



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

7/21/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Wood Village Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, August 04, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

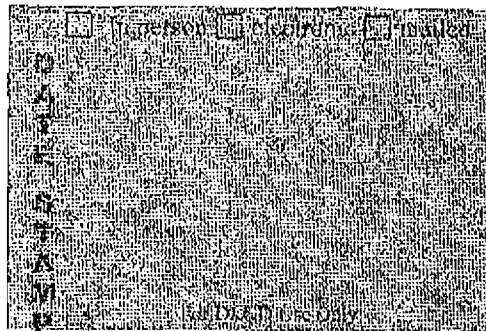
Cc: Carole Connell, City of Wood Village
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

2

DLCD

Notice of Adoption



**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: City of Wood Village

Local file number: PA-09-01

Date of Adoption: June 9, 2009 (in effect as of July 9) Date Mailed: July 14, 2009

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: February 27, 2009

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City of Wood Village completed TA Grant # TA-U-09-163 that amended several sections of the Development Code. The amendments included the design standards for the Town Center Zone.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|---|---|--------------------------|--------------------------|---|--------------------------|--------------------------|--------------------------|---|--------------------------|--------------------------|----|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| X | X | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-09 (17399) [15611]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Marie Kizzar, PW Admin	Phone: (503) 489-6859	Extension:
Address: 2055 NE 238th Drive	Fax Number: 503-669-8723	
City: Wood Village	Zip: 97060	E-mail Address: Kizzar@ci.wood-village.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.



City of Wood Village
 2055 NE 238th Drive
 Wood Village OR 97060-1095
 (P) 503-667-6211 (F) 503-669-8723

FAX TRANSMISSION

Date: JULY 14, 2009

To: JAN DEVITO, DCLD 503.378.5518

From: MARIE KIZZAR, PW ADMIN

Subject: NOTICE OF ADOPTION

FILE NO. PA-09-01

Total number of pages to follow: _____

ORDINANCE 8-2009

AN ORDINANCE ADOPTING FINDINGS AND AMENDING THE CITY OF WOOD VILLAGE ZONING AND DEVELOPMENT CODE AND COMPREHENSIVE PLAN

- **Metro Title 4** – Amend the Commercial/Industrial Zone and the Light and General Manufacturing Zones to comply with Metro Title 4 retail restrictions and land division restrictions; revise permitted, conditional and prohibited uses in all manufacturing zones.
- **Statewide Goal 9, Economy** – Amend the Wood Village Comprehensive Plan to include the local area Economic Opportunities Analysis (EOA) report and findings in the December 24, 2008 City staff report and incorporate Goal 9 employment-related definitions to the Zoning and Development Code.
- **Metro Title 13** – Protect a wetland in the Town Center and add storm water guidelines to protect water quality.
- **Town Center Zone amendments:** add Mixed Use standards and design guidelines; increase height limit to 85' for Commercial Recreation uses; delete original housing requirements and retail size limits; limit free-standing pole signs.
- Add one Neighborhood Commercial Zone design guideline.
- Add transportation impact review criteria to Conditional Uses; Design Review and Plan, Code and Map Amendment approval criteria.
- Delete Agricultural Uses in all zones.
- Add design review requirement for garages in LR zones.
- Home Occupations clarifications
- Temporary Uses procedure clarification.
- Signs – add monument signs in the NC Zone; banners; limits to Town Center pole signs
- Accessory Structure standards – MR zone permit, height and UBC size minimum clarification.
- Front yard setback increase to 22' for longer vehicles.
- Add small-scale energy equipment as an Accessory Structure.
- “Use Category” and “Definition” modifications (add gaming definition; add gaming, water parks, spas as commercial recreation; delete vehicle-related uses from product-oriented retail sales and service; delete RV parks from entertainment-oriented uses; add employment-related definitions.

THE CITY OF WOOD VILLAGE ORDAINS AS FOLLOWS:

WHEREAS, the City was mandated to comply with Metro Title 4, Title 13 and LCDC Goal 9 amendments regarding economic and water resource protection goals and was thereby granted funding from DLCD for technical assistance (grant no. TA-U-09-163) to amend the Wood Village Zoning and Development Code per requirements;

WHEREAS, the City determined there was a need to amend the Town Center Zone to remove outdated requirements and to develop standards for redevelopment of the Greyhound Racetrack site for either mixed use or commercial recreation development;

WHEREAS, the Planning Commission conducted four work sessions and two public hearings over the past year in an effort to include citizens in the development of the amendments;

WHEREAS, the City determined there were several other miscellaneous code amendments needed to improve the administration of zoning standards and procedures;

WHEREAS, on April 29, 2009 at their regular meeting and duly called Public Hearing, the Planning Commission, after hearing interested persons and considering evidence and arguments regarding the proposed Comprehensive Plan, and Zoning and Development Code text amendments, voted unanimously to recommend that the City Council approve the amendments;

WHEREAS, the City Council meeting in special session on June 2, 2009 received and reviewed the recommendations of the Planning Commission and determined certain revisions regarding industrial uses and bicycle parking provisions were needed; and

WHEREAS, the City Council determined the amendments and additions to the Zoning and Development Code text are herein and hereafter set forth as appropriate and necessary to better achieve the goals and policies of the City's Comprehensive Plan, are consistent with planning rules and regulations of the state and Metro, and this Council has given due and adequate consideration thereto, held public hearing thereupon and given consideration to all testimony, materials and matters of concern.

NOW, therefore, based upon the Planning Commission's recommendations, multiple staff reports and findings of fact in the City staff reports dated December 24, 2008 and April 22, 2009, and its own review and analysis, public input as received, and consideration of all materials submitted, this Council does here make the findings and ordains as follows:

Section 1. The City Council does hereby adopt the amendments to the City's Zoning and Development Code sections as attached in Exhibit A and by this reference made a part hereof. These amendments of the City's Zoning and Development Code is related and directly complementary to the Wood Village Comprehensive Plan text amendments.

Section 2. The City Council does hereby amend the Comprehensive Plan to include the local area Economic Opportunities Analysis (EOA) report and findings in the December 24, 2008 City staff report as attached in Exhibit B and by this reference made a part thereof.

Section 3. The City Council does hereby adopt the findings in the City staff reports dated December 24, 2008 and April 22, 2009.



Mayor David M. Fuller Council President Patricia Smith Councilors Mark Clark Stanley Dirks Timothy Clark

LETTER OF TRANSMITTAL

Date: JULY 3, 2009

Project Name: _____

Project Address: CITY OF WOOD VILLAGE

We are sending you Attached Under separate cover via _____ the following:

- Contract documents
- Prints
- Samples
- Specifications
- Change Order
- Plans

Other: 2 COPIES OF WOOD VILLAGE ZONING CODE - FINAL

Sent to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM OR 97301-2540

These are transmitted as checked below:

- For signature and return
- For your use
- For review and comment
- Prints returned after loan to us
- For approval
- As requested
- Returned for corrections
- Other: _____
- Approved as submitted
- Approved as noted

Comments: _____

DEPT OF
JUL 07 2009
LAND CONSERVATION AND DEVELOPMENT

Signed: Myra Lippert PW Admin. 503-484-6859

Section 4. Saving Clause: If any article, section, subsection, subdivision, phrase, clause, sentence or word in this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this Ordinance, but shall be confined to the article, section, subsection, subdivision, clause, sentence, or word so held invalid or unconstitutional.

UPON UNANIMOUS CONSENT OF CITY COUNCIL, THERE BEING PRESENT A QUORUM, READ BY TITLE ONLY THIS 9th DAY OF JUNE, 2009.

READ A SECOND TIME BY TITLE ONLY THIS 9th DAY OF JUNE, 2009 WITH UNANIMOUS CONSENT OF ALL MEMBERS OF THE CITY COUNCIL, THERE BEING PRESENT A QUORUM.

PASSED BY THE COMMON COUNCIL OF THE CITY OF WOOD VILLAGE, OREGON THIS 9th DAY OF JUNE, 2009.

Motion to approve by Mark Clark; seconded by Dirks and adopted this 9th day of June, 2009.

YEAS 5 NAYS 0


DAVID M. FULLER, MAYOR

ATTEST:


GREG DIRKS, CITY RECORDER



CITY OF WOOD VILLAGE

ZONING AND DEVELOPMENT

CODE

ADOPTED 11/10/93

EXHIBIT "A" TO ORDINANCE 10-1993
AMENDED BY ORDINANCE 5-1997 ADOPTED 08/27/97
AMENDED BY ORDINANCE 3-1999 ADOPTED 06/09/99
AMENDED BY ORDINANCE 4-1999 ADOPTED 07/14/99
AMENDED BY ORDINANCE 5-2002 ADOPTED 08/14/02
AMENDED BY ORDINANCE 6-2002 ADOPTED 09/11/02
AMENDED BY ORDINANCE 4-2006 ADOPTED 06/21/06
AMENDED BY ORDINANCE 9-2009 ADOPTED 06/02/09

**SECTION 100
GENERAL PROVISIONS & ENFORCEMENT**

GENERAL PROVISIONS

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GENERAL PROVISIONS

100.010 Title. The official name of this document is the Wood Village Zoning and Development Code. It may be referred to as the "Zoning Code" or "this Code".

100.020 Purpose. The Zoning Code is intended to set forth and coordinate City regulations regarding the use and development of land. It is further intended to:

- A. serve as the principle means to implement the Wood Village Comprehensive Plan.
- B. protect and promote the health, safety and general welfare of the citizens of Wood Village.
- C. provide for appropriate and prompt review of development and use proposals.
- D. satisfy relevant federal law, state law, goals and administrative rules and regional government law.

100.030 Scope and Compliance. Any building, structure or land shall hereafter be used, possessed or occupied and any building, structure or part thereof shall hereafter be constructed, erected, reconstructed, moved or altered only in accordance with the provisions of this Code and other applicable City ordinances and regulations. The requirements of this Code apply to the property owner(s), the person(s) undertaking a development, the user(s) of a building, structure or development, and to their successors in interest.

100.040 Consistency with Plan and Law. Actions initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Wood Village, with applicable law, and the regulations of the Federal, State and Regional governments as these plans, laws or regulations may now or hereafter provide or require.

Since the Wood Village Comprehensive Plan has been acknowledged by the State of Oregon as being in compliance with the Statewide Goals, any action taken in conformance with this Code shall be deemed also in compliance with Statewide Goals and the Comprehensive Plan. Unless otherwise stated in this Code, specific findings demonstrating compliance with the Comprehensive Plan are not required for land use or development application approval. This provision does not however, relieve the applicant or proponent of a use or development of the burden of responding to allegations that the action requested does not conform with one or more Comprehensive Plan policies.

100.050 Severability. The provisions of this Code are severable. If any section, sentence, clause or phrase of this Code is adjudged by a court of competent jurisdiction to

be invalid or unconstitutional, that portion shall be considered severed. The decision shall in no way affect the validity of the remainder of the Zoning Code.

100.060

Interpretation. The rules of this section apply to this Title and any conditions of a land use approval granted under this Title.

- A. **Reading and Applying the Code.** Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Applications of the regulations that are consistent with the rules of this section are non-discretionary actions of the City Administrator to implement the code. The action of the City Administrator is final.
- B. **Ambiguous or Unclear Language.** Where the language is ambiguous or unclear, the Planning Commission may issue a statement of clarification processed through a Type III procedure, or initiate an amendment to this code.
- C. **Situations Where the Code is Silent.** Proposals for uses where the code is silent or where the rules of this section do not provide a basis for concluding that the use is allowed are prohibited. The Planning Commission may initiate an amendment to this Code to add a new use category.
- D. **Terms.**
 - (1) **Defining Words.** Words used in the zoning code have their dictionary meaning unless they are listed in Section 720.030 - Definitions. Words listed in that section have the specific meaning stated, unless the context clearly indicates another meaning.
 - (2) **Tenses and Usage.**
 - (a) Words used in the singular include the plural. The reverse is also true.
 - (b) Words used in the present tense include the future tense. The reverse is also true.
 - (c) The words 'must', 'will', and 'may not' are mandatory.
 - (d) 'May' is permissive.
 - (e) 'Prohibited' means that an adjustment, conditional use, or other land use review may not be requested in order to allow an exception to the regulation in question. This does not preclude requests for zone changes or Comprehensive Plan map amendments.

- (3) **Conjunctions.** Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
 - (a) "And" indicates that all connected items or provisions apply;
 - (b) "Or" indicates that the connected items or provisions may apply singly or in combination;
 - (c) "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
- (4) **Lists.** Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

E. Hierarchy of Regulations.

- (1) **Different Levels of Regulations.** In general, an area with base zoning and overlay zoning, is subject to all of the regulations of each. When the regulations conflict, unless specifically indicated otherwise, the regulations in an overlay zone supersede regulations in base zones.
- (2) **Regulations at the Same Level.** When regulations at the same level conflict, those that are more specific to the situation apply. When the regulations are equally specific or when it is unclear which regulation to apply, the most restrictive applies. Regulations at the same level include such situations as two different standards in a base zone or regulations from separate sections of the Additional Regulations sections.
- (3) **Figures, Tables, and Maps.** Where there are differences of meaning between code text and figures or tables, the code text controls. Where there are differences between code text and maps, the maps control.

- F. Applying the Code to Specific Situations.** Generally, where the code cannot list every situation or be totally definitive, it provides guidance through the use of descriptions and examples. In situations where the code provides this guidance, the descriptions and examples are used to determine the applicable regulations for the situation. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.

- G. **Determining whether a land use request is quasi-judicial or legislative.** Quasi-judicial and legislative are terms describing two different types of land use actions. In general, legislative actions involve the adoption of law or policy applicable Citywide or to a broad geographical area of the City. Quasi-judicial actions involve the application of existing law or policy to a small area or a specific factual situation. There are different legal requirements for the processing of these two types of actions. In general, quasi-judicial actions require greater notice and procedural protections than do legislative actions. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the City Attorney. The decision will be based on current law and legal precedent. Requests for decisions on this issue must be in writing and must be filed with the City Administrator who will forward the request to the City Attorney.

100.070

When Land Use Application Permits Are Not Required. Activities and development listed below are excluded from the requirement for a land use application, but are, nevertheless, subject to the provisions of the Code where applicable:

- A. Detached single family dwelling, except manufactured homes.
- B. Residential accessory structures and additions to residential structures.
- C. Landscaping and routine property maintenance.
- D. A change internal to a building or other structure or usage of land that does not constitute a change of use.
- E. A change in use to another use category allowed in the zone.
- F. An emergency measure necessary for the safety or protection of property when authorized by the City Administrator and Mayor with written notice to the City Council.
- G. Any temporary use of land of up to a 14-day duration (such as a promotional event, festival, carnival, or outdoor sale) which conforms with all other requirements of this Code and other applicable city regulations and public health and safety requirements, some of which may further limit such uses in terms of location, scope, and duration.
- H. The establishment, construction, alteration, or maintenance of a public facility authorized by the Director of Public Works including streets, highways, traffic control devices, drainage ways, sanitary and storm sewers, pump stations, water lines, electrical power or gas distribution lines, or telephone or television cable systems. This includes construction

of staging areas of less than a six month duration, but does not include major substations, treatment facilities, storage tanks, reservoirs, and towers.

- I. Excavation and fill for foundations and all other excavations or filling of land involving 50 cubic yards or less which does not adversely affect drainage patterns and is not located within a floodplain or slope area.
- J. The following transportation facilities, services and improvements need not be subject to land use regulations except as necessary to implement the Wood Village Transportation System Plan (TSP) and, under ordinary circumstances do not have a significant impact on land use:
 - (1) Operation, maintenance and repair of existing transportation facilities identified in the TSP, such as roads, bicycle, pedestrian, airport and rail facilities, and major regional pipelines and terminals;
 - (2) Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards;
 - (3) Uses permitted outright under ORS 215.213 (1)(m) through (p) and 215.283 (1)(k) through (n), consistent with the provision of OAR 660-12-065; and
 - (4) Changes in the frequency of transit, rail and airport services.

100.075 When Land Use Applications Are Required.

- A. Except as excluded by 100.070 no person shall engage in or cause to occur a development for which a land use application has not been approved.
- B. Whenever this Code requires a land use application, no other permit issued by the City shall be approved until the land use application has first been approved by the City Administrator or Planning Commission.
- C. Land use applications shall be approved by the City Administrator, the Planning Commission, or the City Council pursuant to the provisions of this Code.
- D. No action may be taken in reliance upon a decision approving a land use application until all applicable appeal periods have expired or while an appeal to City Council is pending. However the action allowed by the decision may be initiated if:

- (1) There were no objections to the decision or if all objections were resolved at a hearing or in writing prior to the hearing; and
 - (2) The applicant has executed a release and indemnity agreement in a form satisfactory to the City Attorney which protects the City from all claims of the applicant resulting from the approval of the land use application or issuance of a building permit.
- E. All land use approvals shall expire one year from the date of issuance unless:
- (1) Substantial construction or operation of the development has begun within that time and has continued toward final completion; or
 - (2) Development proceeds in accordance with an approved phasing plan; or
 - (3) An extension has been granted by the Planning Commission upon request of the applicant.
 - (4) Stated otherwise in a specific section of this Code.
- F. Requests for extension must be filed with the City Administrator prior to the expiration date of the original approval or subsequent extension. No single extension of time shall exceed a one (1) year period. Extension of time shall not be approved where the effect of doing so would violate any provisions of this Code including any amendments made following the effective expiration date. In no instance shall the extension(s) of time exceed a total of 36 months from the effective date of project approval.

100.080 Building Permit Required. Building permits shall be required within the boundaries of the area affected by this Code for the erection or the alteration of all structures or land uses.

100.090 Design Review Required. All new development and changes to existing development, except detached single family dwellings in LR zones, are subject to Design Review as described in Section 630.

100.100 Land Use Review Required. All new development and uses and changes to existing uses which do not comply with all applicable use and development standards are subject to a land use review as described in Sections 500 and 600.

100.110 Fees. The City Council shall establish application and review fees and fee policies by separate resolution for the performance of the actions and reviews required by this Code.

100.120

Validity of Prior Approval.

- A. The following actions initiated prior to the adoption of this Code, or prior to the adoption of any amendment which would otherwise restrict the activity, may be continued and completed according to prior approvals granted by the City and in accordance with requirements in effect at the time approval was granted:
- (1) Completion of any construction activity for which a building permit has been issued provided that such work continues to be in conformance with the requirements under which it was issued. Such work shall progress in a timely manner and not be discontinued for a period of more than one year after which time a new land use application shall be required.
 - (2) Completion of final subdivision plat, final manufactured home park plan, and final PUD plan for which preliminary or interim approval has been granted, provided such plats and plans are submitted within one year of previous approval or are submitted in accordance with a previously approved phasing plan under which construction has begun and has progressed in a timely manner on at least one phase.
 - (3) Construction of any subdivision, PUD, or manufactured home park, which: i) has received final approval (provided that such work is commenced within one year of final approval and is completed within two years of final approval); or ii) wherein substantial construction activity has not been discontinued for more than 24 consecutive months.
 - (4) Construction of any structure or facility for which a Conditional Use Permit, Variance, or Design Review approval has been granted provided such work is begun within one year of approval and is completed within two years of approval.
- B. Extension of time under Sections (1)-(4) above may be granted by the Planning Commission for up to two additional years provided there are no requirements in effect which would otherwise restrict project development and provided further that no extensions shall be granted which extend beyond 36 months from the effective date of project approval.

100.130

Official Action. All officials, departments, and employees of the City vested with authority to issue permits, certificates, or licenses shall adhere to and require conformance with the zoning regulations.

100.140 **Certificate of Occupancy.** It shall be unlawful to use or occupy any new building or premises until a certificate of occupancy has been issued by the designated building official stating that the proposed use of the building or land conforms to the requirements of the Uniform Building Code, this Code, and any other City conditions attached to the development or use of the building or land.

ENFORCEMENT

100.200 **General.** It shall be the duty of the City Administrator to enforce the provisions of this Code. The term "this Code", means not only the provisions expressed herein but also the conditions or terms of any permit, certificate, license or approval granted pursuant to this Code. The City Administrator may use the resources of any City department to assist in carrying out the City's responsibilities under this section.

100.210 **Official Action.** All officials, departments and employees of the City vested with authority to issue permits, certificates, licenses, or grant approvals, shall adhere to and require conformance with this Code and shall issue no permit, certificate, license or grant approval for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Code. Any permit, certificate, license or approval issued or granted in conflict with the provisions of this Code, intentionally or otherwise, shall be void.

100.220 **Inspection and Right of Entry.** Whenever they shall have reasonable cause to suspect a violation of any provision of this Code, or when necessary to investigate an application for or revocation of any approval under any of the procedures prescribed in this Code, officials responsible for enforcement or administration of this Code, or their duly authorized representatives, may enter on any site or structure for the purpose of investigation, provided they shall do so in a reasonable manner. No premises shall be entered without first attempting to obtain the consent of the owner or occupant. If consent cannot be obtained, the responsible official shall secure a search warrant from the court of competent jurisdiction before further attempts to gain entry and shall have recourse to every other remedy provided by law to secure entry.

100.230 **Abatement.** Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to this Code shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as provided in Wood Village Municipal Code Section 8.18.120-8.18.160.

100.240 **Injunctive Relief.** Upon request of the City Council, the City Attorney may institute a suit in equity in the Circuit Court of the State of Oregon to enjoin the maintenance of any use, occupation, building or structure or any activity being conducted or proposed to be conducted in violation of any provision of this Code.

- 100.250 Penalties.** Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, or causing the violation of any provision of this Code or of any permit or approval issued pursuant to this Code, commits a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 24)
- 100.260 Evidence.** Proof of a violation of this Code shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the unlawful activity, use, condition, or structure exists. Prosecution or lack thereof of the owner of the property, the occupant, or other person in possession or control of property shall not be deemed to relieve any other responsible person.
- 100.270 Cumulative Remedies.** The right, remedies and penalties provided in this section are cumulative and not mutually exclusive and are in addition to any other rights, remedies and penalties available to the City under any other ordinance or law.

