	0	0	1	5
Issued Permits	1	1	2	1	0	1	0	0	3	9
Permit Fees	0	244	405	1,583	140	317	0	0	737	\$ 3,425
Total Valuation	8,000	4,000	11,000	18,000	0	22,000	0	0	0	\$ 63,000
Monthly Totals	Commercial /Industrial									
	January	February	March	April	May	June	July	August	September	Total
Submitted Permits	6	0	3	1	3	3	2	1	3	22
Issued Permits	6	0	0	1	4	3	3	7	6	30
Permit Fees	\$1,589	0	952	1,184	4,308	10,622	2,235	3,306	9,691	\$ 33,888
SDC Fees	\$0	0	0	0	0	0	0	0	98,242	\$ 98,242
Zone of Benefit	\$0	0	0	0	0	0	0	0	0	\$ -
Total Valuation	\$30,500	0	0	23,000	5,000	0	0	135,000	1,775,000	\$ 1,968,500
Monthly Totals	Single Permits & ePermits									
	January	February	March	April	May	June	July	August	September	Total
Submitted Permits	20	9	13	14	12	17	16	14	19	134
Issued Permits	20	9	13	14	12	17	16	14	19	134
Permit Fees	\$5,348	1,066	2,177	1,120	1,038	2,284	3,373	1,278	1,775	\$ 19,458
Monthly Totals	All Permits									
	January	February	March	April	May	June	July	August	September	Total
Submitted	27	13	19	17	17	21	20	15	25	174
Issued	29	13	21	19	17	24	19	22	31	195
Permit Fees	\$ 12,741	\$ 10,430	\$ 13,234	\$ 10,980	\$ 8,288	\$ 17,020	\$ 7,385	\$ 6,393	\$ 18,700	\$ 105,170
SDC Fees	\$ 26,280	\$ 38,360	\$ 26,280	\$ 26,280	\$ 13,140	\$ 13,140	\$ -	\$ 13,140	\$ 124,522	\$ 281,142
Zone of Benefit	\$ 13,285	\$ 19,931	\$ 13,295	\$ 6,651	\$ 6,663	\$ -	\$ -	\$ 6,680	\$ 13,363	\$ 79,867
Valuation	\$ 481,500	\$ 736,000	\$ 852,000	\$ 796,500	\$ 213,000	\$ 369,000	\$ -	\$ 340,000	\$ 2,390,000	\$ 6,178,000



PLANNING COMMISSION

AGENDA FORECASTER

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CURRENT BUSINESS ITEMS

Current Business Items

Item Planning Commission Officer Elections

Requested By Staff

Date Last at Commission 10/15

Current Agenda Item Number 5.a

Item Description

Annual officer elections for the Chair and Vice Chair positions

Current Status/Update

This is an annual election.

Item Development Code Review

Requested By Chair Thiesfeld

Date Last at Committee 8/16

Current Agenda Item Number 6.a

Item Description

The Planning Commission Chair has requested review of the Junction City Municipal Code to determine areas of improvement and possible restructuring for greater user friendliness.

Current Status/Update

This is a continued discussion

CURRENT BUSINESS ITEMS

Item September Planning and Building Report

Requested By Staff

Date Last at Committee September, 2016

Current Agenda Item Number 7

Item Description

Monthly update on the Planning Department progress and Building Department permit report

Current Status/Update

All Items are current

PENDING BUSINESS ITEMS

Pending Business Items

<u>Item</u>	Nothing at this time
<u>Requested By</u>	Staff
<u>Staff Contact</u>	Planner Cogburn
<u>Date Last at Commission</u>	N/A
<u>Item Description</u>	
N/A	
<u>Current Status/Update</u>	
N/A	

FUTURE BUSINESS ITEMS

Future Business Items

Item Land Use Application Review

Requested By Planning Staff

Item Description

Review of new Land Use applications as needed.

Item Comprehensive Plan Map & Zoning Map
Discrepancies

Requested By Commission

Item Description

Review and address discrepancies between land uses and the Comprehensive Plan Land Use Map and/or the Zoning Map

2016 COMMITTEE MEETING CALENDAR

2016 Committee Meeting Calendar

Calendar Key

- Packets Available Date
- Regular Meeting Date

JANUARY

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
25	26	27	28	29	30	31

MAY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY

S	M	T	W	T	F	S
	1	2	3	4		6
					5	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

JUNE

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
25	26	27	28	29	28	29
30	31					

MARCH

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JULY

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER

S	M	T	W	T	F
		1	2	3	4
6	7	8	9	10	11
13	14	15	16	17	18
20	21	22	23	24	25
27	28	29	30		

APRIL

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

AUGUST

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

2016 COMMITTEE MEETING CALENDAR