**SECTION 200
ZONING DISTRICTS**

LIST OF ZONING DISTRICTS

200.100	List of Zones.....	2-4
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LIGHT RESIDENTIAL ZONES

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LIST OF ZONING DISTRICTS

200.100 **List of Zones.** All areas within the City of Wood Village are divided into the following zoning districts. The full name and map symbol is indicated below:

<u>District Name</u>	<u>Map Symbol</u>
Light Residential - 12,000	LR12
Light Residential - 7,500	LR7.5
Multi Residential - 4,000	MR4
Multi Residential - 2,000	MR2
Neighborhood Commercial	NC
Town Center	TC
Light Manufacturing	LM
General Manufacturing	GM
Commercial/Industrial Mixed Use	C/I

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**SECTION 210
LIGHT RESIDENTIAL ZONES**

GENERAL PROVISIONS

- 210.100 Purpose.** The light residential zones are intended to preserve land primarily for individual households in a low density residential neighborhood environment. While some non-household living uses are allowed, they are regulated such that the overall character of the zones is not sacrificed.
- 210.110 Other Zoning Regulations.** The regulations in this chapter state the uses and development standards for the base zone only. Additional regulations may apply to sites with overlay zones, or specific uses. Section 300 states these additional regulations. The official zoning map indicates sites subject to overlay regulations. Special use regulations are referenced below.

USE REGULATIONS

- 210.200 Primary Uses.**
- A. Uses Allowed Outright.** The uses allowed in the light residential zones are shown in Table 210-1 by the letter "Y". Uses are allowed if they comply with the development standards of the base zone and any additional regulations that apply to the use or the site. Additional regulations are listed in Section 300.
 - B. Conditional Uses.** The uses which are allowed upon approval through the conditional use review process are shown in Table 210-1 with the letters "CU". These uses must meet the conditional use approval criteria, the development standards and any additional regulations stated in Section 300.
 - C. Prohibited Uses.** Uses shown in Table 210-1 with the letter "N" are prohibited in the zone. Legally established uses & development which existed at the time this Code was adopted and would otherwise be prohibited, are subject to additional regulations in article 640 Non-conforming situations.
- 210.210 Accessory Uses.** Uses which are accessory to the permitted or conditional uses are allowed if they meet the development regulations of the base zone and any additional regulations stated in Section 300. Typical accessory uses are included in Section 710 - Use Categories. Detached radio and television antenna and towers for non-commercial use are a conditional accessory use in light residential zones subject to conditional use review.

TABLE 210-1
Uses in Light Residential Zones

	LR 12	LR 7.5
RESIDENTIAL CATEGORIES		
Household Living	Y	Y
Group Living	N	N
COMMERCIAL CATEGORIES		
Retail Sales and Service	N	N
Office	N	N
Quick Vehicle Servicing	N	N
Vehicle Repair	N	N
Self-Service Storage	N	N
Commercial Recreation	N	N
Major Event Entertainment	N	N
INDUSTRIAL CATEGORIES		
Manufacturing and Production	N	N
Warehouse and Freight Movement	N	N
Wholesale Sales	N	N
Industrial Service	N	N
Waste Related	N	N
INSTITUTIONAL CATEGORIES		
Basic Utilities	CU	CU
Community Service	CU	CU
Parks and Open Space	CU	CU
Schools	CU	CU
Colleges	N	N
Medical Centers	N	N
Religious Institutions	CU	CU
Daycare	CU	CU
Essential Service Provider	N	N
OTHER CATEGORIES		
Detention Facilities	N	N
Mining	N	N
Radio and TV Broadcast Facilities	N	N
Railroad Lines and Utility Corridors	CU	CU

Y = Yes, Permitted Use
N = No, Prohibited Use

CU = Conditional Use Review Required
L = Permitted, but Subject to Limitations

DEVELOPMENT STANDARDS

210.300 Purpose. Development standards are intended to promote site planning and design which will ensure that new land divisions and development will:

- Maintain the character of the built-up area through required dimensional standards.
- Provide for needed privacy.
- Maintain light, air, separation for fire protection and access for fire fighting.
- Maintain and enhance the building scale & relationship between structures of the existing built-up area.
- Provide adequate flexibility to allow development which is compatible with the existing neighborhood, fits the topography of the site and allows architectural diversity.

210.310 Housing Types Allowed. Housing types are limited in the light residential zones in order to maintain and enhance the overall character of single dwelling neighborhoods. The housing types allowed are shown in Table 210-2, along with references to the additional regulations which are stated in Section 300.

210.320 Lot Size and Dimensional Standards. The minimum lot size and dimensions are shown in Table 210-3. All new lots created must comply with these standards. Lots larger than the minimum may not be divided without appropriate land use review if any of the resulting lots fail to meet the minimum standards. [See Section 300 for regulations which apply to Flag Lots, Partitions and Subdivision, and Planned Unit Developments.]

	LR 12	LR 7.5
Detached House	Y	Y
Attached House	N	N
Duplex	N	N
Manufactured Home (See Section 340.010)	Y	Y
Manufactured Home Park	N	N
Multi-Dwelling Structure	Only in Planned Unit Development (See Section 360)	
Accessory Dwelling Unit (See Section 395)	Y	Y

Y = Yes, Permitted Type

N = No, Prohibited Type

TABLE 210-3 Development Standards in Light Residential Zones		
Standard	LR 12	LR 7.5
Minimum Lot Size - Min. lot area - Min. lot width - Min. lot depth (See 210.320)	12,000 sq ft 80 ft 120 ft	7,500 sq ft 60 ft 100 ft
Minimum Number of Dwellings Per net acre	.9 (25%)	4.6 (80%)
Maximum Height (See 210.340)	35 ft	35 ft
Minimum Setbacks - Front setback - Garage setback (1) - Side setback - Rear setback Corner lots - Front setback - Street side setback - Side setback - Rear setback (See 210.330)	30 ft ⁽¹⁾ 22 ft 10 ft 30 ft 20 ft 20 ft 10 ft 30 ft	20 ft ⁽¹⁾ 22 ft 5 ft 25 ft 10 ft 10 ft 10 ft 25 ft
Maximum Site Coverage (See 210.350)	35%	40%

- (1) Garages shall not be closer to the street than the plane of the street-facing façade. Porches shall be considered as part of the street-facing façade.

210.330 Building Setbacks.

- A. **Required Setbacks.** The setbacks for front, rear and side yards are stated in Table 210-3.
- B. **Corner Lots.** The minimum setback for front, side and rear yards for corner lots is stated in Table 210-3. For the purposes of this regulation, the property owner or developer can designate either street as the front yard with the opposite side designated as the rear yard.
- C. **Extensions into required building setbacks.**
- (1) **Minor Projections Allowed.** Minor features of a building such as eaves, chimney, open fire escapes, bay windows up to 12 feet in length, uncovered stairways and wheelchair ramps, uncovered decks or balconies, which are attached to the building may extend into a required front building setback by no more than 5' and into a side setback or rear building setback no more than 2 ½ feet.

- (2) **Projections Not Allowed.** Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may not project into any building setback.
- (3) **Exceptions to required building setbacks.** If a front building setback on an abutting lot to the subject site has been established, the setback will be:
 - (a) The average of the setbacks to the existing primary buildings on the abutting lots on either side if both lots are occupied; or
 - (b) If only one abutting lot is occupied, the setback shall be the distance to the existing primary building on the abutting lot plus one half the remaining distance to the required setback for the zone.

210.340 Height.

A. **Maximum Height.** The maximum height for all structures is stated in Table 210-3.

B. **Exemption to the Maximum Height.**

- (1) **Projections allowed.** Projections extending vertically from permitted buildings and uses such as skylights, chimneys, small-scale residential energy equipment, and radio and television aerials may be erected above the height limitations herein prescribed. Such structures shall not project more than 5 feet above the maximum permitted height.
- (2) **Utility poles are exempt from the height limit.**

210.350 Site Coverage.

A. **Building Coverage.** The maximum combined building coverage on a site for all covered structures is stated in Table 210-3.

B. **Hard Surface Coverage.** The maximum front or rear yard area which may be in hard surface is 40%.

210.360 Accessory Structures. Structures which are incidental to the primary building such as garages, greenhouses, decks, wood sheds, porches, small-scale residential energy equipment, and recreational structures are considered accessory structures. These structures are allowed when they meet the following requirements:

- (1) **Attached Accessory Structures.** If attached to the primary building or separated by a breezeway, accessory structures shall fulfill the front, side and rear building setbacks of the primary building. These standards are stated in Table 210-3.
- (2) **Detached Accessory Structures.** If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line, whichever is greater, any structure in compliance with the Oregon Structural Specialty Code for residential may be located adjacent to or on the rear and/or side lot line not fronting on a street.

210.370 Fences.

- A. **Types of Fences.** The fencing standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry or other material including vegetative materials.
- B. **Location and Height Limits.**
 - (1) Fences up to 3 ½ feet are allowed in the required front building setback and in the required side building set back to the depth of the required front setback.
 - (2) Fences up to 6 feet are allowed in required side and rear building setbacks, except for corner lot side setback which is limited to 3 ½ feet.

210.380 Additional Regulations.

- A. **Accessory Home Occupations.** See Section 310.
- B. **Demolitions.** Demolition of all buildings is regulated by the Building Code currently adopted by the City of Wood Village.
- C. **Design Review.** Design review is required for all uses and developments except for single-family detached dwellings in light residential zones. See Section 630.
 - (1) Design Review is required for garages and storage buildings whether attached or detached.
- D. **Parking and Loading.** See Section 350.
- E. **Planned Unit Development.** See Section 360.
- F. **Public Access.** All lots in the district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.
- G. **Sale or Conveyance Prohibited.** No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or setback requirements of the zone.
- H. **Signs.** See Section 370.

**SECTION 220
MULTI-RESIDENTIAL ZONES**

GENERAL PROVISIONS

- 220.100 Purpose.** The multi-residential zones are intended to preserve land primarily for multi-dwelling housing in a higher-density residential neighborhood environment. While some non-household living uses are allowed, they are regulated such that the overall character of the zones is not sacrificed.
- 220.110 Other Zoning Regulations.** The regulations in this chapter state the uses and development standards for the base zone only. Additional regulations may apply to sites with overlay zones, or specific uses. Section 300 states these additional regulations. The official zoning map indicates sites subject to overlay regulations. Special use regulations are referenced below.

USE REGULATIONS

220.200 Primary Uses.

- A. **Uses Allowed Outright.** The uses allowed in the multi-residential zones are shown in Table 220-1 by the letter "Y". Uses are allowed if they comply with the development standards of the base zone and any additional regulations that apply to the use or the site. Additional regulations are listed in Section 300.
- B. **Conditional Uses.** The uses which are allowed upon approval through the conditional use review process are shown in Table 220-1 with the letters "CU". These uses must meet the conditional use approval criteria, the development standards and any additional regulations stated in Section 300.
- C. **Prohibited Uses.** Uses shown in Table 220-1 with the letter "N" are prohibited in the zone. Legally established uses & development which existed at the time this Code was adopted and would otherwise be prohibited, are subject to additional regulations in Section 640 - Non-conforming situations.
- D. **Limited Uses.** Uses shown in Table 220-1 with the letter "L" are allowed subject to the following limitation.
- (1) This regulation applies to all parts of Table 220-1 marked with a (1). Office uses in the Multi-Residential - 2,000 zone are limited to sites within 300 feet of a commercial zone. Otherwise office uses in the Multi-Residential - 2,000 zone are prohibited.

TABLE 220-1
Uses in Multi-Residential Zones

	MR 4	MR 2
RESIDENTIAL CATEGORY		
Household Living	Y	Y
Group Living	CU	Y
COMMERCIAL CATEGORIES		
Retail Sales and Service	N	N
Office	N	L ⁽¹⁾
Quick Vehicle Servicing	N	N
Vehicle Repair	N	N
Self-Service Storage	N	N
Commercial Recreation	N	N
Major Event Entertainment	N	N
INDUSTRIAL CATEGORIES		
Manufacturing and Production	N	N
Warehouse and Freight Movement	N	N
Wholesale Sales	N	N
Industrial Service	N	N
Waste Related	N	N
INSTITUTIONAL CATEGORIES		
Basic Utilities	CU	CU
Community Service	CU	CU
Parks and Open Space	CU	CU
Schools	CU	CU
Colleges	CU	CU
Medical Centers	CU	CU
Religious Institutions	CU	CU
Daycare	CU	CU
Essential Service Provider	N	CU
OTHER CATEGORIES		
Detention Facilities	N	N
Mining	N	N
Radio and TV Broadcast Facilities	CU	CU
Railroad Lines and Utility Corridors	CU	CU

Y = Yes, Permitted Use
N = No, Prohibited Use

CU = Conditional Use Review Required
L = Permitted, But Subject to Limitations

220.210 Accessory Uses. Uses which are accessory to the permitted or conditional uses are allowed if they meet the development regulations of the base zone and any additional regulations stated in Section 300. Typical accessory uses are included in Section 710 - Use Categories. Detached radio and television antennas and towers are conditional accessory uses in the Multi-Residential zones subject to conditional use review.

DEVELOPMENT STANDARDS

220.300 Purpose. Development standards are intended to promote site planning and design which will ensure that new land divisions and development will:

- Maintain the character of the built-up area through required dimensional standards.
- Promote options for privacy for neighboring properties.
- Maintain light, air, separation for fire protection and access for fire fighting.
- Maintain and enhance the building scale & relationship between structures of the existing built-up area.
- Provide adequate flexibility to allow development which is compatible with the existing neighborhood, fits the topography of the site and allows architectural diversity.

220.310 Housing Types Allowed. Housing types are limited in the multi-residential zones in order to maintain and enhance the overall character of multi-dwelling neighborhoods. The housing types allowed are shown in Table 220-2, along with references to the additional regulations which are stated in Section 300.

220.320 Lot Size and Dimensional Standards.

- A. **Minimum Lot Size & Dimension.** The minimum lot size and dimensions are shown in Table 220-3 and Table 220-4. All new lots created must comply with these standards. Lots larger than the minimum may not be divided without appropriate land use review if any of the resulting lots fail to meet the minimum standards. [See Section 300 for regulations which apply to Flag Lots, Partitions and Subdivisions, and Planned Unit Developments.]
- B. **Exceptions to Minimum Lot Size & Dimension.** In the MR4 & MR2 zones reductions to the minimum lot size & dimensions for detached single dwelling units may be approved through the variance process (see Section 660).

TABLE 220-2
Housing Types Allowed

Y = Yes, Permitted Type
N = No, Prohibited Type

	MR 4	MR 2
Detached House	Y	Y
Attached House (See Section 220.355)	Y	Y
Duplex	Y	Y
Manufactured Home (See Section 340.010)	Y	Y
Manufactured Home Park (See Section 340.020)	N	Y
Multi Dwelling Structure	Y	Y
Accessory Dwelling Unit (See Section 395)	Y	Y

TABLE 220-3
Development Standards for Single Dwelling and Duplex Units in Multi Residential Zones

Standard	MR 4			MR 2		
	Attached Single Dwelling	Detached Single Dwelling	Duplex	Attached Single Dwelling	Detached Single Dwelling	Duplex
Minimum Lot Size	8,000 sq ft	7,500 sq ft	8,000 sq ft	8,000 sq ft	7,500 sq ft	8,000 sq ft
- Min. lot area	4,000/unit			4,000/unit		
- Min. lot width	60 ft	60 ft	60 ft	60 ft	60 ft	60 ft
- Min. lot depth	80 ft	80 ft	80 ft	80 ft	80 ft	80 ft
(See 220.320)						
Maximum Height (See 220.340)	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Minimum setbacks						
- Front setback	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
- Garage setback	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft
- Side setback	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
- Rear setback	25 ft	25 ft	25 ft	15 ft	15 ft	15 ft
(See 220.330)						
Maximum Site Coverage (See 220.350)	40%	40%	40%	40%	40%	40%
Minimum No. of Dwellings Per Net Acre (.80)	8.7	4.6	8.7	8.7	4.6	8.7

TABLE 220-4
Development Standards for Multi Unit Structures in the MR2 Zone (3)

Number of Units	Minimum Lot Size (See 220.320)		Maximum Building Height ⁽¹⁾ (See 220.340)	Minimum Building Setbacks (See 220.330)			Maximum Site Coverage (See 220.350)	Minimum Landscape Required (2)
	Minimum Lot Area	Min. Width		Min. Depth	Front Bldg Setback	Side Bldg Setback ⁽¹⁾		
3	11,000 sq ft	60 ft	100 ft	20 ft	5 ft or 10 ft	15 ft	40%	25%/L1
4	14,000 sq ft	60 ft	100 ft	20 ft	5 ft or 10 ft	15 ft	45%	25%/L1
5	16,500 sq ft	60 ft	100 ft	20 ft	5 ft or 10 ft	15 ft	45%	25%/L1
6	19,000 sq ft	60 ft	100 ft	20 ft	5 ft or 10 ft	15 ft	45%	25%/L1
7-10	21,500 sq ft+ 2,250 sq ft unit over 7	60 ft	100 ft	20 ft	5 ft or 10 ft	15 ft	45%	25%/L1
11 and more	30,500 sq ft+ 2,000 sq ft unit over 11	60 ft	100 ft	20 ft	5 ft or 10 ft	15 ft	50%	25%/L1

- (1) For multi family structures on sites which abut a MR, C or M zones the minimum side setback shall be 5 feet. For multi-unit structures on sites which abut LR zones the minimum side setback shall be 10 feet.
- (2) Percent site area. See Section 330 - Landscaping & Screening for landscape standards.
- (3) The minimum number of multi-family dwellings per net acre (.80) in the MR2 Zone is thirteen (13) dwellings.

220.330 Building Setbacks.

- A. **Required Setbacks.** The setbacks for front, rear and side yards are stated in Table 220-3 & Table 220-4. In addition, for new retail, office and institutional buildings, the provisions set forth in Section 235.345 Pedestrian Standards shall apply.
- B. **Extensions into required building setbacks.**
- (1) **Minor Projections Allowed.** Minor features of a building such as eaves, chimney, open fire escapes, bay windows up to 12 feet in length, uncovered stairways and wheelchair ramps, uncovered decks or balconies, which are attached to the building may extend into a required front building setback by no more than 5' and into a side setback or rear building setback no more than 2 ½ feet.
 - (2) **Projections Not Allowed.** Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may not project into any building setback.
 - (3) **Exceptions to required building setbacks.** If a front building setback on an abutting lot to the subject site has been established, the setback will be:
 - (a) The average of the setbacks to the existing primary buildings on the abutting lots on either side if both lots are occupied; or
 - (b) If only one abutting lot is occupied, the setback shall be the distance to the existing primary building on the abutting lot plus one half the remaining distance to the required setback for the zone.

220.340 Height.

- A. **Maximum Height.** The maximum height for all structures is stated in Table 220-3 & Table 220-4.
- B. **Exemption to the Maximum Height.**
- (1) **Projections allowed.** Projections extending vertically for permitted buildings and uses such as skylights, steeples, flagpoles, chimneys, small-scale residential energy equipment, and radio and television aerials may be erected above the height limitations herein proscribed. Such structures shall not project more than 5 feet above the maximum permitted height.
 - (2) **Utility poles are exempt from the height limit.**

220.350 Site Coverage.

- A. **Building Coverage.** The maximum combined building coverage on a site for all covered structures is stated in Table 220-3 & Table 220-4.

220.355 Attached Houses.

Zero lot line attached single-family dwellings (two abutting dwelling units on separate lots) shall be allowed on minimum lot size provided for two unit dwellings in this zone district, providing the abutting or common wall to such units is located upon the common property line with each dwelling situated on its own lot of record, which shall be not less than 4,000 sq. ft. in area.

In such event, the minimum lot size and yard requirements of this zone district shall apply to each abutting dwelling unit on each lot except that no yard or set-back shall be required to the common property line.

The following conditions and requirements shall apply to all zero lot line attached single-family dwellings:

- A. Separate sewer service shall be provided for each family unit.
- B. Separate water service shall be provided for each family unit.
- C. Set-back requirements of the zone district shall apply except for the abutting common wall.
- D. Common walls shall comply with building code requirements therefore and meet a two-hour fire wall standard.
- E. That a separate ownership agreement reflecting a separate deed of record for each abutting unit be executed and placed of record prior to the issuance of building or occupancy permit, as the case may be.
- F. That the aforesaid separate ownership agreement include an easement understanding or "declaration of restrictions" containing the same, setting forth in form acceptable to the City, permission for entry by concerned parties upon all abutting properties and structures for the purpose of maintaining, servicing and repairing the common wall, with appropriate provisions for the enforcement of such right thereof in the event of a lack of understanding between the parties, which agreement shall provide that the same shall be legally binding in interest to said property. Such agreement will be executed by all parties in interest and placed of record prior to the issuance of building permit and/or occupancy permit for said property, as the case may be, by the City.
- G. That in all cases where application is made to the City for a building permit for zero lot line construction of two abutting single-family dwellings with common wall or in the event of application to the City for conversion of an existing structure to provide for two attached single-family dwellings with abutting common wall in place of a present multiple unit or duplex structure, public hearing shall be required before the Planning Commission and approval thereof obtained, provided, however, that the Planning Commission may delegate such hearing responsibility to the Design Review Board, which shall then make its recommendations to the Planning Commission which shall indicate its approval or disapproval thereof.

220.360 Required Outdoor Area.

- A. **Outdoor Area.** A minimum of two hundred (200) square feet of recreation area shall be provided for each living unit for structures with 5 or more units. The recreation area may be in one or more locations on the site. Recreation buildings may be considered as a part of this requirement. Recreation areas shall not be located in required yards.

220.365 Minimum Landscaping Required. A minimum of 25% of the site area which is not in use as parking or walkways shall be landscaped to the L1 standards of Section 330 - Landscaping and Screening for all multi-residential developments of 3 or more units and shall satisfy the following requirements:

- A. The minimum site area devoted to landscaping may be computed to include any required landscaping imposed by Section 350 - Parking and Loading.
- B. Provisions shall be made for watering planting areas where such care is required for survival.
- C. Maximum height of selected tree species shall be considered when planting under utility lines.

220.370 Fences.

- A. **Types of Fences.** The fencing standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry or other material including vegetative materials.
- B. **Location and Height Limits.**
- (1) Fences up to 3 ½ feet are allowed in required front building setback and in the required side building setback to the depth of the required front setback.
 - (2) Fences up to 8 feet are allowed in required side and rear building setbacks, except for a corner lot side setback which is limited to 3 ½ feet.

220.380 Accessory Structures. Structures which are incidental to the primary building such as garages, greenhouses, decks, wood sheds, porches, small-scale residential energy equipment, and recreational structures are considered accessory structures. These structures are allowed when they meet the following requirements:

- (1) **Attached Accessory Structures.** If attached to the primary building or separated by a breezeway, accessory structures shall fulfill the front, side and rear building setbacks of the primary building. These standards are stated in Table 210-3.
- (2) **Detached Accessory Structures.** If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line, whichever is greater, any structure in compliance with the Oregon Structural Specialty Code for residential may be located adjacent to or on the rear and/or side lot line not fronting on a street.

220.390 **Additional Regulations.**

- A. **Accessory Home Occupation.** See Section 310.
- B. **Demolitions.** Demolition of all buildings is regulated by the Building Code currently adopted by the City of Wood Village.
- C. **Design Review.** Design Review is required for all uses & developments except detached single-dwelling units in light residential zones. See Section 630.
- D. **Parking and Loading.** See Section 350.
- E. **Planned Unit Development.** See Section 360.
- F. **Public Access.** All lots in the district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.
- G. **Sale or Conveyance Prohibited.** No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or setback requirements of the zone.
- H. **Signs.** See Section 370.
- I. **Solid Waste, Mixed and Recyclables Storage** is required for new multi-unit residential buildings containing five or more units. See Section 390.

**SECTION 230
COMMERCIAL ZONES & DESIGN GUIDELINES**

GENERAL PROVISIONS

230.100 Purpose. The commercial zones are intended to promote uses and development which improve the economic vitality of the commercial districts and the city as a whole. Limits on the intensity of uses combined with the development standards provide flexibility while enhancing the desired character of the commercial area.

- A. **Neighborhood Commercial.** This zone is intended for convenience retail and service establishments of limited scale to serve primarily the needs of local residents. Such uses shall be physically and visually compatible with adjacent residential development through appropriate use of landscaping, access, parking, signs and architectural design.

This zone is intended to promote a compatible combination of small-scale retail commercial uses and medium to high-density residential uses along Halsey Street and Wood Village Blvd (between Arata Road and Halsey Street) where there is frequent transit service and a pedestrian-oriented streetscape. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Housing options are expanded to encourage upstairs residences over storefront commercial, townhouses, and rowhouses with quality pedestrian access to transit and services.

230.110 Other Zoning Regulations. The regulations in this Section state the uses and development standards for the base zone only. Additional regulations may apply to sites with overlay zones, or specific uses. Section 300 states these additional regulations. The official zoning map indicates sites subject to overlay regulations. Special use regulations are referenced below.

USE REGULATIONS

230.200 Primary Uses.

- A. **Uses Allowed Outright.** The uses allowed in the commercial zones are shown in Table 230-1 by the letter "Y". Uses are allowed if they comply with the development standards of the base zone and any additional regulations that apply to the use or the site. Additional regulations are listed in Section 300. Development in the NC Zone shall comply with the Neighborhood Commercial Design Standards in Section 230.390.
- B. **Conditional Uses.** The uses which are allowed upon approval through the conditional use review process are shown in Table 230-1 with the letters "CU". These uses must meet the conditional use approval criteria, the development standards and any additional regulations stated in Section 300. Development in the NC Zone shall comply with the Neighborhood Commercial Design Standards in Section 230.390.
- C. **Prohibited Uses.** Uses shown in Table 230-1 with the letter "N" are prohibited in the zone. Legally established uses & development which existed at the time this Code was adopted and would otherwise be prohibited, are subject to additional regulations in Section 640 - Non-conforming Situations.

D. **Limited Uses.** Uses shown in Table 230-1 with the letter "L" are allowed subject to the following limitations.

- (1) This regulation applies to all parts of Table 230-1 marked with a (1). Manufacturing and Production and Wholesale Sales uses in the General Commercial zone are limited to 12,000 square feet. In addition, exterior storage and exterior work activities are prohibited.
- (2) Where commercial uses adjoin a residential zone, the hours of operation of the commercial use may be limited by the Planning Commission or Design Review Board.

230.210 Accessory Uses. Uses which are accessory to the permitted uses are allowed if they meet the development regulations of the base zone, specific regulations for the accessory use and any additional regulations stated in Section 300. Typical accessory uses are included in Section 710 - Use Categories.

DEVELOPMENT STANDARDS

230.300 Purpose. Development standards are intended to promote site planning and design, which will ensure that new land divisions and development will:

- Maintain the character of the built-up area through required dimensional standards.
- Maintain and enhance the building scale & relationship between structures of the existing built-up area.
- Provide adequate flexibility to allow development, which is compatible with the existing area, fits the topography of the site and allows architectural diversity.
- Orient buildings close to streets to promote human-scale development, slow traffic, increase safety and encourage walking in neighborhoods.
- In the NC Zone comply with the Neighborhood Commercial Design Standards of Section 230.390.

230.310 Lot Size and Dimensional Standards.

- A. **Minimum Lot Size & Dimension.** There is no minimum lot size or dimension for development of land or creation of new lots in commercial zones. Creation of new lots is subject to the regulations of Section 450 - Subdivisions and Partitions. The lot size for all permitted or conditional uses shall be adequate to fulfill the applicable requirements stated below.

TABLE 230-1 Uses in Commercial Zones	
	NC
RESIDENTIAL CATEGORY	
Household Living	CU
Mixed-Use Residential and Commercial (1)	Y
Group Living	CU
COMMERCIAL CATEGORIES	
Retail Sales and Service (prohibits drive-up/thru/in commercial uses and any single user that exceeds 10,000 sq. ft.)	Y
Office	Y
Quick Vehicle Servicing, including gas stations	N
Vehicle Repair	N
Self Service Storage	N
Commercial Recreation	N
Major Event Entertainment	N
Museums, galleries, art, dance and photo studios	Y
INDUSTRIAL CATEGORIES	
Manufacturing and Production	N
Warehouse and Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Waste Related	N
INSTITUTIONAL CATEGORIES	
Basic Utilities	Y
Community Service	CU
Parks and Open Space	Y
Schools	CU
Colleges	CU
Medical Centers	CU
Religious Institutions	N
Daycare	Y
Essential Service Provider	N
OTHER CATEGORIES	
Detention Facilities	N
Mining	N
Radio and TV Broadcast Facilities	N
Railroad Lines and Utility Corridors	N
Street furniture, art, seating, transit stops and pedestrian amenities	Y

Y = Yes, Permitted Use
N = No, Prohibited Use

CU = Conditional Use Review Required
L = Permitted, but Subject to limitations

(1) Mixed-Use Residential Commercial: Must be a compatibly designed combination of multi-family residential and ground floor commercial uses. Number of units permitted is determined by required building and fire codes, setbacks, parking, building height, landscaping and other site requirements.

TABLE 230-2 Development Standards in Commercial Zones	
Standard	NC
Minimum Lot Size (1) - Min. lot area - Min. lot width - Min. lot depth (See 230.310)	None None None
Maximum Height Minimum Height (See Section 230.330)	45 feet ⁽²⁾ 18 feet
Minimum Setbacks - Front setback - Side setback - Rear setback (See 230.320)	3' min. – 10' max. none ⁽²⁾ none ⁽²⁾
Minimum Landscape - Site area Landscape Buffer - Street frontage ⁽⁴⁾ - Side or rear yard (See 230.340 & Section 330)	5% ⁽³⁾ 3 - 10 feet (2)/L3 or F2 ⁽⁵⁾

- (1) For commercial or residential uses there is no minimum lot area, lot width or lot depth.
- (2) Sites which adjoin a residentially zoned lot shall have side and or rear setbacks as prescribed in Section 335 Height Transition Standard.
- (3) Within boundaries of the development, a minimum of 5% of the site area shall be landscaped.
- (4) All street-facing elevations must have landscaping along their foundations including a 3' wide bed with one 3-gallon shrub every 3 lineal feet, with ground cover over the remaining area. The minimum number of street trees required shall provide for there to be at least one (1) tree every 30 lineal feet along the entire length of the street, subject to other City regulations effecting placement. Trees shall be chosen from the City's approved street tree list.
- (5) See Section 330 - Landscaping and Screening for a description of the landscape standards (i.e., L1, F2, etc.).

230.320 Building Setbacks.

- A. **Required Setbacks.** The setbacks for front, rear and side yards are stated in Table 230-2.

B. Extensions into required building setbacks.

- (1) **Minor Projections Allowed.** Minor features of a building such as eaves, chimney, bay windows, uncovered stairways and wheelchair ramps, uncovered decks or balconies, which are attached to the building may extend into a required building setback. In addition, awnings, arcades and other architectural features, as well as benches, kiosks, service counters, tables and chairs, newspaper stands, flower and planter boxes are permitted to protrude into the front yard building setback area as long as they do not interfere with pedestrians or safety features on the sidewalk.
- (2) **Projections Not Allowed.** Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may not project into any building setback.
- (3) **Exceptions to required building setbacks.** If a front building setback on an abutting lot to the subject site has been established, the setback will be:
 - (a) The average of the setbacks to the existing primary buildings on the abutting lots on either side if both lots are occupied; or
 - (b) If only one abutting lot is occupied, the setback shall be the distance to the existing primary building on the abutting lot plus one half the remaining distance to the required setback for the zone.

230.330 Height.

- A. Maximum Height.** The maximum height for all structures is stated in Table 230-2. In addition, there is a minimum height of 18 feet or 1.5 stories for all new buildings on Halsey Street.
- B. Exemption to the Maximum Height.**
 - (1) **Projections allowed.** Projections extending vertically for permitted buildings and uses, such as skylights, steeples, flagpoles, chimneys, and radio and television aerials, may be erected above the height limitations herein proscribed. Such structures shall not project more than 5 feet above the maximum permitted height.
 - (2) Utility power poles are exempt from the height limit.
- C. Exemption to the Minimum Height.**
 - (1) Sheds and accessory structures are exempt from the minimum height limit.

230.340 Landscape and Buffer.

- A. **Required landscaping.** The minimum landscaping requirements are stated in Table 230-2 and shall satisfy the following requirements:
- (1) The minimum site area devoted to landscaping may be computed to include any required landscaping imposed by Section 350 - Parking and Loading.
 - (2) Provisions shall be made for watering planting areas where such care is required for survival.
 - (3) Maximum height of selected tree species shall be considered when planting under overhead utility lines.
 - (4) Street trees shall be planted on all street frontages in accordance with City street tree guidelines.
- B. **Landscape Buffer.** A landscaped buffer shall be established and maintained in accordance with the dimensions stated in Table 230-2, the standards of Section 330 - Landscaping and Screening, as applicable, and the Neighborhood Commercial Design Standards. The requirements of 230.340(A)(2) & (3) apply to the landscape buffer as well.

230.350 Accessory Structures. Structures which are incidental to the primary building are considered accessory structures and are allowed when they meet the following requirements:

- (1) **Covered Accessory Structures.** All covered accessory structures, whether attached to the primary building or separated by a breezeway, shall fulfill the front, side and rear building setbacks and lot coverage requirements. These standards are stated in Table 230-2.
- (2) **Uncovered Accessory Structures.** Uncovered, detached accessory structures such as signs, flag poles and lamp posts are allowed in the front building setback but not in a required setback from an abutting residential zone. All utility installations shall be located underground whenever feasible.

230.360 Exterior Display, Storage and Work Activities.

- A. **Exterior Display.** Exterior display of goods is allowed in the General Commercial zone and Neighborhood Commercial zone. The setback and landscaping standards for exterior display are stated in Table 230-3.
- B. **Exterior Storage.** Exterior storage is allowed in the General Commercial zone and prohibited in the Neighborhood Commercial zone. The setback and landscape standards for exterior storage stated in Table 230-3.
- C. **Exterior Work Activities.** Exterior work activities are prohibited in both the General and Neighborhood Commercial zones.

TABLE 230-3 Exterior Development Setback and Landscaping in Commercial Zones (See Section 230/360)	
Standard	NC
Exterior Display	
- Abutting a street	3'
- Abutting NC, LM or GM zone	5'/L1
- Abutting an R zone	10'/L1
Exterior Storage	
- Abutting a street	NA
- Abutting NC, LM or GM zone	NA
- Abutting an R zone	NA
(See Section 230.360)	

Note: See Section 330 - Landscaping & Screening for a description of the landscape requirements (i.e., L3, F2, etc.)

230.370 Fences.

- A. **Types of Fences.** The fencing standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry or other material including vegetative materials.
- B. **Location and Height Limits.**
- (1) Fences up to 3 ½ feet are allowed in required front building setback and in the required side building set back to the depth of the required front setback.
 - (2) Fences up to 6 feet in the NC zone are allowed in required side and rear building setbacks, except for a corner lot side setback which is limited to 3 ½ feet.

230.380 Additional Regulations.

- A. **Demolitions.** Demolition of all buildings is regulated by the Building Code currently adopted by the City of Wood Village.
- B. **Design Review.** Design Review is required for all uses and developments in commercial zones. See Section 630. In addition, the Neighborhood Commercial Design Standards of Section 230.390 shall apply to all new development and significant remodeling of existing development in the NC Zone, except for single family housing. "Significant remodeling" is any development which requires a building permit and exhibits one or more of the following:
- The activity alters the exterior appearance of a structure, building or property.
 - The activity involves changes in the use of a structure, building or property from residential to commercial or industrial.

- The activity involves a non-conforming use as defined in Section 640.
 - The activity constitutes a change in a city-approved plan.
 - The activity is subject to design review by other requirements of this Code.
- C. **Parking and Loading.** See Section 350 for parking requirements. On-street spaces adjoining the site may count towards the commercial off-street parking requirement (assuming parallel parking is permitted on Halsey in the future).
- D. **Public Access.** All lots shall have frontage or approved access to public streets, public water and public sewer before development is allowed. Access to commercial sites shall be from the highest classified or capacity street.
- E. **Sale or Conveyance Prohibited.** No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum setback requirements of the zone.
- F. **Signs.** See Section 370 and the Neighborhood Commercial sign design standards in Section 230-390.
- G. **Solid Waste, Mixed and Recyclable Storage.** See Section 390.
- H. **Uncontained hazardous materials are prohibited.**
- I. **Commercial Requirements in the NC Zone.** Except for institutional uses all ground floor uses in the NC Zone shall be designated for commercial use.

230.390 Neighborhood Commercial (NC) Zone

Applications for new development or significant remodeling of existing development in the Neighborhood Commercial (NC) zone shall demonstrate compliance with design standards contained in this section or demonstrate why a particular standard or standards do not apply.

Standards:

- A. **Enhance the sense of place and identity of Wood Village by incorporating site and building design features that respond to the area's unique characteristics and traditions.**
- (1) Protect the heritage of Wood Village's original worker cottages in the Original Village neighborhood. Remodel and redevelop using architectural details found in the original homes.
 - (2) In the Original Village neighborhood, continue the alignment of the roof ridge parallel to the street where it is the predominant roof form.

- (3) Protect and plant groupings of Douglas Fir and other conifers and tall trees to help preserve the memory of the forest and enhance this special characteristic of Wood Village.
- (4) Preserve and plant large trees to visually break up and screen large parking lots of 100 spaces or more.
- (5) Respect the topography of the hills and ravines of Wood Village in the development of buildings and pathways.
- (6) Keep streams above ground and not in culverts to preserve the viability of stream corridors and to protect surrounding vegetation, where feasible.

B. Create an efficient, pleasant and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

- (1) Provide safe, attractive, and convenient pedestrian connections and transitions from sidewalks to building entrances.
- (2) Develop pedestrian connections in areas with constrained topography. It is particularly important to connect residential areas to commercial areas and transit areas.
- (3) Provide space for the different activities that take place along sidewalks and walkways, such as outdoor dining, benches, kiosks and outdoor art.
- (4) Use a variety of paving textures and patterns to separate motor vehicles, pedestrians and bicycles.
- (5) Plant parking strips with shrubs and trees to buffer the sidewalk from the street.
- (6) Place landscape features and street furniture between pedestrians and moving vehicles.
- (7) Install bollards along pedestrian paths to protect pedestrians from moving vehicles.

C. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places and differentiating street level facades.

- (1) Differentiate between the building façade at the sidewalk level and the floors above in nonresidential and mixed-use developments. This acknowledges the varying uses in a building and allows treatment of the ground floor that is more scaled to pedestrians.
- (2) Incorporate interesting details in residential buildings, such as porches and large street facing windows.
- (3) Place building walls, columns, porches, balconies and trees to create a sense of enclosure within the pedestrian path.
- (4) Locate active indoor uses in areas with ground floor windows adjacent to sidewalks and public places. Provide wind resistant awnings at building entrances and over sidewalks adjacent to storefront windows.
- (5) Place display windows along pedestrian paths to invite window-shopping.
- (6) Incorporate interesting outdoor displays that are visible from the pedestrian path such as fruit and vegetable stands.
- (7) Incorporate interesting building details and art features on the sidewalk level of buildings.
- (8) Reduce building setbacks in the front yard to 3 – 10 feet to promote enclosure and visual interest.

- D. New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet and rest.**
- (1) Provide outdoor seating adjacent to restaurants and near takeout food places and sidewalk vendors.
 - (2) Incorporate seating opportunities in the design of planters and walls along pedestrian paths.
 - (3) Provide benches that are durable and impart a sense of permanence.
 - (4) Provide seating opportunities along pedestrian paths and near kiosks and other points of interest.
- E. Create intersections that are active, unified and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.**
- (1) Provide access to the interior of the building at the corner.
 - (2) Reinforce the intersection by placing the highest or most interesting portion of the building near the corner.
 - (3) Locate parking to the side or rear of the site and bring the building up to the corner. Parking lots on corner lots weaken the structure of the intersection.
 - (4) Connect the corners of an intersection with special paving material.
 - (5) Extend curbs to shorten the distance across the street and create larger sidewalk area.
 - (6) Create spaces that promote sidewalk activities, such as small corner plazas oriented to receive maximum sunlight with places to sit and room for kiosks and street vendors.
 - (7) Provide seating, newspaper stands and other amenities near the corner.
- F. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind and rain.**
- (1) Provide wind resistant weather protection for pedestrians at building entrances and over pedestrian paths such as arcades, canopies, porches and overhangs.
 - (2) Plant large trees along and near pedestrian paths to provide shade and reduce wind and rain.
 - (3) Use exterior materials and colors that prevent glare.
 - (4) Design paths that protect pedestrians while still allowing light to reach covered areas.

- G. Make the main entrances to houses and buildings prominent, interesting, pedestrian-accessible and transit-oriented.**
- (1) Provide a front porch to shelter the front entrance and provide a transition from outdoor to indoor space.
 - (2) Emphasize the front entrance with an architectural element such as a portico, trellis or arch.
 - (3) Consider using elevation changes to make a more prominent entrance.
 - (4) Use architectural elements, massing and landscaping to accentuate the front entry.
 - (5) Provide a plaza or open area adjacent to the front entrance to mark the entrance and allow activities to happen in the transition from outdoors to indoor, if feasible.
 - (6) Connect the building's main entrance to the sidewalk with a well-defined pedestrian way.
 - (7) Orient the main entrance toward the corner to increase visibility and access.
 - (8) Consider placing art or sculpture to frame the main entrance.
- H. Enhance site and building design through appropriate placement, scale and variety of landscape features.**
- (1) Preserve existing trees and incorporate them into the project design.
 - (2) Use plant materials to create transitions between urban development and adjacent natural areas and open spaces.
 - (3) Protect and plant street trees for shade, interest and to enclose the street and sidewalks.
 - (4) Use plant materials along sidewalks and walkways to define routes, buffer pedestrians from moving vehicles, create gateways and provide interest, color and texture.
 - (5) Use plant materials to soften and screen parking lots on both the perimeter and interior of the lot.
 - (6) Use a variety of plant materials visible to the public.
 - (7) Maintain existing grades and use grade treatments that are compatible with neighboring properties.
 - (8) Use plant materials to screen mechanical equipment.
- I. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses and outdoor areas.**
- (1) Provide a lighting system that includes pedestrian scale lights along walkways, energy-efficient porch and backyard lights that can be left on over time, and motion sensor lights that do not shine in rooms.
 - (2) Locate windows in active rooms and entrances to promote "eyes" on streets, plazas, and other shared outdoor areas.
 - (3) Keep front yard fences low and transparent, and eliminate barriers to visibility, such as high opaque fences, hedges or protruding attached garages.
 - (4) Orient entrances to public streets or to shared courtyards.

J. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

- (1) Use cast stone, brick, terra cotta, wood or like material, and other long lasting quality materials. T1-11, plain concrete or concrete block, corrugated metal, full-sheet plywood, sheet pressboard, synthetic stucco and prefabricated tilt-up concrete materials are prohibited, except as a secondary finish on up to 10% of the façade surface area.
- (2) Use a variety of textures and colors in exterior finish materials.
- (3) Incorporate details that add interest to buildings such as window treatments, brick detailing and ornamental banners.
- (4) Use architectural details that embellish the design of buildings, such as decorative columns, cornices, full-length porches and partial basement garages.
- (5) Use architectural details that embellish the design of buildings such as ornamental columns, decorative brackets and extensive use of trim to mark building edges and windows.
- (6) Use windows that embellish the character of buildings. Use multi-paned vertical windows with wide trim to add interest.
- (7) Incorporate architectural details found in historic northwest structures such as large porch columns, decorative brackets, multi-panes windows and narrow horizontal siding
- (8) Divide large wall areas into distinct smaller planes that are more in keeping with the pedestrian scale. Incorporate varied roof lines and varied façade articulation to reduce monotonous building mass and roof lines and to increase architectural interest.
- (9) Use materials and design features that promote quality and interest.
- (10) Place signs that integrate with the scale, color and style of the building.
- (11) Use monument signs, wall signs, window signs, neon signs, canopy and projecting signs attached to the building. The use of freestanding signs, electronic/video message center signs, backlit signs, roof signs and plastic face signs are prohibited. Signs that are permitted are subject to the City sign code.

K. Integrate parking in a manner that is attractive and complimentary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

- (1) Screen parking areas with landscaping, fences, walls or a combination.
- (2) Use broad-spreading trees in parking lots. Install an adequate irrigation system to minimize the damage to parking surface caused by shallow roots.
- (3) Encourage shared driveways to individual garages or parking pads. With shared driveways there is more space for landscaping and street trees along the sidewalk.
- (4) Provide a clear pedestrian path that connects parking areas with destination points.
- (5) Locate parking to the side or rear so that the front yard is not dominated by the automobile and the resulting space allows people to participate with activities on the street.
- (6) Use plant materials to break up large areas of parking.
- (7) Locate parking where it has the least amount of impact on an area.
- (8) Screen indoor parking from pedestrians with landscaping and decorative ironwork.

**SECTION 235
TOWN CENTER ZONE**

GENERAL PROVISIONS

- 235.100 Purpose.** This mixed use zone is specifically designed to encourage convenient living, working and shopping through a well-designed mixture of commercial, residential and employment uses. Special requirements ensure that housing will be built as part of larger commercial developments, and that open spaces and frequent pedestrian connections will be provided. The development standards provide flexibility while ensuring compatibility of adjacent uses. The zone encourages more dense housing within walking distance of commercial areas.
- 235.110 Other Zoning Regulations.** The regulations in this section state the uses and development standards for the base zone only. Additional regulations may apply to sites with overlay zones, or specific uses. Section 300 states these additional regulations. Section 400 indicates sites subject to overlay regulations. Special use regulations are referenced below.

USE REGULATIONS

235.200 Primary Uses.

- A. **Uses Allowed Outright.** The uses allowed in the Town Center zone are shown in Table 235-1 by the letter "Y". Uses are allowed if they comply with the development standards of the base zone and any additional regulations that apply to the use or the site. Additional regulations are listed in Section 300.
- B. **Conditional Uses.** The uses which are allowed upon approval through the conditional use review process are shown in Table 235-1 with the letters "CU". These uses must meet the conditional use approval criteria, the development standards and any additional regulations stated in Section 300.
- C. **Prohibited Uses.** Uses shown in Table 235-1 with the letter "N" are prohibited in the zone. Legally established uses and development which existed at the time this Code was adopted and would otherwise be prohibited, are subject to additional regulations in Section 640 Non-conforming Situations.

TABLE 235-1
Uses in Town Center Zone

RESIDENTIAL CATEGORY	
Household Living	Y
Group Living	CU
Mixed-Use Residential/Commercial	Y
COMMERCIAL CATEGORIES	
Retail Sales and Service	Y
Office	Y
Quick Vehicle Servicing	N
Vehicle Repair	N
Self Service Storage	N
Commercial Recreation	CU
Major Event Entertainment	CU
INDUSTRIAL CATEGORIES	
Manufacturing and Production	CU
Light Industrial	Y
Warehouse and Freight Movement	N
Wholesale Sales	CU
Industrial Service	N
Waste Related	N
INSTITUTIONAL CATEGORIES	
Basic Utilities	Y
Community Service	CU
Parks and Open Space	Y
Schools	N
Colleges	N
Medical Centers	Y
Religious Institutions	N
Daycare	Y
Essential Service Provider	N
OTHER CATEGORIES	
Detention Facilities	N
Mining	N
Radio and TV Broadcast Facilities	CU
Rail Lines and Utility Corridors	CU

Y = Yes, Permitted Use N = No, Prohibited Use CU = Conditional Use Review Required

235.210 **Accessory Uses.** Uses which are accessory to the permitted uses are allowed if they meet the development regulations of the base zone, specific regulations for the accessory use and any additional regulations stated in Section 300. Typical accessory uses are included in Section 710 - Use Categories.

235.275 **Community Retail.**

A. **Purpose.** The Community Retail requirement ensures that major retail development in the Town Center zone is not limited to large-scale retail uses, but includes a variety of retail uses in order to better satisfy the range of retail needs in a mixed-use community.

B. **Requirement.**

- (1) The Master Plan required by Section 235.500 shall provide for a range of retail uses by both size and type, and describe how the proposed range satisfies the purpose set forth in Subsection A of this section.
- (2) Where the applicant proposes to develop large-scale retail uses before developing smaller retail uses, the Master Plan for the site shall:
 - (a) Set aside a sufficient amount of land, in the same Master Plan area, to provide the smaller retail uses.
 - (b) Set forth a development schedule indicating the date by which the smaller retail will be constructed.
- (3) The owner of the land described in Subsection B(2)(a) may apply to the Planning Commission for an extension of the date established under Subsection B(2)(b). Consideration of such an extension shall be processed as a minor amendment under Section 235.500.C(3)(b).
- (4) The Planning Commission and City Council, in approving provisions for future construction of smaller retail uses, may impose other reasonable conditions to ensure that the smaller retail is built.

235.285 **Community Feature.**

A. **Purpose.** The community feature requirement ensures that a suitably sized feature, such as a park, plaza or community facility, will be included in every Master Planned area in the Town Center zone to serve as a neighborhood or community focal point, gathering place or amenity.

B. **Requirement.**

- (1) Every Master Plan required for property in the Town Center zone shall include a feature that is open and accessible to the public and that serves as a visual focal point for surrounding development, as a gathering place, or as a community amenity.

- (2) The feature's size and characteristics shall be commensurate with the size of the area and the scale of development described in the Master Plan; but the property owner shall not be required to bear an unusual or burdensome cost.
- (3) The feature may be privately or publicly owned. If it is privately owned, the property owner may include the area occupied by the feature as part of the open area requirement imposed by Section 235.370, and shall be responsible for maintenance of the land and community feature. The property owner shall not be required to grant or give the area occupied by the feature to the City or other public body.
- (4) The City may acquire the land set aside for the community feature and construct a public park, public building or other public amenity with public funds. In such circumstances, the land occupied by the feature will not count toward the open area requirement of Section 235.370 and the City shall be responsible for maintenance of the land and community feature.
- (5) The Master Plan shall identify the location and desired characteristics of the community feature and shall set forth a schedule for development of the feature. The schedule may be amended through the minor amendment procedure of Section 235.500.C(3)(b).

235.290 Non-Retail Employment Uses.

- A. **Purpose.** The Non-Retail Employment Use requirement ensures that the commercial component of development in the Town Center zone includes office, light industrial or other permitted non-retail employment uses, to provide employment opportunities in addition to retail employment.
- B. **Requirement.**
 - (1) Every Master Plan for property in the Town Center zone shall demonstrate that 50 percent of the new floor area of non-residential development is designed to be used as, or is adaptable to, non-retail employment use, even if it is initially intended for retail use.
 - (a) To be adaptable to non-retail employment use, the development must not contain structural barriers to non-retail employment use. The applicant shall provide evidence that conversion to non-retail employment use is feasible.
 - (b) In addition, for that portion of non-residential development intended to be used as, or adaptable to, office use, individual structures must have ground floor windows along at least 50 percent of the length of exterior building walls that abut sidewalks, plazas or other public open spaces. The windows must cover 25 percent of the ground level wall area up to 9 feet above grade on those walls to which the standard applies.
 - (2) Every Master Plan shall allocate 25 percent of the total planned new floor area of non-residential development for non-retail employment use. When actual development under the Master Plan achieves the 0.4 FAR requirement of

Section 235.335, 25 percent of the non-residential floor area shall be occupied by non-retail employment uses. Development at less than 0.4 FAR shall comply with paragraph (3) below.

- (3) At each stage of development under a Master Plan before achieving 0.4 FAR, at least 15 percent of non-residential floor area (exclusive of such floor area that existed before adoption of the Master Plan) shall be occupied by, or reserved for, non-retail employment uses. If non-retail employment uses do not occupy 15 percent of the developed non-residential floor area,
 - (a) The applicant shall identify an area or areas on the site where a future building or buildings shown on the Master Plan will accommodate sufficient non-retail employment use to achieve the 15 percent requirement; and
 - (b) Except as provided in this paragraph, no development, including parking, shall be permitted on the identified area or areas other than the required non-retail employment uses. Prior to construction of buildings for non-retail employment uses, the area or areas shall be landscaped to the L1 standard, and may be occupied by additional landscaping, sidewalks, pedestrian plazas, benches or other amenities if approved by the Design Review Board.

235.295 Fairview-Wood Village Town Center Non-Retail Employment Uses

A. **Purpose.** The Fairview-Wood Village Town Center Non-Retail Employment Use requirement ensures that the scale of retail development within this Town Center is appropriate and that the commercial component of development includes office, light industrial and other permitted non-retail employment uses to provide employment opportunities in addition to retail employment. The provisions of this section apply to development in the Wood Village portion of the Fairview-Wood Village Town Center in lieu of the provision of Section 235.290.

B. Requirement.

- (1) The Master Plan for the property in this Town Center zone shall demonstrate that 50 percent of the new floor area of non-residential development is designed to be used as or is adaptable to non-retail employment use, even if it is initially intended for retail use.
 - (a) To be adaptable to non-retail employment use, the development must not contain structural barriers to non-retail employment use. The applicant shall provide evidence that conversion to non-retail employment use is feasible.
 - (b) In addition, for that portion of non-residential development intended to be used as or adaptable to office use, individual structures must have ground floor windows along at least 50 percent of the length of exterior building walls that abut sidewalks, plazas or other public open spaces. The windows must cover 25 percent of the ground level wall area up to 9 feet above grade on those walls to which the standard applies.

- (2) No more than three retail uses with a floor area of more than 60,000 square feet (“big box development”) are allowed in the Wood Village portion of the Fairview-Wood Village Town Center, and such large scale retail uses shall total no more than 362,000 square feet. The total floor area devoted to retail use shall not exceed 412,000 square feet except as provided in paragraph (3). Because the original Wood Village Town Center approval anticipated only two big box developments in the Town Center, the applicant for the third big box development shall, in addition to compliance with other applicable requirements, comply with the following criteria and conditions.
- (a) The applicant shall update the previous transportation analysis to evaluate the impacts of the remaining Town Center development, including the third big box development, on the surrounding transportation system at site build-out in the year 2020. For the purposes of this subsection, “surrounding transportation system” includes, but is not limited to, the intersections of 242nd Avenue & Glisan Street, 242nd Avenue & Stark Street, and 223rd Avenue & Sandy Boulevard. Such analysis shall evaluate the difference in trip generation, trip length and travel pattern, especially pass-by and internal trip rates, of the proposed big box in comparison to the previously anticipated retail uses. If the proposed development would increase the traffic impact from the level of impact projected in the original projected in the original transportation analysis, the applicant shall be required to pay for a proportionate share of the increased improvements needed to accommodate the third big box development.
 - (b) The City will impose as a condition of approval that the applicant construct a cul-de-sac to dead-end Arata Road at 223rd Avenue in compliance with the applicable Multnomah County standards prior to the opening of the third big box development.
 - (c) The architecture and design of the third big box development shall be consistent with the previously established village-style design standards for the Town Center. Such standards include, but are not limited to, provision of a variety of storefront evaluations and raised parapets; pedestrian connections; landscape features; opportunities for outdoor seating areas; and complementary building materials and colors.
 - (d) The ground floor of the third big box shall not exceed 90,000 square feet.
- (3) No less than 125,000 square feet shall be devoted to Non-Retail Employment Uses. At least 50 percent of this Non-Retail Employment Use requirement must be satisfied from the following use categories: light industrial uses, medical center uses and office uses. If government offices or public meeting rooms are constructed as part of the Town Center development’s community feature, the area devoted to those uses in the community feature shall be counted toward the 125,000 square feet non-retail office/light industrial requirement.

- (4) In the Wood Village portion of the Fairview-Wood Village Town Center, no less than 25 percent of total non-residential development, excluding the community feature, shall be Non-Retail Employment Uses. Following approval of the first increment of retail development and for each increment of retail thereafter, no further permits for retail shall be issued until the following "benchmarks" are satisfied:
 - (a) For the first 67 percent of the 500,000 square feet of non-residential development allowed under the Master Plan, the Non-Retail Employment Use requirement need not exceed 15% of the total non-residential development approved;
 - (b) Provided however, that the 25 percent Non-Retail Employment Use requirement for the entire development shall be met as part of the final 33 percent of the 500,000 square feet of non-residential development.
- (5) The limitations on non-residential and retail development may be reviewed and revised in coordination with affected state, regional and local governments on or after August 27, 2007.

Definitions. As used in this Section 235.295;

- (1) "Fairview-Wood Village Town Center" means the area on either side of 223rd Avenue designated in the Comprehensive Plans and zoning regulations of the cities of Fairview and Wood Village for mixed-use development. The "Wood Village Portion" of the Fairview-Wood Village Town Center consists of Tax Lots 800 and 200 in Section 34, T.1N, R.3E and Tax Lot 200 in Section 27, T.1N, R.3E, Willamette Meridian.
- (2) "Office uses" means the uses listed in Section 710.230 and branch banks, urgency medical care and veterinarian offices.
- (3) "New development" means development approved under Town Center zoning, including renovation of existing development if the existing development is being changed to a new use category as described in Section 710.010 to 710.540.
- (4) "Non-Retail Employment Uses" means Light Industrial uses, Medical Center uses, Office uses, Daycare, Personal Service-oriented uses as listed in Section 710.240.C(2), entertainment-oriented uses, as listed in Section 710.240.C(3) and repair-oriented uses listed in Section 710.240.C(4).

DEVELOPMENT STANDARDS

235.300 Purpose. Development standards are intended to promote site planning and design which will ensure that new land divisions and development will:

- Provide adequate flexibility to allow development which is compatible with the existing area, fits the topography of the site and allows architectural diversity.

- Provide adequate assurance of compatibility of adjacent uses within the mixed-use context, and compatibility between mixed-use development and adjoining existing uses.
- Comply with the Transportation Planning Rule and Regional Land Use and Transportation Goals.

235.310 Lot Size and Dimensional Standards.

- A. **Minimum Lot Size & Dimension.** The minimum lot size standards are set forth in Table 235-2. Creation of new lots is subject to the regulations of Section 450 - Subdivisions and Partitions. The lot size for all permitted or conditional uses shall be adequate to fulfill the applicable requirements stated below.

235.320 Building Setbacks.

- A. **Required Setbacks.** The setbacks for front, rear and side yards are stated in Table 235-2.
- B. **Extensions into required building setbacks.**
 - (1) **Minor Projections Allowed.** Minor features of a building such as eaves, chimney, open fire escapes, bay windows, uncovered stairways and wheelchair ramps, uncovered decks or balconies, which are attached to the building may extend into a required building setback by no more than 20% of its depth. However, they may not be within 3' of a lot line.

TABLE 235-2 Development Standards in Town Center Zone				
STANDARD	COMMERCIAL USE CATEGORIES	RESIDENTIAL USE CATEGORIES ⁽¹⁾	MIXED USE	OTHER USE CATEGORIES
Minimum lot size - Min. lot density - Min. lot area - Min. lot width - Min. lot depth - Max. lot coverage (see section 235.310)	None	same as MR2 zone (see Tables 220-3 and 220-4)	None 0.4 FAR (40%) See pages 2-37 & 7-25 85%	None
Maximum height (see section 235.330)	45 ft ⁽²⁾	35 ft	50 ft	45 ft ⁽²⁾
Minimum setbacks - Front setback - Garage setback - Side setback - Rear setback (see section 235.320)	None None None ⁽³⁾ None ⁽³⁾	10 ft ⁽⁵⁾ 20 ft ⁽⁵⁾ 5 ft 15 ft	0-10 ft 22 ft minimum when parallels street	10 ft None ⁽³⁾ None ⁽³⁾ None ⁽³⁾
Minimum Landscaping (percent of site area)	15% ⁽⁴⁾	Same as MR2 zone (see Table 220-4)	15 %	15% or 20% ⁽⁴⁾

- (1) Residential uses included in the same structure as commercial uses are regulated as part of the commercial use for purposes of these development standards.
- (2) For sites abutting a light residential zone the maximum height is 25 feet within the first 25 feet from the lot line abutting the light residential zone.
- (3) Sites abutting a residential zone shall have a side or rear setback of 15 feet from the residential zone.
- (4) For sites abutting a residential zone, the entire depth of any required setback from the residential zone shall be landscaped.
- (5) This note applies to detached single-family dwelling units: garages shall not be closer to the street than the plane of the street-facing façade. For the purpose of this subsection, porches may be considered as part of the street-facing façade.

235.330 Height.

- A. **Maximum Height.** The maximum height for all structures is stated in Table 235-2.
- B. **Exemption to the Maximum Height.**
 - (1) **Projections allowed.** Projections extending vertically for permitted buildings and uses, such as skylights, steeples, flagpoles, chimneys, and radio and television aerials, may be erected above the height limitations herein prescribed. Such structures shall not project more than 5' above the maximum permitted height.
 - (2) Utility power poles are exempt from the height limit.
 - (3) Commercial Recreation uses are allowed a height limit of 85 feet, subject to Conditional Use Permit approval in accordance with Section 620. Conditional Uses.

235.335 Floor Area Ratios.

- A. **Purpose.** Floor area ratios (FAR) provide a means to match the potential density of uses with the desired character of the area and provision of public services. FAR is the amount of floor area in relation to the amount of site area, expressed in square feet.
- B. **FAR Standard.** A Master Plan for development in the Town Center zone shall show that a minimum 0.4 FAR can be achieved on the areas of the Master Planned site to be developed with non-residential uses at full build-out.
- C. **Interim Parking.** In early development phases, portions of the property set aside for non-residential uses at full build-out may be used for parking associated with uses built in early phases. However, no restrictions shall be placed on the property set aside for future non-residential use that will prevent development of those future uses.
- D. **Adequacy of Services.** The Master Plan must demonstrate that the transportation system is adequate or can be made adequate for initial phases of development. Higher levels of density achieving 0.4 FAR will not be allowed until the city and regional transportation systems can accommodate traffic generated by such levels of density with fully connected, multi-modal transportation facilities.

235.340 Required Landscaping. The minimum landscaping requirements are stated in Table 235-2 and shall satisfy the following requirements:

- A. **Computation.** The minimum site area devoted to landscaping may be computed to include any required landscaping imposed by Section 350 - Parking and Loading.
- B. **Watering.** Provisions shall be made for watering planting areas where such care is required for survival.
- C. **Maintenance.** Required landscaping shall be continually maintained.

- D. **Height of Trees.** Maximum height of selected tree species shall be considered when planting under overhead utility lines.

235.345 Pedestrian Standards.

- A. **Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system, and ensure a direct and pleasant pedestrian connection between the street and buildings on the site.
- B. **General Standard.** A pedestrian circulation system must be provided, consisting of two parts: sidewalks on all public and private streets, and an onsite system which connects the street to the main entrance of the primary structure on each site. The circulation system must be hard-surfaced, and meet ADA standards. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of striping, elevation changes, speed bumps, a different paving material, or other similar method. Where a sidewalk is adjacent to commercial frontage, the width shall be at least eight feet along the entire frontage of the parcel or lot; otherwise the width shall be at least six feet. Larger sidewalk dimensions up to 20 feet are permitted where outdoor seating is desired by the applicant and high levels of pedestrian activity are expected. The Design Review Board may require planter strips between sidewalks and streets.
- C. **Additional Connections.** The applicant shall connect the pedestrian circulation system to other areas of the site, such as a parking lot and any pedestrian amenities, such as plazas, resting areas, and viewpoints, and, where practical, to pedestrian facilities on adjoining sites. Provide public pedestrian connections every 330 feet, where feasible.
- D. **Setback Treatment.** The land between a building and a street must be landscaped to at least the L1 level or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vehicle areas and exterior display areas are exempt from this standard.
- E. **Entrances.** Building entrances shall incorporate roofs, porches, alcoves, porticoes or awnings that protect pedestrians from rain and wind.
- F. **Building Orientation.**
 - (1) All buildings shall have at least one main entrance oriented toward an abutting street, pedestrian way or primary pedestrian route.
 - (2) On lots at major transit stops, as defined in the Transportation Planning Rule, buildings shall be located within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or street intersection.
- G. **Transit Stops.** New commercial, residential, industrial or institutional uses adjoining a transit route shall provide a pedestrian connection to an existing transit stop, or to a new proposed transit stop with appropriate pedestrian amenities as required and approved by the City, in cooperation with Tri-Met.

235.350 Accessory Structures. Structures which are incidental to the primary building are considered accessory structures and are allowed when they meet the following requirements.

- A. **Covered Accessory Structures.** All covered accessory structures, whether attached to the primary building or detached, shall fulfill the front, side and rear building setbacks requirements, lot coverage and height restrictions. These standards are stated in Table 235-2.
- B. **Uncovered Accessory Structures.** Uncovered, detached accessory structures such as signs, flag poles and lamp posts are allowed in the front building setback but not in a required setback from an abutting residential zone.

235.360 Exterior Display, Storage and Work Activities.

- A. **Exterior Display.** Exterior display of goods is allowed for commercial uses only. The setback and landscape standards for exterior display are stated in Table 235-3.
- B. **Exterior Storage.** Exterior storage is prohibited.
- C. **Exterior Work Activities.** Exterior work activities are prohibited except for restaurants, plant nurseries, entertainment and recreation uses and outdoor markets.
- D. **Paving.** All exterior display and work areas, except plant nurseries, shall be paved.

TABLE 235-3 Exterior Display Setbacks and Landscaping in Town Center Zone (See Section 235.360)	
Commercial Use Category	Standards
Exterior Display	
- Abutting a street	5 ft/L1
- Abutting Commercial Use Category	None
- Abutting Other Use Category	5 ft/L1
- Abutting any R zone	5 ft/L3

Note: For description of the landscape requirements (i.e., L3, F2, etc.), see Section 330 - Landscaping & Screening.

235.370 Open Area Requirement.

- A. **Purpose.** The open area requirement ensures provision of adequate amounts of light and air, and facilitates circulation for pedestrians throughout areas in the Town Center zone. These requirements create open areas and pedestrian connections.
- B. **Required Amount of Open Space.** On lots larger than 250,000 square feet, at least 30 percent of the area that exceeds 250,000 square feet must be devoted to open area.

C. **Standards.**

- (1) Open areas include: public and private streets; parks; plazas; covered or uncovered walkways; public fountains; and landscaped features or areas, including required landscaping. Open areas do not include areas used for parking lots; motor vehicle loading, maneuvering and delivery. When private streets are proposed to meet the open area requirement, at least one side of the street must be provided with sidewalks, and street trees. Fifty percent of the area of a street's right-of-way, for the length of the right-of-way abutting a lot, may be used to meet that lot's open area requirement.
- (2) The open area must include, at a minimum, paved walkways connecting development on the lot to each lot line that borders a public or private street.

D. **Application of the Requirement.** The open space requirement is triggered by construction of any new floor area for any use. The required open space may be provided on the same site or on another site that is zoned Town Center and that is subject to the same Master Plan approval under the provisions of Section 235.500.

E. There is an estimated 2.5 acres wetland in the northeast corner of the Town Center zone that adjoins Wood Village Blvd. and Arata Road. This area shall be utilized as the required open space at the time of site re-development. Open space landscape plans shall be primarily passive improvements that protect the resource and enhance water quality while providing connectivity and natural open space in the area.

235.375 **Transportation System Standards**

A. **Regional Transportation Plan Standards.** After Metro adoption of Regional Transportation Plan amendments, applications for design review (or for land division for developments not requiring design review) must demonstrate compliance with any applicable requirements of the Regional Transportation System Plan or any applicable Transportation System Plan. Demonstration of compliance must include a showing that adopted level of service standards are met for each proposed phase of development.

B. **Conditions.** The City may impose conditions on development necessary to achieve LOS standards, including the construction of offsite improvements; but no improvements to streets or intersections not contiguous to the subject property shall be undertaken without the approval of the affected neighboring city.

235.380 **Fences.**

A. **Types of Fences.** The fencing standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry or other material including vegetative materials.

B. **Location and Height Limits.**

- (1) Fences up to 3 ½ feet are allowed in required front building setback and required side building setbacks to the depth of the required front building setback.

- (2) Fences up to 8 feet are allowed in required side and rear building setbacks except for corner lot side setback which is limited to 3 ½ feet.
- (3) The location of fences shall not interfere with the pedestrian circulation system.

235.390 Additional Regulations.

- A. **Demolitions.** Demolition of all buildings is regulated by the Building Code currently adopted by the City of Wood Village.
- B. **Design Review.** Design Review is required for all uses in this mixed use zone. See Section 630. In addition to the Design Review requirements of Section 630, the Design Review Board shall review all specific development applications within a Master Planned area to ensure that the site designs and building locations encourage safe and convenient pedestrian and bicycle access; are reasonably accessible to transit; and provide adequate pedestrian connections to exterior streets and to other uses within the Master Planned area through clustering of buildings, construction of accessways and walkways or other similar techniques.
- C. **Parking and Loading.**
 - (1) The requirements of Section 350 apply.
 - (2) In addition, parking requirements in the Town Center zone may be met by blending parking rates. Calculating parking stalls for a use may include counting adjacent on-street spaces, nearby public parking, cross-patronage, and shared parking possibilities due to variation in hours of operation and as per Section 350.045(5).
 - (3) In addition to the requirements of Section 350, for all institutional, office and industrial uses having more than 20 auto parking spaces on the site, the following standards must be met:
 - (a) Five spaces or five percent of the parking spaces on the site for such institutional, office and industrial uses, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays.
 - (b) The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.
 - (c) Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.
 - (4) A parking area other than on-street parking shall not be located between a street and a main building entrance described in Section 235.345.F(1). A street between a main building entrance described in Section 235.345.F(1) and a parking area may be a private street, as long as it satisfies the applicable pedestrian standards of Section 235.345.
 - (5) In lieu of the provisions of Section 350.075.C and Table 350-4, loading areas shall be set back five feet from a street lot line, or a segment of the pedestrian

circulation system required by Section 235.345, and landscaped to the L3 standard.

- D. **Public Access.** All lots shall have frontage or approved access to public streets, public water and public sewer before development is allowed. Vehicular access to commercial uses shall be from the highest classified or capacity street.
- E. **Sale or Conveyance Prohibited.** No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum setback requirements of the zone.
- F. **Signs.** Signs in the Town Center shall be approved and constructed in accordance with Section 370 Signs, except that freestanding signs in the Town Center Zone must be either a Wood Village Town Center sign, or a center-wide directory-type freestanding sign. Individual building pads may not erect a freestanding sign that advertises only their business. See Section 370.
- G. **Solid Waste, Mixed and Recyclables Storage.** See Section 390.
- H. **Uncontained hazardous materials are prohibited.**
- I. **Street Standards.** In order to connect residential areas with services and institutions by short and direct public accessways, development plans must include a sufficient number of collector and other streets to provide one street every 530 feet, unless impractical due to existing development, topography, physical barriers, or environmental constraints. This street must provide a through or planned connection to another street that connects to the existing street system. Where possible or planned in accordance with the City, County or Regional Transportation Plans, extend new streets to existing streets. Further, cul-de-sacs may not exceed 200 feet in length and provide access to more than 25 dwelling units, except for the long, deep parcels adjoining NE Glisan Street where cul-de-sacs may be constructed up to 400 feet.
- J. **Bicycle Path Connections.** Development plans should include bicycle path connections every 330 feet within the development and to adjoining properties unless impractical due to existing development, topography, physical barriers or environmental constraints.

235.400 Town Center Mixed Use Architectural and Pedestrian Design Standards

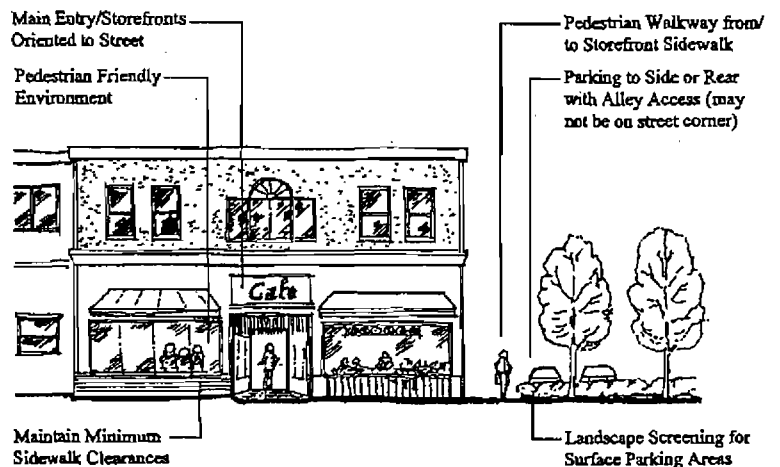
- A. **Purpose and Applicability.** This section is intended to provide detailed, human-scale design that is characteristic of Wood Village, while affording flexibility to use a variety of architectural building styles. All new buildings and major remodels shall meet the standards of these subsections which are applied through Site Design Review. The applicant demonstrates that the standards are met by complying with the criteria under each standard.
- B. **Architectural Standards:**
 - 1. **Building Mass:** Where building elevations are oriented to the street or other public places, architectural features such as articulated facades, building off-sets, varied

roof lines, pitched roofs and gables, windows, and pedestrian entrances shall be used to avoid large monotonous building surfaces and large building masses.

2. **New buildings:** Should architecturally transition in terms of bulk and mass to respect adjacent existing buildings. This transition can be accomplished by selecting designs that “step down” or “step up” from small to big structures and vice versa. Transitions can also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.
3. **Building Block Layout:** The site shall be configured into blocks that have frontage onto streets, interior parking courts or common open space. Blocks shall not exceed 400 feet in length.
4. **Building Orientation:** Developments subject to this Section shall have their buildings oriented to a public or private street, as generally shown in the Figure below. This standard is met when all of the following criteria are met:
 - a. Compliance with the setback standards in Table 235-2 where applicable. The front yard setback may be a maximum of 10’ to provide pedestrian amenities between a building and its adjoining street;
 - b. Except as provided in subsections below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees

of the street property line), or if the building entrance is turned more than 45 degrees from the street (i.e., front door is on a side elevation), the primary entrance shall not be more than 20-40 feet from a street sidewalk, except to provide pedestrian amenities;

Figure 1 – Building Orientation



a walkway shall connect the primary entrance to the sidewalk in this case.

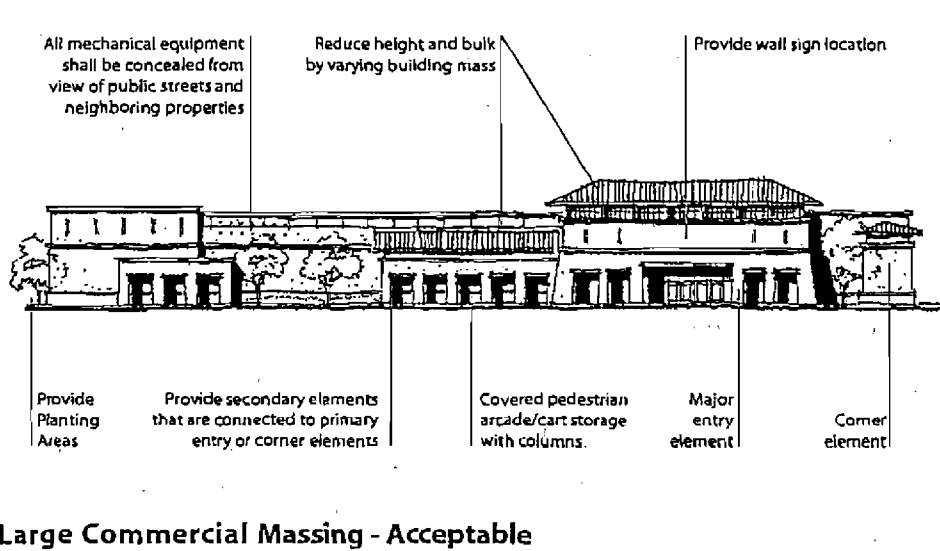
- c. In a mixed-use development, off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented; Off-street parking in a mixed-use development shall be oriented internally to the site and divided by landscape areas into bays of not more than [24] parking spaces per bay.

5. **Building Materials:** Natural materials such as wood, veneer siding, stucco, masonry, or glass shall be the primary exterior structural siding materials. Also use reclaimed or new brick, cultured stone, or other rapidly renewable resources. Unfinished metal siding, corrugated sheet metal, vinyl siding, T1-11 siding or plywood, and reflective glass are prohibited. Whenever, possible, use energy efficient building materials in accordance with LEED Certification standards.
 - a. **Colors:** Generally subdued earth tones in gray, brown, off-white, slate, green and black. Accent trims and other colors may also used as approved by the Design Review Board.
6. **Roof-mounted Equipment:** All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:
 - a. A parapet as tall as the tallest part of the equipment;
 - b. A screen around the equipment that is as tall as the tallest part of the equipment;
 - c. The equipment is set back from the street facing perimeters of the building four feet for each foot of height of the equipment; or,
 - d. If the equipment is a satellite dish or other communication device, it is added to the façade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the façade of the penthouse.
7. **Roofs:** Buildings must have either a sloped roof with a pitch no flatter than 4/12 or a flat roof with a cornice that meets the following:
 - a. There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice; and
 - b. The height of the cornice is based on the height of the building as follows:
 - Buildings 18 feet or less in height must have a cornice at least 12 inches high.
 - Buildings greater than 18 feet and less than 30 feet in height must have a cornice at least 18 inches high.
 - Buildings 30 feet or greater in height must have a cornice at least 24 inches high.
8. **Pedestrian-Orientation:** The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the approval body finds that all of the criteria in 1-7, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.

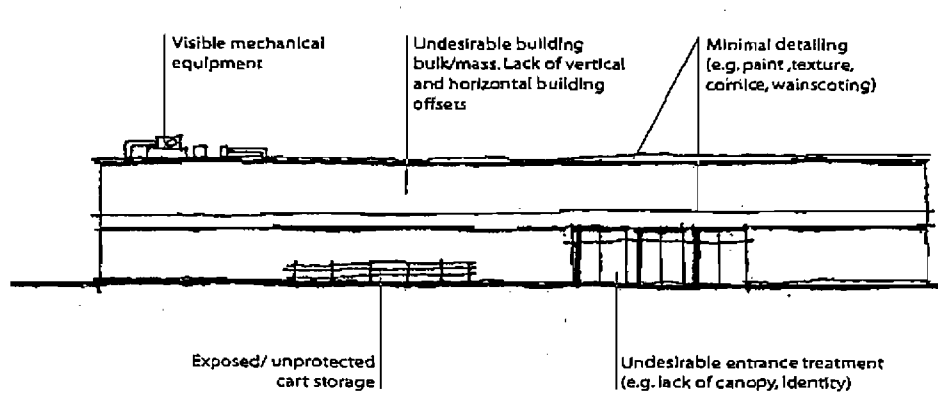
- a. The building orientation standards under Section 235.400 B(4) are met; and
 - b. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one primary entrance that does not require passage through a parking lot or garage to gain access; and
 - c. Corner buildings (*i.e.*, buildings within 20 feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide at least one entrance within [20] feet of the street corner or corner plaza; and
 - d. At least [20-60] percent of the building's front façade (measured horizontally in linear feet) shall be located at the build-to line or closer to the street, unless modified by the Design Review board; and
 - e. Ground floor windows or window displays shall be provided along at least [30-60] percent of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall; and
 - f. Primary building entrance(s) are designed with weather protection, such as awnings, canopies, overhangs, or similar features; and
 - g. Drive-up and drive-through facilities are not allowed.
9. **Compatibility.** All new buildings and major remodels shall be designed consistent with the architectural context in which they are located. This standard is met when the approval body finds that all of the criteria in 1-7, below, are met.
- a. There is continuity in building sizes between new and existing buildings;
 - b. The ground floor and upper floor elevations and architectural detailing are compatible with adjacent commercial buildings;
 - c. Buildings adjacent to the TC Zone height step-down, as required by Section Building Height Transition.
 - d. Roof elevation is compatible with adjacent commercial buildings (roof pitch, shape, height step-down);
 - e. There is continuity of building sizes on the site if more than one building is proposed;
 - f. There is continuity in the rhythm of windows and doors on the proposed building(s);
 - g. The relationship of buildings to public spaces, such as streets, plazas, other areas, and public parking, including on-street parking, is strengthened by the proposed building(s).

10. **Human Scale.** The design of all buildings shall be to a human-scale. This standard is met when the approval body finds that all of the criteria in 1-6, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard. Figure 1 contrasts examples of building elevations that are consistent/inconsistent with human scale criteria.
- a. Regularly spaced and similarly-shaped windows are provided on all building stories;
 - b. Ground floor retail spaces have tall ceilings (*i.e.*, 12-16 feet) with display windows on the ground-floor;
 - c. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features;
 - d. On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features (*e.g.*, cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identifies the transition from ground floor to upper story; such features should be compatible with the surrounding architecture;
 - e. The tops of flat roofs are treated with appropriate detailing (*i.e.*, cornice, pediment, flashing, trim, or other detailing) that is compatible with the surrounding architecture;
 1. Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture;
 2. Historic design and compatibility requirements, where applicable, are met; and
 - f. Where buildings with greater than [8,000] square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every [40] feet of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (*e.g.*, wall-mounted lighting, or up-lighting); and/or similar features as generally shown in Figure 2.3.170.D. [Note: Figure 2.3.170.D should not be interpreted as a required architectural style.]

Figure 2 – Examples of Large Commercial Design Elements



Large Commercial Massing - Acceptable



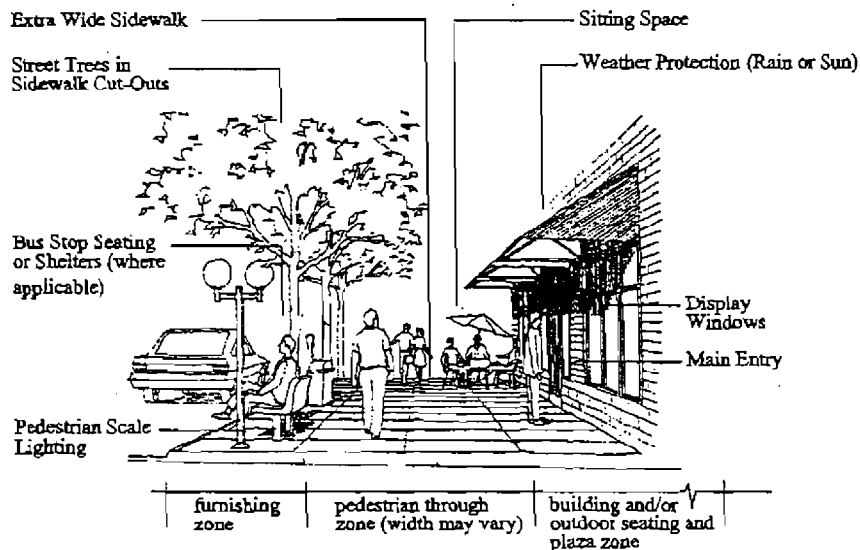
Large Commercial Massing - Unacceptable

C. Pedestrian and Transit Amenities

1. **Purpose and Applicability.** This section provides standards for pedestrian amenities when pedestrian amenities are required as part of new developments or major remodels in the Town Center Zone and when pedestrian amenities are provided to meet the requirements of other code sections. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment along street frontages and contribute to a walkable district.

2. **Standards.** New developments and major remodels in the Town Center Zone and other developments subject to the provisions of this section shall provide *one* or more of the “pedestrian amenities” listed below, and as generally illustrated in Figure 3. Pedestrian amenities may be provided within a street furnishing zone, building frontage zone, or plaza, or within the pedestrian through zone. Use of the public right-of-way requires approval by the roadway authority.
 - a. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of [6] feet);
 - b. Sitting space (*i.e.*, dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width;
 - c. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space);
 - d. Public art that incorporates seating (*e.g.*, fountain, sculpture).
 - e. Transit amenity, such as bus shelter, per the standards of Tri-Met.

Figure 3 – Examples of Pedestrian [and Transit] Amenities



235.500 Master Plan

- A. **Purpose.** A Master Plan is required for all sites in the Town Center zone to ensure that transportation and other facilities will support the anticipated development, and comply with requirements of the zone; and to identify the location within which housing requirements will be met. The Master Plan provides an opportunity to ensure that Comprehensive Plan policies concerning home ownership and local street systems are satisfied in new developments in the Town Center zone.
- B. **When Required.** The Planning Commission and City Council shall review and approve a Master Plan meeting the requirements of this section before any land division or other development may occur on a site in the Town Center Zone.
- C. **Procedures.**
 - (1) **Pre-Application Review of Development Plan.**
 - (a) Prior to submitting an application for a Master Plan, the applicant shall submit a conceptual development plan to City staff for review. Such plan shall consist of a general site plan and brief narrative containing the following elements:
 - (i) Proposed land uses and estimated densities,
 - (ii) Street and parking circulation system,
 - (iii) Water transmission lines, and
 - (iv) Major storm and sanitary sewer facilities.
 - (b) City Staff shall review the conceptual plan and prepare a pre-application development plan report responding to the conceptual plan within 30 days of submittal. The report shall be based upon the Comprehensive Plan, the standards of this ordinance and regulations on the suitability of the proposed development in relation to the character of the area.
 - (2) **Master Plan.**
 - (a) The applicant must submit a Master Plan application within one year of pre-application development plan review by the Planning Commission. Otherwise, the pre-application review will expire and another pre-application review will be required prior to submission of a Master Plan.
 - (b) The Master Plan shall be reviewed under the Type III procedures listed in Section 520 of the Code. The Planning Commission's decision to approve, approve with conditions or deny the Master Plan shall be based on the requirements of Section 235.500.D and shall be in the form of a recommendation to the City Council. The City Council must review the Planning Commission's decision on the record and determine whether the Master Plan should be approved, approved with conditions or denied.

(3) **Changes and Modifications.**

- (a) **Major Changes.** Major changes in the Master Plan after it has been adopted shall be considered the same as a new application and shall be made in accordance with the procedures specified in this section.
- (b) **Minor Changes.**
 - (i) Minor changes in the Master Plan may be approved by the Planning Commission, provided that such changes:
 - 1. Do not change densities;
 - 2. Do not change boundaries; and
 - 3. Do not change the location or amount of land devoted to specific land uses.
 - (ii) Such changes may include minor shifting of the location and size of buildings, proposed streets, public or private ways, utility easements, parks or other public spaces, or other features of the plan.

D. Required Contents.

- (1) **Master Plan Diagram.** The Master Plan shall address the entire site.
 - (a) In addition to the requirements of Section 500.110, a Master Plan Diagram must include the following:
 - (i) A vicinity map, including zoning and uses of adjacent sites;
 - (ii) Scale (at least one inch equals 50 feet or larger);
 - (iii) North arrow;
 - (iv) Date;
 - (v) Approximate location and size of planned land uses including areas not covered by buildings;
 - (vi) Site topography at a contour interval not to exceed 5 feet; and
 - (vii) Locations of all natural features including, but not limited to, any existing trees of a caliper greater than 6 inches dbh, and any natural drainage ways, wetlands or creeks on the site and identification of any contemplated modifications of natural features.
 - (b) The Master Plan shall include a diagram showing the approximate location of public facilities and services to support planned land uses. The public facilities shown shall include:

- (i) Names and locations of any proposed collector streets, and, if their general locations can be reasonably anticipated, other streets. Except where topographical constraints or arterial street access standards preclude it, the diagram shall include a sufficient number of collector and other public or private streets to provide one street every 660 feet;
 - (ii) Pedestrian pathways, if their general locations can be reasonably anticipated;
 - (iii) Transit stops, if their general locations can be reasonably anticipated;
 - (iv) Major storm and sanitary sewer facilities;
 - (v) Major water transmission lines;
 - (vi) Public facilities, including streets, sewer, water and storm sewer on adjacent properties;
 - (vii) Street and pedestrian connections, if any, to existing streets or paths on adjacent properties; and
 - (viii) Any other expected public facilities if their general locations can be reasonably anticipated.
- (b) The Plan diagram need not include the specific location of particular developments, buildings or lots. The diagram shall indicate the general expected location of residential uses, commercial and limited industrial uses and any areas of mixed use, any existing buildings to remain and the specific location of land set aside for required housing under Section 235.250 or smaller retail uses under Section 235.275. The Plan diagram shall specify the location of the focal or community feature required by Section 235.285.
- (2) **Master Plan Text.** The Master Plan shall include a narrative explaining how the following requirements are met:
- (a) The Transportation Policies of the Comprehensive Plan.
 - (b) Comprehensive Plan policies regarding home ownership and mix of types of housing and the requirements of Section 235.250.
 - (c) Where applicable, the schedule for future construction of required housing as provided in Section 235.250.B(2).
 - (d) The Community Retail requirements of Section 235.275.
 - (e) The Open Area requirement of Section 235.370.
 - (f) The Non-Retail Employment Use requirement of 235.290 or 235.295, whichever applies.

- (g) The Community Feature requirement of 235.285.
- (h) How the proposed development responds to the "Vision of Wood Village in 2020."
- (i) Any other requirements of this Code that the Planning Commission or City Council determine must be addressed in the Master Plan in order to ensure conformance with those requirements.

E. Effect of Plan. A Master Plan is not a subdivision, planned unit development or specific design review approval for land development. An applicant must obtain separate approvals for any development, including design review, subdivision or planned unit development approvals. A project or land division that is generally consistent with the Master Plan may proceed under the regular provisions of this development code. If a proposal would, in the judgment of the Planning Commission or Design Review Commission, be clearly inconsistent with the general designations in the Master Plan, the applicant must seek amendment of the Master Plan either before or concurrently with the application for design review, subdivision or planned unit development approval.

SECTION 240 MANUFACTURING ZONES

GENERAL PROVISIONS

- 240.100 Purpose.** The manufacturing zones are intended to reserve land for industrial uses and development which improve the economic vitality of the city. Limits on the intensity of uses combined with the development standards provide flexibility as well as certainty to property owners, developers and neighbors about the limits of what is allowed.
- A. **Light Manufacturing.** This zone is intended for industrial uses characterized by an absence of objectionable external features which can be permitted in relatively close proximity to residential and commercial districts.
 - B. **General Manufacturing.** This zone is intended for a broad range of industrial uses which can be located in areas where they do not directly affect the livability of residential neighborhoods and the quality and viability of commercial areas in the city. This district provides for the normal operation of an industry which can meet and maintain the standards set in this code in order to reasonably protect nearby residential and commercial districts.
- 240.110 Other Zoning Regulations.** The regulations in this section state the uses and development standards for the base zone only. Additional regulations may apply to sites with overlay zones, or specific uses. Section 300 states these additional regulations. The official zoning map indicates sites subject to overlay regulations. Special use regulations are referenced below.
- 240.120** In addition to the standards definitions of Section 720.030, "Employment Related Definitions" may also apply.

USE REGULATIONS

- 240.200 Primary Uses.**
- A. **Uses Allowed Outright.** The uses allowed in the manufacturing zones are shown in Table 240-1 by the letter "Y". Uses are allowed if they comply with the development standards of the base zone and any additional regulations that apply to the use or the site. Additional regulations are listed in Section 300.
 - B. **Conditional Uses.** The uses which are allowed upon approval through the conditional use review process are shown in Table 240-1 with the letters "CU". These uses must meet the conditional use approval criteria, the development standards and any additional regulations stated in Section 300. Solid Waste uses and siting standards must be in compliance with Appendix A - Mitigation Agreement for Siting Solid Waste Facilities.
 - C. **Prohibited Uses.** Uses shown in Table 240-1 with the letter "N" are prohibited in the zone. Legally established uses & development which existed at the time this Code was adopted and would otherwise be prohibited, are subject to additional regulations in Section 640 - Non-conforming Situations.

D. **Limited Uses.** Uses shown in Table 240-1 with the letter "L" are allowed subject to the following limitations.

- (1) This regulation applies to all parts of Table 240-1 marked with a (1). Retail Sales and Service uses in the Light Manufacturing and General Manufacturing zones are limited to 35% of the footprint of all buildings on any lot or group of contiguous lots in common ownership or control. Larger Retail Sales and Service uses (more than 35% of the building footprint) are subject to approval under the conditional use procedure.
- (2) This regulation applies to all parts of Table 240-1 marked with a (2). Office uses in the Light Manufacturing and General Manufacturing zones are limited to 35% of the footprint of all buildings on any lot or group of contiguous lots in common ownership or control. Larger Office uses are subject to approval under the conditional use procedure.
- (3) This regulation applies to all parts of Table 240-1 marked with a (3). Daycare uses in the Light Manufacturing and General Manufacturing zones are limited to 3,000 gross square feet of area. Larger Daycare uses are subject to approval under the conditional use procedure.

TABLE 240-1
Uses in Manufacturing Zones

	LM	GM
RESIDENTIAL CATEGORY		
Household Living	N	N
Group Living	N	N
COMMERCIAL CATEGORIES		
Retail Sales and Service	L(1)	CU(1)
Office	L(2)	L(2)
Quick Vehicle Servicing	CU	N
Vehicle Repair	Y	CU(1)
Self Service Storage	N	N
Commercial Recreation	N	N
Major Event Entertainment	N	N
INDUSTRIAL CATEGORIES		
Manufacturing and Production	Y	Y
Light manufacturing, processing, fabrication, packaging, assembly, and experimental, research, testing or development facilities.	Y	Y
Warehouse and Freight Movement	Y	Y
Wholesale Sales	Y	Y
Industrial Service	Y	Y
Waste Related	N	CU
INSTITUTIONAL CATEGORIES		
Basic Utilities	Y	Y
Community Service	CU	CU
Parks and Open Space	Y	CU
Schools	N	N
Colleges	Y	N
Medical Centers	Y	N
Religious Institutions	N	N
Daycare	CU/L(3)	CU/L(3)
Essential Service Provider	CU	N
OTHER CATEGORIES		
Detention Facilities	CU	CU
Mining	CU	Y
Radio and TV Broadcast Facilities	Y	Y
Railroad Lines and Utility Corridors	Y	Y

Y = Yes, Permitted Use
N = No, Prohibited Use

CU = Conditional Use Review Required
L = Permitted, but Subject to Limitations

See Section 240.200 D. for footnotes (1), (2) and (3)

240.210 **Accessory Uses.** Uses which are accessory to the permitted uses are allowed if they meet the development regulations of the base zone, specific regulations for the accessory use and any additional regulations stated in Section 300. Typical accessory uses are included in Section 710 - Use Categories.

DEVELOPMENT STANDARDS

240.300 **Purpose.** Development standards are intended to promote site planning and design which will ensure that new land divisions and development will:

- Control the overall bulk and intensity of an area through required dimensional standards and building envelope limits.
- Provide adequate flexibility to allow development which is compatible with the existing area, fits the topography of the site and allows architectural diversity.

240.310 **Lot Size and Dimensional Standards.**

- A. **Minimum Lot Size & Dimension.** There is no minimum lot size or dimension for development of land or creation of new lots in manufacturing zones. Creation of new lots is subject to the regulations of Section 450 - Subdivisions and Partitions. The lot size for all permitted or conditional uses shall be adequate to fulfill the applicable requirements stated below.

240.320 **Building Setbacks.**

- A. **Required Setbacks.** The setbacks for front, rear and side yards are stated in Table 240-2.
- B. **Extensions into required building setbacks.**
- (1) **Minor Projections Allowed.** Minor features of a building such as eaves, chimney, open fire escapes, bay windows, uncovered stairways and wheelchair ramps, uncovered decks or balconies, which are attached to the building may extend into a required building setback by no more than 20% of its depth. However, they may not be within 3' of a lot line.

240.330 **Height.**

- A. **Maximum Height.** The maximum height for all structures is stated in Table 240-2.
- B. **Exemption to the Maximum Height.**
- (1) **Projections allowed.** Projections extending vertically for permitted buildings and uses, such as skylights, steeples, flagpoles, chimneys, and radio and television aerials, may be erected above the height limitations herein proscribed. Such structures shall not project more than 5' above the maximum permitted height.
- (2) **Utility power poles are exempt from the height limit.**

TABLE 240-2
Development Standards in Manufacturing Zones

Standard	LM	GM
Minimum Lot Size - Min. lot area - Min. lot width - Min. lot depth (See Section 240.310)	None None None	None None None
Maximum Height (See Section 240.330)	45 ft ⁽¹⁾	45 ft ⁽¹⁾
Minimum Setbacks - Front setback - Side setback - Rear setback (See Section 240.320)	10 ft ^(2,3) None ^(2,3) None ^(2,3)	10 ft ^(2,3) None ^(2,3) None ^(2,3)
Minimum Landscape - Site area Landscape Buffer - Street frontage ⁽⁵⁾ - Side yard (See Sections 240.340 & 330)	10% ⁽⁴⁾ 10 ft/L1 ^(6,7) L3 ⁽⁶⁾ or F2 ⁽⁷⁾	10% ⁽⁴⁾ 10 ft/L1 ^(6,7) L3 ⁽⁶⁾ or F2 ⁽⁷⁾

- (1) For sites abutting or facing a residential zone the maximum height is 25 feet within the first 25 feet from the lot line facing or abutting the residential zone. For distances further than 25 feet the maximum height is 45 feet.
- (2) For sites abutting a commercial zone, the setback required for the abutting lot line shall be equal to that of the commercial zone.
- (3) For sites abutting or facing a residential zone, the setback requirement for the facing or abutting lot line shall be 50 feet.
- (4) Within boundaries of the development, minimum 10% or all site area available, whichever is greater.
- (5) Applies to all street frontages.
- (6) For sites facing or abutting a residential zone, the entire depth of the required setback must be landscaped.
- (7) See Section 330 - Landscaping & Screening for a description of the landscape standards (i.e., L1, F2, etc.).

240.340 Landscape and Buffer.

- A. **Required Landscaping.** The minimum landscaping requirements are stated in Table 240-2 and shall satisfy the following requirements:
- (1) The minimum site area devoted to landscaping may be computed to include any required landscaping imposed by Section 350 - Parking and Loading.
 - (2) Provisions shall be made for watering planting areas where such care is required for survival.
 - (3) Required landscaping shall be continually maintained.
 - (4) Maximum height of selected tree species shall be considered when planting under overhead utility lines.
- B. **Landscape Buffer.** A landscaped buffer shall be established and maintained in accordance with the dimensions stated in Table 240-2 and the standards in Section 330 - Landscaping and Screening. The requirements of 240.340 A (2), (3) & (4) apply to the landscape buffer as well.

240.350 Accessory Structures. Structures which are incidental to the primary building are considered accessory structures and are allowed when they meet the following requirements:

- A. **Covered Accessory Structures.** All covered accessory structures, whether attached to the primary building or detached, shall fulfill the front, side and rear building setbacks requirements and height restrictions. These standards are stated in Table 240-2.
- B. **Uncovered Accessory Structures.** Uncovered, detached accessory structures such as signs, flag poles and lamp posts are allowed in the front building setback but not in a required setback from an abutting commercial or residential zone.

240.360 Exterior Display, Storage and Work Activities.

- A. **Exterior Display.** Exterior display of goods is allowed in all manufacturing zones. The setback and landscape standards for exterior display areas are stated in Table 240-3.
- B. **Exterior Storage.** Exterior storage is allowed in all manufacturing zones. The setback and landscape standards for exterior storage areas are stated in Table 240-3.
- C. **Exterior Work Activities.** Exterior work activities are allowed in the General Manufacturing zone and prohibited in the Light Manufacturing. The setback and landscape standards for exterior work areas are the same as that for exterior storage as stated in Table 240-3.

TABLE 240-3
Exterior Development Setbacks and Landscaping in Manufacturing Zones
 (See Section 240.360)

Standards	LM AND GM
Exterior Display - Abutting a street - Abutting NC zone - Abutting any R zone	10 ft/L3 5 ft/L3 25 ft/L3 or F2
Exterior Storage - Abutting a street - Abutting NC or zone - Abutting any R zone	25 ft/L3 or F2 10 ft/F1 25 ft/F2

Note: For description of the landscape requirements (i.e., L3, F2, etc.). See Section 330 - Landscaping and Screening

240.370 Wastewater and Stormwater Disposal.

- A. **Industrial Wastewater Disposal.** Industrial wastewater includes wastewater resulting from production, or resulting from the washing of equipment and vehicles, or resulting from similar activities. Stormwater runoff and runoff from the watering of landscaping is not included. All industrial wastewater disposal must be approved by the Public Works Director. Industrial wastewater must be disposed into a sanitary sewer unless an alternative disposal is approved by the Department of Environmental Quality (DEQ). The Public Works Director may require pretreatment. A sampling manhole and industrial wastewater discharge permit may be required. Sanitary and industrial wastewater quality must meet City code requirements.
- B. **Stormwater Disposal.** All stormwater, groundwater, and runoff from the watering of landscaping must be discharged into an adequate watercourse, water body, storm sewer or into an approved on-site disposal system. Stormwater and groundwater disposal methods and the determination of the adequacy of the receiving systems require the approval of the Public Works Director. A permit from DEQ may also be required.

240.380 Fences.

- A. **Types of Fences.** The fencing standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry or other material including vegetative materials.
- B. **Location and Height Limits.**
 - (1) Fences up to 3 ½ feet are allowed in required front building setback and required side building setbacks to the depth of the required front building setback.
 - (2) Fences up to 8 feet are allowed in required side and rear building setbacks except for corner lot side setback which is limited to 3 ½ feet.

240.390 Additional Regulations.

- A. **Demolitions.** Demolition of all buildings is regulated by the Building Code currently adopted by the City of Wood Village.
- B. **Design Review.** Design Review is required for all uses in manufacturing zones. See Section 630.
- C. **Parking and Loading.** See Section 350.
- D. **Public Access.** All lots shall have frontage or approved access to public streets, public water and public sewer before development is allowed.
- E. **Sale or Conveyance Prohibited.** No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum setback requirements of the zone.
- F. **Signs.** See Section 370.
- G. **Solid Waste, Mixed and Recyclables Storage.** See Section 390.
- H. **Uncontained hazardous materials are prohibited.**

SECTION 250
COMMERCIAL/INDUSTRIAL MIXED USE ZONE

GENERAL PROVISIONS

- 250.100 **Purpose.** This mixed use zone is specifically designed to encourage a variety of freeway-oriented uses which improve the economic vitality of the city. The development standards provide flexibility while ensuring compatibility of adjacent uses.
- 250.110 **Other Zoning Regulations.** The regulations in this section state the uses and development standards for the base zone only. Additional regulations may apply to sites with overlay zones, or specific uses. Section 300 states these additional regulations. The official zoning map indicates sites subject to overlay regulations. Special use regulations are referenced below.
- 250.120 In addition to the standards definitions of Section 720.030, "Employment Related Definitions" may also apply.

USE REGULATIONS

250.200 Primary Uses.

- A. **Uses Allowed Outright.** The uses allowed in the Commercial/Industrial mixed use zone are shown in Table 250-1 by the letter "Y". Uses are allowed if they comply with the development standards of the base zone and any additional regulations that apply to the use or the site. Additional regulations are listed in Section 300.
- B. **Conditional Uses.** The uses which are allowed upon approval through the conditional use review process are shown in Table 250-1 with the letters "CU". These uses must meet the conditional use approval criteria, the development standards and any additional regulations stated in Section 300. Solid Waste uses and siting standards must be in compliance with Appendix A - Mitigation Agreement for Siting Solid Waste Facilities.
- C. **Prohibited Uses.** Uses shown in Table 250-1 with the letter "N" are prohibited in the zone. Legally established uses & development which existed at the time this Code was adopted and would otherwise be prohibited, are subject to additional regulations in Section 640 - Non-conforming Situations.
- D. **Limited Uses.** Uses shown in Table 250-1 with the letter "L" are allowed subject to the following limitations:
- (1) This regulation applies to all parts of Table 250-1 marked with a (1). Daycare uses in the Commercial/Industrial Mixed Use zone are limited to 3,000 gross sq. ft. of area. Larger Daycare uses are subject to approval under the conditional use procedure.
 - (2) **New Buildings.** Uses shown in Table 250-1 with the number "(2)" are subject to the following standards:

New buildings for retail commercial uses such as stores and restaurants and retail and professional services that cater to daily customers such as financial, insurance, real estate, legal, medical and dental offices shall be limited in order to ensure that they serve primarily the needs of workers in the area. New buildings for stores branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions;

- a. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
- b. Training facilities whose primary purpose is to provide training to meet industrial needs.

New buildings for the uses described above shall not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on Metro's Freight Network Map, 2003 or subsequent updated. Measures such as restrictions on access to freight routes and connectors, siting limitations and traffic thresholds may be imposed by the City.

TABLE 250-1
Uses in Commercial/Industrial Mixed Use Zone

	C/I
RESIDENTIAL CATEGORY	
Household Living	N
Group Living	N
COMMERCIAL CATEGORIES	
Retail Sales and Service	Y(2)
Office	Y
Quick Vehicle Servicing	Y
Vehicle Repair	N
Self Service Storage	N
Commercial Recreation	CU
Major Event Entertainment	CU
Hotel or Motel	Y
INDUSTRIAL CATEGORIES	
Manufacturing and Production	Y
Warehouse and Freight Movement	N
Wholesale Sales	Y
Industrial Service	N
Light manufacturing, processing, fabrication, packaging, assembly, and experimental, research, testing or development facilities.	Y
Waste Related	N
INSTITUTIONAL CATEGORIES	
Basic Utilities	Y
Community Service	CU
Parks and Open Space	CU
Schools	N
Colleges	N
Medical Centers	CU
Religious Institutions	N
Daycare	CU/L(1)
Essential Service Provider	N
OTHER CATEGORIES	
Radio and TV Broadcast Facilities	Y
Railroad Lines and Utility Corridors	Y

Y = Yes, Permitted Use
N = No, Prohibited Use

CU = Conditional Use Review Required
L = Permitted, but Subject to Limitations

(2) See 250.200 D. Limited Uses per Title 4

250.210 Accessory Uses. Uses which are accessory to the permitted uses are allowed if they meet the development regulations of the base zone, specific regulations for the accessory use and any additional regulations stated in Section 300. Typical accessory uses are included in Section 710 - Use Categories.

DEVELOPMENT STANDARDS

250.300 Purpose. Development standards are intended to promote site planning and design which will ensure that new land divisions and development will:

- Control the overall bulk and intensity of an area through required dimensional standards and building envelope limits.
- Provide adequate flexibility to allow development which is compatible with the existing area, fits the topography of the site and allows architectural diversity.
- Provide adequate assurance of compatibility of adjacent uses within the mixed use context.

250.310 Lot Size and Dimensional Standards.

- A. **Minimum Lot Size & Dimension.** There is no minimum lot size or dimension for development of land or creation of new lots in the commercial/industrial mixed use zone. Creation of new lots is subject to the regulations of Section 450 - Subdivisions and Partitions. The lot size for all permitted or conditional uses shall be adequate to fulfill the applicable requirements stated below.
- B. Lots or parcels may be divided into smaller lots or parcels as follows:
 - 1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.
 - 2. Lots or parcels larger than 50 acres may be divided into smaller lots or parcels pursuant to a master plan approved by the City so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
 - 3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city so long as at least 40 percent of the lot or parcel has been developed with industrial uses accessory to industrial uses, and no portion has been developed, or is proposed to be developed with uses described in subsection D.(2) of this section.
 - 4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following reasons:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site

identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

- c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
- d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

250.320 Building Setbacks.

A. **Required Setbacks.** The setbacks for front, rear and side yards are stated in Table 250-2.

B. **Extensions into required building setbacks.**

- (1) **Minor Projections Allowed.** Minor features of a building such as eaves, chimney, open fire escapes, bay windows, uncovered stairways and wheelchair ramps, uncovered decks or balconies, which are attached to the building may extend into a required building setback by no more than 20% of its depth. However, they may not be within 3' of a lot line.

TABLE 250-2
Development Standards in Commercial/Industrial Mixed Use Zone

Standard	COMMERCIAL USE CATEGORIES	OTHER USE CATEGORIES
Minimum Lot Size - Min. lot area - Min. lot width - Min. lot depth (See Section 250.310)	None None None	None None None
Maximum Height (See Section 250.330)	None (1)	None (1)
Minimum Setbacks - Front setback - Side setback - Rear setback (See Section 250.320)	10 ft None ⁽²⁾ None ⁽⁴⁾	10 ft ⁽³⁾ None ⁽³⁾ None ⁽³⁾
Minimum Landscape - Site area Landscape Buffer - Street Frontage ⁽⁶⁾ - Side Yard (See Sections 250.340 & 330)	15% ⁽⁵⁾ 10 ft/L1 ^(7,8) L3 ^(2,7) or F2 ⁽⁸⁾	10% ⁽⁵⁾ 10 ft/L1 ⁽⁸⁾ L3 ⁽⁷⁾ or F2 ⁽⁸⁾

- (1) For sites adjoining a residential zone the maximum height is 35 feet, unless otherwise limited by the Federal Aviation Administration (FAA).
- (2) Sites abutting a residential zone shall have a side setback of 15 feet.
- (3) For sites abutting or facing a residential zone, the setback requirement for the facing or abutting lot line shall be 50 feet.
- (4) Sites adjoining a residential zone shall provide a minimum rear setback of 15 feet.
- (5) Within boundaries of the development, minimum percentage or all site area available, whichever is greater.
- (6) Applies to all street frontages.
- (7) For sites facing or abutting a residential zone, the entire depth of the required setback must be landscaped.
- (8) See Section 330 - Landscaping & Screening for a description of the landscape standards (i.e., L1, F2, etc.).

250.330 Height.

A. **Maximum Height.** The maximum height for all structures is stated in Table 250-2.

B. **Exemption to the Maximum Height.**

(1) **Projections Allowed.** Projections extending vertically for permitted buildings and uses, such as skylights, steeples, flagpoles, chimneys, and radio and television aerials, may be erected above the height limitations herein proscribed. Such structures shall not project more than 5' above the maximum permitted height.

(2) Utility power poles are exempt from the height limit.

250.340 Landscape and Buffer.

A. **Required Landscaping.** The minimum landscaping requirements are stated in Table 250-2 and shall satisfy the following requirements:

(1) The minimum site area devoted to landscaping may be computed to include any required landscaping imposed by Section 350 - Parking and Loading.

(2) Provisions shall be made for watering planting areas where such care is required for survival.

(3) Required landscaping shall be continually maintained.

(4) Maximum height of selected tree species shall be considered when planting under overhead utility lines.

B. **Landscape Buffer.** A landscaped buffer shall be established and maintained in accordance with the dimensions stated in Table 250-2 and the standards in Section 330 - Landscaping and Screening. The requirements of 250.340 A (2), (3) & (4) apply to the landscape buffer as well.

250.350 Accessory Structures. Structures which are incidental to the primary building are considered accessory structures and are allowed when they meet the following requirements:

A. **Covered Accessory Structures.** All covered accessory structures, whether attached to the primary building or detached, shall fulfill the front, side and rear building setbacks requirements and height restrictions. These standards are stated in Table 250-2.

B. **Uncovered Accessory Structures.** Uncovered, detached accessory structures such as signs, flag poles and lamp posts are allowed in the front building setback but not in a required setback from an abutting commercial category use or residential zone.

250.360 Exterior Display, Storage and Work Activities.

- A. **Exterior Display.** Exterior display of goods is allowed in this mixed use zone. The setback and landscape standards for exterior display areas are stated in Table 250-3.
- B. **Exterior Storage.** Exterior storage is allowed in this mixed use zone. The setback and landscape standards for exterior storage areas are stated in Table 250-3.
- C. **Exterior Work Activities.** Exterior work activities are prohibited in this mixed use zone.

TABLE 250-3 Exterior Development Setbacks and Landscaping in Commercial/Industrial Mixed Use Zone (See Section 250.360)		
Standards	Commercial Use Categories	Other Use Categories
Exterior Display - Abutting a street - Abutting Commercial Use Category - Abutting Other Use Category - Abutting any R zone	5 ft/L1 5 ft/L1 5 ft/L1	10 ft/L3 5 ft/L3 25 ft/L3 or F2
Exterior Storage - Abutting a street - Abutting Commercial Use Category - Abutting Other Use Category - Abutting any R zone	10 ft/L3 10 ft/L3 25 ft/L3	25 ft/L3 or F2 10 ft/F1 25 ft/F2

Note: For description of the landscape requirements (i.e., L3, F2, etc.), see Section 330 - Landscaping and Screening.

250.370 Wastewater and Stormwater Disposal.

- A. **Industrial Wastewater Disposal.** Industrial wastewater includes wastewater resulting from production, or resulting from the washing of equipment and vehicles, or resulting from similar activities. Stormwater runoff and runoff from the watering of landscaping is not included. All industrial wastewater disposal must be approved by the Public Works Director. Industrial wastewater must be disposed into a sanitary sewer unless an alternative disposal is approved by the Department of Environmental Quality (DEQ). The Public Works Director may require pretreatment. A sampling manhole and industrial wastewater discharge permit may be required. Sanitary and industrial wastewater quality must meet City Code requirements.
- B. **Stormwater Disposal.** All stormwater, groundwater, and runoff from the watering of landscaping must be discharged into an adequate watercourse, water body, storm sewer or into an approved on-site disposal system. Stormwater and groundwater disposal methods and the determination of the adequacy of the receiving systems require the approval of the Public Works Director. A permit from DEQ may also be required.

250.380 Fences.

- A. **Types of Fences.** The fencing standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry or other material including vegetative materials.
- B. **Location and Height Limits.**
 - (1) Fences up to 3 ½ feet are allowed in required front building setback and required side building setbacks to the depth of the required front building setback.
 - (2) Fences up to 8 feet are allowed in required side and rear building setbacks except for corner lot side setback which is limited to 3 ½ feet.

250.390 Additional Regulations.

- A. **Demolitions.** Demolition of all buildings is regulated by the Building Code currently adopted by the City of Wood Village.
- B. **Design Review.** Design Review is required for all uses in this mixed use zone. See Section 630.
- C. **Parking and Loading.** See Section 350.
- D. **Public Access.** All lots shall have frontage or approved access to public streets, public water and public sewer before development is allowed. Access to commercial use categories shall be from the highest classified or capacity street.
- E. **Sale or Conveyance Prohibited.** No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum setback requirements of the zone.
- F. **Signs.** See Section 370.
- G. **Solid Waste, Mixed and Recyclables Storage.** See Section 390.
- H. **Uncontained hazardous materials are prohibited.**

**SECTION 300
ADDITIONAL USE AND DEVELOPMENT REGULATIONS**

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SECTION 310
ACCESSORY HOME OCCUPATIONS

310.010 **Purpose.** The purpose of this section is to provide for occupations in residential districts in a manner that will ensure that they are utilized only as accessory uses incidental to the primary residential use of the premises upon which they are located.

310.020 **Operational Standards.** Home occupations shall be limited to those activities which are customarily carried on within a dwelling, and which are operated entirely within the principal dwelling by a member of the family residing in the dwelling unit as a clearly secondary and incidental use of such a dwelling. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. No dwelling shall be used as headquarters for the assembly of employees for instructions or other purposes such as being dispatched for work at other locations.
- B. All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling.
- C. Any home occupancy which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall not be permitted.
- D. No significant enlargement or alteration to a dwelling for the sole purpose of conducting a home occupation shall be permitted that is inconsistent with the residential nature of the premises.
- E. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.
- F. Dimensions, power rating or weight of such equipment and tools used in the conduct of a home occupation shall not exceed that of normal household equipment and tools.
- G. There shall be no exterior indication of the home occupation; no exterior signs shall be used; no other on-site advertising visible from the exterior shall be used which informs the public of the address of the home occupation.
- H. Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building.
- I. The number of customers allowed in a home occupation residence is limited to:
 - (1) No more than eight customers may enter the premises on a daily basis,
 - (2) No more than two customers may enter the premises at any single time, and
 - (3) No customers may enter the premises between 10:00 PM and 8:00 AM.

- J. There shall be no outside storage of materials or equipment associated with the home occupation. Nor shall there be any storage or use of explosive, flammable, radioactive, toxic or other hazardous materials that are not normally found in the home nor in amounts not normally associated with a residence. Specific limitations and requirements for the storage of hazardous materials in a residence are found in and regulated by the Uniform Building Code.
- K. No more than 20% of the gross floor area of the dwelling unit shall be used for the home occupation. Accessory buildings or yard space shall not be used for home occupation purposes.
- L. Family daycare providers as defined by ORS 418.805 are exempt from standards I. and K. above.

310.030 Establishing and Maintaining a Home Occupation

- A. An application for a Home Occupation Permit is reviewed as a Type I procedure as specified in Section 500. A home occupation permit may be granted provided the use is not inconsistent with or disruptive to the normal residential usage of the premises or cause external effects which are detrimental to neighboring properties or are incompatible with the characteristics of the residential district. A Home Occupation must meet the operational standards of Section 310.020.
- B. Any person may request staff to review a Home Occupation Permit if evidence of non-compliance to this code is evident.
- C. Permits for home occupations may be revoked at any time for failure to adhere to standards and conditions of approval for home occupation.
- D. A change in the characteristics of the use will require a new permit.

310.040 Accessory Home Occupation Exemption

- A. Activities such as parties and events in which goods are sold such as Tupperware, clothes, purses, candles, etc. are exempt from the home occupation permit and provisions of Section 310.020 as long as there is only one party or event held per month per household.

**SECTION 320
GROUP LIVING**

320.010 Purpose. These regulations ensure that uses in the Group Living Category will be compatible with the character of residential and commercial areas.

320.020 Use Regulations. The regulations of this section apply to all uses in the Group Living use category. The base zone sections state whether Group Living uses are allowed, limited, conditional uses, or prohibited. If they are conditional uses, they are subject to the regulations of Section 620 in addition to the provisions of this section. Group Living uses that are accessory to a College, Medical Center, or Religious Institution, such as dormitories, fraternities, or monasteries, and that are part of an approved conditional use are exempt from the regulations of this chapter.

320.030 Development Standards. The development standards of the base zone and overlay zone apply unless superseded by the standards below.

A. Resident Density

- (1) **Purpose.** Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts for overcrowding.
- (2) **Description of Residents.** Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.
- (3) **Density Standard.** Group Living uses are limited to the following number of residents per square foot of site area:

<u>Zone</u>	<u>Number of Residents</u>
MR 4 zone	2 residents per 1,000 sq. ft.
MR 2 zone	2.5 residents per 1,000 sq. ft.
NC zones	not limited (must comply with the building or housing code)

B. Minimum Spacing

- (1) **Purpose.** The minimum spacing standards assure that large Group Living uses so not unduly affect the character of residential and commercial areas.
- (2) **Spacing Standards.** Group living facilities that are conditional uses must be at least 600 feet from a site with any other group living facility that is also a conditional use.

- C. **Required Outdoor Area.** The requirements for outdoor areas applies in all zones. Larger areas may be required as part of a conditional use review. The outdoor area requirement is 48 square feet for every 3 residents, with a minimum dimension of 6 feet by 6 feet. Individual outdoor areas may be combined. The minimum size of a combined area is 500 square feet and the minimum dimension is 15 by 15 feet.
- D. **Parking and Loading.** Parking requirements are stated in Section 350, Parking and Loading.

320.040

Other Regulations. Uses in the Group Living use category may also be subject to County, State or Federal licensing requirements. For more information, applicants should contact the Department of Human Services of the county in which the use will be located.

SECTION 325
ESSENTIAL SERVICE PROVIDERS

325.010 Purpose. These regulations allow for uses which provide essential services to people of low or no income while maintaining public safety, preserving a positive climate for investment in commercial and employment zones, and preventing negative impacts on residential zones. The regulations are intended to reduce conflict between Essential Service Provider uses (ESP's) and other uses, and to ensure that ESP uses do not dominate the character of an area.

325.020 When These Regulations Apply. All regulations of this section apply to all uses in the Essential Service Provider (ESP) category. The base zone sections state whether ESP uses are allowed, conditional, limited or prohibited. If they are conditional uses, they are subject to the regulations of Section 620 in addition to the provisions of this section.

325.030 General Restrictions.

- A. All functions associated with the ESP must take place within the building proposed to house the ESP.
- B. Restrooms must be provided to serve the expected number of clients at peak period and must be kept in working order.
- C. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
- D. A maintenance plan for the exterior of the building and site must be submitted with the application and must be followed. The plan must provide for the building and site to be maintained at a level that will not detract from the character of the surrounding area.
- E. A litter control plan must be submitted with the application and must be followed. The plan must provide for effective litter removal at and near the site of the facility.

325.040 ESP Review Required. ESP reviews are processed through a Type III procedure. Review is required for the establishment of an ESP or any change in operation for an established ESP.

325.050 ESP Review Approval Criteria. ESP's may be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. The use will not result in ESP establishments dominating the character of the area;
- B. The service provided is different than other ESP's within 750 feet of the site and/or the ESP provides services to a different set of clients;

- C. The facility is designed to protect both clients and the public by using techniques of crime prevention through environmental design;
- D. The proposed use and development will comply with the use and development requirements of 325.030 above; and
- E. The proposed use and development is able to meet the approval criteria for Conditional Uses, if applicable, as stated in Section 620.

SECTION 330
LANDSCAPING AND SCREENING

330.010 Purpose. The landscape and screening standards are intended to:

- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing vegetation; and
- Aid in energy conservation by providing shade from the sun and shelter from the wind.

The regulations address materials, placement, layout and timing of installation.

330.020 Landscaping and Screening Standards. Subsections A through G state the different levels of landscaping and screening standards to be applied throughout the City. The locations where the landscaping or screening is required and the depth of the landscaping or screening are stated in various places throughout the code. All landscaping and screening required by this code must comply with all of the provisions of this section, unless specifically superseded. The landscaping standards are generally in a hierarchical order. The landscaping standards are minimums; higher standards can be substituted as long as all fence or vegetation height limitations are met. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of vegetation may be an issue).

A. L1, General Landscaping.

- (1) **Intent.** The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.
- (2) **Required Materials.** The L1 standard requires one tree per 800 square feet and either two high shrubs or three low shrubs per 400 square feet of landscaped area. The shrubs and trees may be grouped. A combination of ground cover plants, grass, barkdust, decorative rock or like materials as approved by the Design Review Board, must fully cover the remainder of the landscaped area. See Figure 330-1.

B. L2, Low Screen.

- (1) **Intent.** The L2 standard is a landscape treatment which uses a combination of distance and low level screening to separate uses or development. The standard is applied where a low level of screening is adequate to soften the

impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.

- (2) **Required Materials.** The L2 standard requires enough low shrubs to form a continuous screen 3 feet high and 95 percent opaque year around. In addition, one tree is required per 30 linear feet of landscaped area or the equivalent. A combination of ground cover plants, grass, barkdust, decorative rock or like materials as approved by the Design Review Board, must fully cover the remainder of the landscaped area. A 3 foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. See Figure 330-2.

Figure 330-1
L1 - General Landscaping

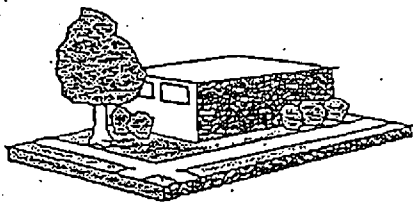
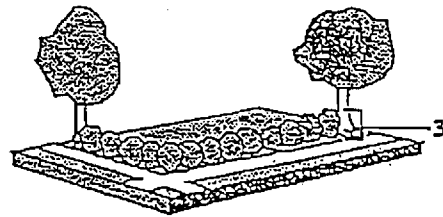


Figure 330-2
L2 - Low Screen Landscaping



C. **L3, High Screen.**

- (1) **Intent.** The L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.
- (2) **Required Materials.** The L3 standard requires enough high shrubs to form a screen 6 feet high and 95 percent opaque year around. In addition, one tree is required per 30 linear feet of landscaped area or the equivalent. A combination of ground cover plants, grass, barkdust, decorative rock or like materials as approved by the Design Review Board, must fully cover the remainder of the landscaped area. A 6 foot high masonry wall may be substituted for the shrubs, but the trees and ground cover are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. See Figure 330-3.

D. **L4, High Wall.**

- (1) **Intent.** The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses in areas and where there is little space for separation.
- (2) **Required Materials.** The L4 standard requires a 6 foot high masonry wall along the interior side of the landscaped area. One tree is required per 30 linear feet of wall or the equivalent. In addition, four high shrubs are required per 30 linear feet of wall. A combination of ground cover plants, grass, barkdust, decorative rock or like materials as approved by the Design Review Board, must fully cover the remainder of the landscaped area. See Figure 330-4.

Figure 330-3
L3 - High Screen Landscaping

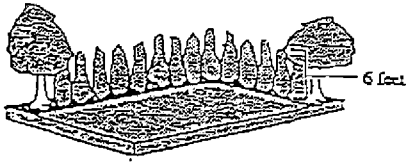
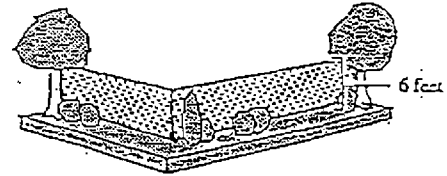


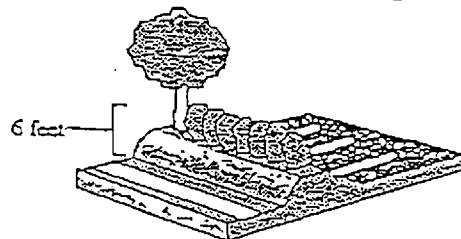
Figure 330-4
L4 - High Wall Landscaping



E. **L5, High Berm.**

- (1) **Intent.** The L5 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses, and where it is desirable and practical to separate a use by distance as well as sight-obscuring materials.
- (2) **Required Materials.** The L5 standard requires a berm between 4 and 6 feet high. If the berm is less than 6 feet high, low shrubs that meet the L2 standard must be planted on top of the berm to assure that the overall screen height is 6 feet. In addition, one tree is required per 30 linear feet of berm or the equivalent. A combination of ground cover plants, grass, barkdust, decorative rock or like materials as approved by the Design Review Board, must fully cover the remainder of the landscaped area. See Figure 330-5.

Figure 330-5
L5 - High Berm Landscaping



F. **F1, Partially Sight-Obscuring Fence.**

- (1) **Intent.** The F1 fence standard provides a tall, but not totally blocked visual separation. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is applied in instances where landscaping is not necessary and where nonresidential uses are involved.
- (2) **Required Materials.** Fences must be 6 feet high and at least 50 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 330-6.

G. **F2, Sight-Obscuring Fence.**

- (1) **Intent.** The F2 fence standard provides a tall and complete visual separation, and is intended to be used in special instances where complete screening is needed to protect abutting uses, and landscaping is not practical. It is usually applied in nonresidential situations.
- (2) **Required Materials.** Fences must be 6 feet high and 100 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 330-7.

Figure 330-6
F1 - Partially
Sight-Obscuring Fence

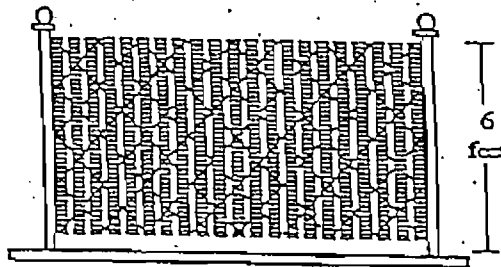
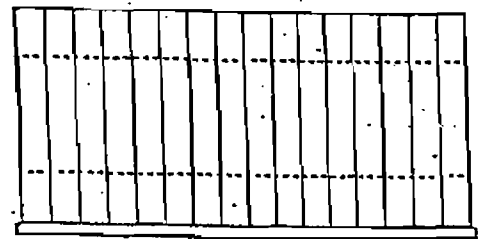


Figure 330-7
F2 - Totally
Sight-Obscuring Fence



330.030

Plant Materials.

- A. **Shrubs and Ground Cover.** All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within 3 years of planting.
- B. **Trees.** Trees may be deciduous or evergreen. Deciduous trees at the time of planting must be fully branched, have a minimum height of 7 feet or be 1 1/2 inches in caliper. Evergreen trees at the time of planting must be fully branched and a minimum of 5 feet in height.
- C. **Plant Material Choices.**
 - (1) **Existing Vegetation.** Existing landscaping or natural vegetation may be used to meet the standards, if healthy and protected and maintained during the construction phase of the development. When the existing trees are at least 8 inches in diameter, measured 5 feet above the ground, they may count triple towards meeting the tree requirements of a landscaping standard.
 - (2) **Selection of Materials.** Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.
- D. **Complying with the Standards.** It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this section.

330.040

Installation and Maintenance.

- A. **Installation.** Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.
- B. **Maintenance.** Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind.
- C. **Protection.** All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas.

330.050 Landscape Plans. Landscape plans must be submitted showing all landscaped areas. Plans must be drawn to scale and show type, size, number and placement of materials. Materials must be identified with both their scientific and common names. Any proposed irrigation system must also be shown.

330.060 Completion of Landscaping. The installation of any required landscaping may be deferred during the summer or winter months to the next planting season, but never for more than 6 months. In this instance, a temporary certificate of occupancy may be issued prior to the installation of all required landscaping. In all instances, all required landscaping must be installed prior to the issuance of a final certificate of occupancy.

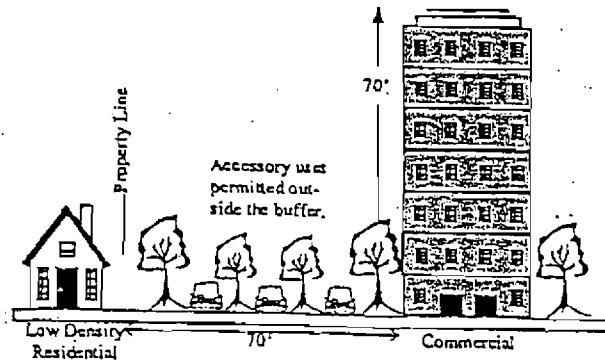
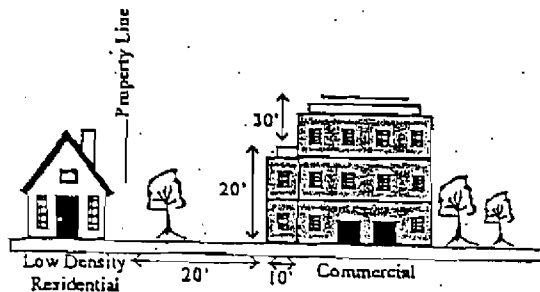
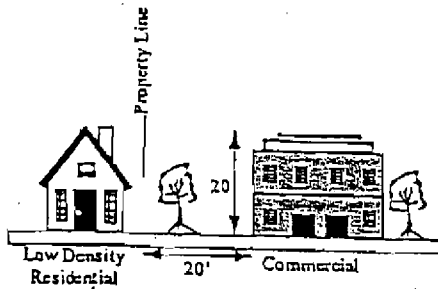
SECTION 335
HEIGHT TRANSITION STANDARDS
(as per Table 230-2 Maximum height standard in the NC Zone)

335.010 Purpose

To reduce the visual and solar impacts of the height of new buildings located on adjoining lots.

335.020 Applicability

The following standards apply to all buildings to be built on lots in the NC Zone that abut any residential zone.



STANDARDS

335.030 Height Transition Standards

- A. For every one foot of height of a proposed building, one foot of horizontal distance between the building to the abutting residential property line is required. See drawing 335-1. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting residential zone. When the proposed structure is designed such that different sections will have different heights, the height transition area shall be measured for each vertical surface as if it were free-standing. The building then must be located on the site so that no section is closer to the abutting residential property line than it would be if the section was free-standing.
- B. The standard under A above applies to all buildings to be built on lots in the NC Zone when those lots abut any residential zone.

335.040 Elements Allowed Within the Height Transition Area

The required buffer and screening of the site, as well as utilities, may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area.

**SECTION 340
MANUFACTURED HOMES**

340.010 Manufactured Homes on Individual Residential Lots

A. Generally

One (1) manufactured home may be located on an individual lot in any residential zone, provided that the manufactured home meets the standards contained in Section 340.010B below.

B. Standards

- (1) Each manufactured home shall be multi-sectional and have a minimum floor area of one thousand (1,000) square feet.
- (2) 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 twelve (12) inches above the ground.
- (3) The manufactured home shall have a pitched roof, with a slope of no less than a nominal three (3) feet in height for each twelve (12) feet in width.
- (4) The manufactured home, and attached or detached garage, shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or which is consistent with the predominant materials used on surrounding dwellings, as determined by the City.
- (5) The manufactured home 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 Building Code as defined in ORS 455.010.
- (6) The manufactured home shall have an attached or detached garage.
- (7) In addition to the provisions in paragraphs 1 to 6 of this subsection, the manufactured home and the lot upon which it is sited shall be subject to all other Code requirements to which a conventional single-family residential dwelling on the same lot would be subject.

340.020 Manufactured Home Parks

Manufactured Home Parks may be located in the MR2 zone only. Except as herein provided, the standards of Section 630 Design Review, shall apply to all manufactured home parks. The following additional standards shall also apply:

A. Generally

(1) Sale Prohibited

Manufactured home park spaces shall be available for rental or lease only. Individual sale is prohibited.

(2) Uses Permitted

No building, structure, or land within a manufactured home park shall be used for any purpose except for:

- (a) Residential manufactured homes, together with normal accessory uses such as awnings, patio slabs, carport or garages, and storage buildings.
- (b) Private and public utilities and services,
- (c) Community recreation facilities, including swimming pools, operated for the residents and guests of the park only.
- (d) One (1) manufactured home or other residence for the use of a manager or a caretaker responsible for maintaining and operating the park.

(3) Occupancy

No occupancy permit for any manufactured home park, building, or facility shall be issued by the City until the park or an approved phase of the park has been completed according to the final site plan approved by the Design Review Board. Deviations from the approved plan must be resubmitted to the Board for review and approval.

(4) Alterations and Additions

The owner(s) of the manufactured home park property, or duly authorized park management, shall be held responsible for all alterations and additions to a manufactured home park or to individual homes within the park, and shall ensure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.

B. Recreational Vehicles

- (1) The occupancy of recreational vehicles within the manufactured home parks as permanent living quarters are prohibited.

- (2) Unoccupied recreational vehicles located in designated parking or storage areas within manufactured home parks are permitted.
- (3) If storage yards for recreational vehicles, boats or trailers are provided, an eight (8) foot high sight-obscuring fence shall be erected around the perimeter of the storage yard.

C. Design Standards

- (1) Spaces shall be a minimum of four thousand (4,000) square feet, with a width of no less than twenty-five (25) feet at the front space line and forty feet at the building line.
- (2) The boundaries of all spaces shall be surveyed or otherwise suitable and permanently marked on-site, as determined by the City.
- (3) Two (2) off-street parking spaces shall be provided for each manufactured home space. Additional off-street parking spaces shall be provided in the manufactured home park with not less than one (1) additional parking space per every ten (10) manufactured homes. All off-street parking spaces shall be paved.
- (4) A minimum four (4) foot wide sidewalk shall be required on one (1) side of all private streets within manufactured home parks.

D. Siting Standards

- (1) Only one (1) manufactured home shall be permitted on a space.
- (2) The supplementary siting standards contained in Section 730 - Measurements shall apply to manufactured home parks, provided that space lines shall be deemed to be the equivalent to lot lines for the purposes of applying those standards.
- (3) Buildings setbacks shall be equivalent to Manufactured Home Park setbacks required by the State, provided however that perimeter rear yard setbacks for manufactured homes shall be ten (10) feet from additional properties. Spaces lines shall be deemed the equivalent to lot lines for the purposes of applying those setback standards. Awnings, carports and other attached structures shall be considered part of the manufactured home for setback purposes.

E. Unit Standards

- (1) Each manufactured home shall have a minimum floor area of eight hundred (800) square feet.

- (2) Except as otherwise herein provided, accessory uses, buildings, and structures shall be treated as per Section 210.110.
- (3) All manufactured homes shall be placed on a foundation stand, adequate to provide a stable, fixed support. The stand shall be all-weather and surfaced with asphalt, concrete or crushed rock, and at least as large as the manufactured home.
- (4) All manufactured homes shall provide exterior finishing and construction as follows:
 - (a) Skirting of moisture resistant, non-combustible material or fire retardant wood.
 - (b) Pedestals, or blocking supports, insuring adequate support and in compliance with the Oregon Department of Commerce manufactured home setup procedures.
 - (c) Awnings, car ports, and similar structures shall be of a material, size, color and pattern similar to the manufactured home and shall conform to all applicable building codes.

F. Utility Standards

- (1) All manufactured homes, service buildings and accessory structures shall be connected to public water and sewer system in accordance with City standards.
- (2) Sufficient fire hydrants shall be installed so that no manufactured home, or other structure is further than three hundred (300) feet from a hydrant, as measured down the center lines of streets, whether private or public. Fire protection shall be provided in compliance with the Uniform Fire Code.

G. Vehicular Circulation

- (1) All private streets shall be constructed in accordance with applicable City standards and shall be curbed. The minimum paved street improvement width shall be:
 - (a) 24 feet with no on-street parking allowed.
 - (b) 32 feet with on-street parking allowed on one (1) side.
 - (c) 36 feet with parking allowed on two (2) sides, provided that at least one (1) private street thirty-six (36) feet in width with no on-street

parking allowed shall be constructed to intersect with an adjacent public street.

- (2) Any street within the manufactured home park that, due to volumes of traffic or street location, as determined by the City, functions as a minor collector or higher functional classification roadway shall be a public street and constructed to full City public improvement standards.

H. **Miscellaneous Park Standards**

- (1) All other community design standards contained in Section 630 and relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by Section 660 shall apply to manufactured home parks.

**SECTION 350
PARKING AND LOADING**

350.010 Introduction. This section establishes the standards for the amount, location, and development of motor vehicle parking, and standards for on-site loading areas. Other City Ordinances may regulate other aspects of parking and loading.

350.020 Parking Plan Required. A parking plan, drawn to scale, must accompany land use applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan. The plan must show the following elements that are necessary to indicate that the requirements of this Code are being met.

- (1) Delineation of individual vehicles and bicycle parking spaces, including handicapped parking spaces.
- (2) Loading areas and docks.
- (3) Circulation area necessary to serve spaces.
- (4) Location of bicycle and motorcycle parking areas, if any.
- (5) Access to streets, alleys, and properties to be served.
- (6) Curb cuts.
- (7) Type of landscaping, fencing, or other screening materials.
- (8) Abutting land uses.
- (9) Grading, drainage, surfacing, and sub-grading details.
- (10) Location of lighting fixtures.
- (11) Delineation of all structures and obstacles to circulation on the site.
- (12) Specifications of signs and bumper guards.
- (13) Location of planter bays where required.
- (14) Proposed number of employees and amount of floor area space applicable to the parking requirements for the proposed use.

MOTOR VEHICLE PARKING

350.030 General Regulations

- A. **Where the Regulations Apply.** The regulations of this section apply to all parking areas in all zones, whether required by the code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, or for a park and ride use in the Basic Utilities use category.
- B. **Occupancy.** All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Section 330 - Landscaping and Screening.
- C. **Use of Required Parking Spaces.** Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations (see Section 350.045), or to redevelop a portion of a parking lot for transit oriented uses including bus stops, pullouts, shelters, park and ride stations and similar facilities as approved by the City in cooperation with Tri-Met. Redevelopment or joint use of a parking lot may occur only when the underlying parking stall requirements have been met. Required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.
- D. **Curb Cuts.** Access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Curb cuts shall be designed to established City standards.
- E. **Proximity of Parking to Use.** Required parking spaces for residential uses must be located on the site of the use. Required parking spaces for nonresidential uses must be located on the site of the use or in parking areas whose closest point is within 250 feet of the site.

REQUIRED PARKING SPACES

350.040 **Purpose.** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time, while at the same time maximizing land use by avoiding an oversupply of parking stalls. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Variation from parking requirements shall be allowed only after approval of a variance as per Section 660.

350.045 Number of Required Spaces.

- (1) Table 350-1A and 1B state the required minimum and maximum number of spaces for each use category.

- (2) When computing parking spaces based on floor area, areas used for parking are not counted. The number of parking spaces is computed based on the primary use of the site except as stated in Paragraphs 3 and 4 below.
- (3) When there are two or more separate uses on a site, the required parking for the site is the sum of the required parking for the individual uses. For joint use parking, see Paragraph 5.
- (4) When a use has more than 20 percent of its floor area in a distinct function (i.e., office, warehouse, or retail), the required parking is calculated separately for each function. An example would be a 40,000 square foot use with a 10,000 square foot office area and a 30,000 square foot warehouse. The required parking would be computed separately for the office and warehouse functions.
- (5) **Joint Use Parking.** Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The number of required stalls per use may be reduced up to 25%. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the City Administrator as part of a building permit application or land use review.
 - (a) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - (b) The location and number of parking spaces that are being shared;
 - (c) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 - (d) A legal instrument such as an easement, lease, contract or similar written document or deed restriction that guarantees access to the parking for both uses.
- (6) **Bicycle Standards.**
 - (a) **Required Bicycle Parking**
 - (i) Multi-family residential development shall provide a minimum of two bicycle parking spaces or one per 10 auto spaces, whichever is greater.
 - (ii) Industrial development shall provide a minimum of two bicycle parking spaces or one space for every 30 auto spaces, whichever is greater.

- (iii) Development in commercial and institutional categories must provide a minimum of two bicycle parking spaces per building or one space for each 30 auto spaces, whichever is greater.

(b) **Bicycle Parking Development Standards.**

- (i) The parking shall be well-lighted and lockable so as to provide security and convenience to bicyclists. The bicycle parking must be within 50 feet of a well-used building entrance. On property with multiple uses of buildings, bicycle parking may be clustered in one or more locations.
- (ii) The on-site circulation system must be designed to accommodate safe and convenient bicycle access.

TABLE 350-1A
Minimum Required Parking Spaces in All Zones

Use Category	Specific Uses	Minimum Required Parking Spaces
Residential Categories		
Household Living:	1 and 2 family units	1 per unit
	3 and more units	1.5 per unit
Group Living		1 per 3 residents
Commercial Categories		
Retail Sales & Service	Retail, personal service, repair oriented	1 per 300 sq.ft. of gross leasable area (GLA)
	Restaurants, bars	15 per 1000 sq.ft. GLA
	Sports clubs, Recreation facilities	4.3 per 1000 sq. ft. GLA
	Drive-thru restaurants	9.9 per 1000 sq.ft. GLA
	Temporary Lodging	1 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area
Office		1 per 400 sq.ft. GLA
Quick Vehicle Servicing		1 per 500 sq.ft. GLA
Vehicle Repair		1 per 750 sq.ft. GLA
Self Service Storage		4 plus 1 for each 150 rentable spaces
Commercial Recreation		4.3 per 1000 sq.ft. of GLA
Major Event Entertainment		1 per 8 seats or per CU review
Industrial Categories		
Manufacturing & Production		1 per 625 sq.ft. GLA
Warehouse & Freight Movement		1 per 750 sq.ft. of GLA for the first 3,000 sq.ft. of GLA and then 1 per 1,500 sq.ft. of GLA thereafter If over 150,000 sq.ft. – 0.3 per 1000 sq.ft. GLA
Wholesale Sales, Industrial Service		1 per 750 sq.ft. of GLA
Waste Related		Per CU Review
Institutional Categories		
Basic Utilities		None or per CU review
Community Service		1 per 400 sq.ft. of floor area or per CU review
Essential Service Providers		Per CU review
Parks and Open Space		Per CU review for active area
Schools	Grade, elementary, middle, junior high high school and colleges	0.2 per # of students plus staff
Medical Center		1 per 300 sq.ft. of floor area or per CU review
Religious Institutions		0.5 per seat
Daycare		1 per 300 sq.ft. of GLA
Other Categories		
Agriculture		None or per CU review
Detention Facilities		Per CU review
Mining		Per CU review
Radio & TV Broadcast Facilities		2 per site
Rail Lines & Utility Corridors		None

TABLE 350-1B
Maximum Parking Ratios

Use Category	Maximum Permitted Parking Ratios (spaces per 1,000 square feet of gross leasable area)	
	Generally	Within 1/4 mile of fixed route transit with 20-minute service
Household Living	no maximum	no maximum
Group Living	no maximum	no maximum
Retail Sales and Service:		
Restaurant	23	19.1
Restaurant with drive through	15	12.4
Motel/Hotel	no maximum	no maximum
Movie Theatre	0.5 spaces per seat	0.4
All other	5.75	5.1
Office - Medical/Dental	5.9	4.9
- All other	4.1	3.4
Quick Vehicle Servicing	no maximum	no maximum
Commercial Outdoor Recreation	6.5	5.4
Major Event Entertainment	no maximum	no maximum
Manufacturing and Production	no maximum	no maximum
Wholesale Sales	no maximum	no maximum
Colleges	0.3	0.3
Schools - High Schools	0.3	0.3
- All other schools	no maximum	no maximum
Religious Institutions	0.8 spaces per seat	0.6
Other Institutional Use Categories	no maximum	no maximum
All other categories	no maximum	no maximum

DEVELOPMENT STANDARDS FOR ONE AND TWO UNIT DWELLINGS

350.050 Purpose. The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.

350.055 General Regulations.

- A. **Structures These Regulations Apply To.** The regulations of this section apply to houses, attached houses, duplexes, and manufactured homes. The regulations apply to required and excess parking areas. Parking for manufactured home parks is regulated in Section 340 - Manufactured Homes.
- B. **Parking Area Locations.** Required parking spaces are not allowed within the first 10 feet from a front lot line. In addition, no more than 40 percent of the land area between the front lot line and the front building line may be paved for parking or driveway purposes. Parking in garages is subject to the base zone setback standards.
- C. **Parking Space Sizes.** The minimum size of a required parking space is 9 feet by 19 feet. The minimum driveway width on private property is 9 feet for residential uses.
- D. **Paving.** All driveways and parking areas shall have a durable, dust free surfacing of asphalt, concrete, or other material approved by the Director of Public Works.

DEVELOPMENT STANDARDS FOR ALL OTHER USES

350.060 Purpose. The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. The parking area layout standards are intended to promote safe circulation within the parking area and to provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Direct traffic in parking areas;
- Shade and cool parking areas; and
- Decrease airborne and waterborne pollution.

350.065 General Regulations

- A. **Where These Standards Apply.** The standards of this section apply to all vehicle areas whether required or excess parking, except for residential parking areas subject to the standards of Section 350.050 through 350.055.

B. Improvements.

- (1) **Paving.** In order to control dust and mud, all vehicle areas shall have a durable, dust free surface of asphalt, concrete, or other material approved by the Public Works Director. For instance, infrequently used parking areas may have a gravel surface. However, some portions of individual parking spaces may be landscaped per the standards of Paragraph D4 below.
- (2) **Striping.** All parking areas, must be striped in conformance with the parking dimension standards of Subsection D below.
- (3) **Protective Curbs Around Landscaping.** All perimeter and interior landscaped areas must have protective curbs along the edges. Trees must have adequate protection from car doors as well as car bumpers.

C. Setbacks and Perimeter Landscaping for Surface Parking Areas. The minimum required setbacks and landscaping for surface parking areas are stated in Table 350-2. The setbacks apply when a parking area abuts a street or lot line.

Location	All zones except GM	GM
Lot line abutting street	5 ft/L2 10 ft/L1	5 ft/L2 10 ft/L1
Lot line abutting a NC, LM, C/I, TC or GM zone lot line	5 ft/L2 10 ft/L1	5 ft/L2 10 ft/L1
Lot line abutting a LR or MR zone lot line	5 ft/L3	10 ft/L3

D. Parking Area Layouts.

- (1) **Access to Parking Spaces.**
 - (a) All parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.
 - (b) All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion. However, this does not apply to parking areas with one or two spaces and whose only access is on a non-arterial street.

(2) **Parking Space and Aisle Dimensions.**

(a) The minimum dimensions for required parking spaces are stated in Table 350-3. All excess spaces must comply with at least the dimensions for compact spaces, stated in Table 350-3. Compact spaces must be clearly labeled on the site for compact use.

(b) At least 50% of required parking spaces must comply with the minimum dimensions for standard spaces.

(3) **Disabled Parking.** Where required by this Code, Chapter 31 of the Uniform Building Code or the Americans With Disabilities Act, disabled parking spaces must meet the dimension standards stated in Table 350-3.

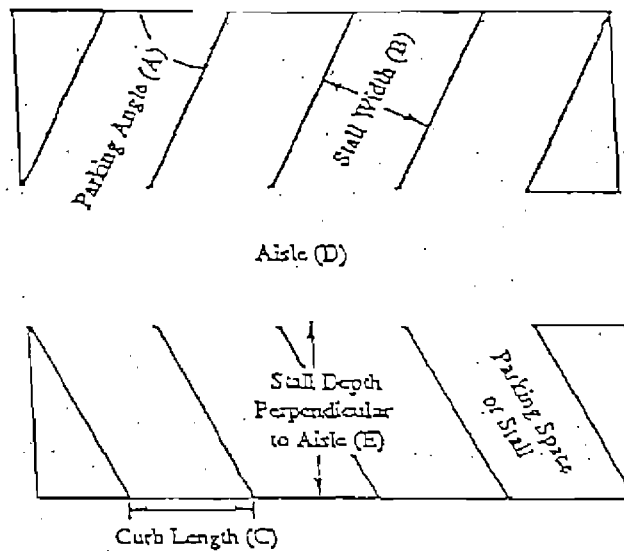
(4) **Landscape Instead of Paving.** A portion of a standard parking space may be landscaped instead of paved. The landscaped area may be up to 2 feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space. Landscaping must be ground cover plants. The landscaping does not apply towards any perimeter or interior landscaping requirements, but does count towards any overall site landscaping requirement.

TABLE 350-3
Minimum Parking Space and Aisle Dimensions [1]

Angle (A)	Type	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (E)	Stall Depth (F)
0° (Parallel)	Standard	9 ft	22 ft 6 in	12 ft	24 ft	8 ft
	Compact	7 ft	19 ft 6 in	12 ft	24 ft	7 ft 6 in
	Disabled	13 ft	22 ft 6 in	12 ft	24 ft	8 ft
30°	Standard	9 ft	18 ft	12 ft	24 ft	17 ft
	Compact	7 ft 6 in	15 ft	12 ft	24 ft	14 ft
	Disabled	13 ft	18 ft	12 ft	24 ft	17 ft
45°	Standard	9 ft	12 ft 6 in	12 ft	24 ft	19 ft
	Compact	7 ft 6 in	10 ft 6 in	12 ft	24 ft	16 ft
	Disabled	13 ft	12 ft 6 in	12 ft	24 ft	19 ft
60°	Standard	9 ft	10 ft 6 in	12 ft	24 ft	20 ft
	Compact	7 ft 6 in	8 ft 6 in	12 ft	24 ft	16 ft 6 in
	Disabled	13 ft	10 ft 6 in	12 ft	24 ft	20 ft
90°	Standard	9 ft	9 ft	12 ft	24 ft	19 ft
	Compact	7 ft 6 in	7 ft 6 in	12 ft	24 ft	15 ft
	Disabled	13 ft	9 ft	12 ft	24 ft	19 ft

Notes: [1] See Figure 350-1

Figure 350-1
Parking Dimension Factors



E. Parking Area Interior Landscaping.

- (1) **Amount of Landscaping.** All surface parking areas with more than 10 spaces must provide interior landscaping complying with one or a mix of both the standards stated below. In addition, the City encourages the use of bio-retention cells as rain gardens in parking lot islands, and utilization of site landscaping for treatment of stormwater runoff in the parking lot.
 - (a) **Option 1.** Interior landscaping must be provided at the rate of 20 square feet per stall. At least one tree must be planted for every 200 square feet of landscaped area. Ground cover plants must completely cover the remainder of the landscaped area.
 - (b) **Option 2.** One tree must be provided for every four parking spaces. If surrounded by cement, the tree planting area must have a minimum dimension of 4 ft. If surrounded by asphalt, the tree planting area must have a minimum dimension of 3 ft.
- (2) **Development Standards for Parking Area Interior Landscaping.**
 - (a) All landscaping must comply with the standards of Section 330 - Landscaping and Screening. Trees and shrubs must be fully protected from potential damage by vehicles.
 - (b) Interior parking area landscaping must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed.

- (c) Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends 4 feet or more into the parking area from the perimeter landscape line.
- (d) Parking areas that are 30 feet or less in width may locate their interior landscaping around the edges of the parking area. Interior landscaping placed along an edge is in addition to any required perimeter landscaping.

LOADING

350.070 Purpose. A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas.

350.075 Loading Standards.

A. Number of Loading Spaces. The minimum required number of loading spaces for all buildings is:

- Buildings under 20,000 sq. ft. 0
- Buildings from 20,000 to 50,000 sq. ft. 1
- Buildings over 50,000 sq. ft. 2

B. Size of Loading Spaces. Required loading spaces must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

C. Placement, Setbacks and Landscaping. Loading areas must comply with the setback and perimeter landscaping standards stated in Table 350-4.

D. Forward Motion. Loading facilities must be designed so that vehicles enter and exit the site in a forward motion.

TABLE 350-4		
Minimum Loading Area Setbacks and Perimeter Landscaping		
Location	All zones except GM	GM
Lot line abutting street	5 ft/L2 10 ft/L1	5 ft/L2 10 ft/L1
Lot line abutting a NC, LM, C/I, TC or GM zone lot line	5 ft/L2 10 ft/L1	5 ft/L2 10 ft/L1
Lot line abutting an R zone lot line	5 ft/L4	10 ft/L4

SECTION 360
PLANNED DEVELOPMENT DISTRICT

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

360.020 Procedure.

A. Preliminary Development Plan and Program.

The applicant shall submit a Preliminary Development Plan and Program to the Planning Commission for an approval in principle. Such presentation shall consist of a preliminary plan in schematic fashion and a written program containing the following elements:

- (1) Plan Elements
 - (a) Proposed land uses and densities
 - (b) Building types and intensities
 - (c) Circulation pattern
 - (d) Parks, playgrounds, open spaces
 - (e) Existing natural features
- (2) Program Elements
 - (a) Applicant's market analysis of proposed use
 - (b) Proposed ownership pattern
 - (c) Operation and maintenance proposal, i.e. Homeowners Association, Condominium, Co-op or other
 - (d) Solid waste and recyclables storage where required. See Section 390
 - (e) Lighting

- (f) Water supply
 - (g) Public transportation
 - (h) Community facilities, i.e. schools, libraries, fire protection and shopping
 - (i) General timetable of development
 - (j) Qualifications of the proposed design team for the preparation of the General Plan and Program. The design team shall be designated on the basis of the extent and complexity of the Planned Development and shall consist of one or more persons with qualifications such as an Urban Planner, an Architect, an Engineer, a Landscape Architect, a Designer, an Attorney or other similar professionals or technicians.
- (3) Planning Commission initial review of the Preliminary Plan and Program need not be a public hearing unless the applicant requests such hearing in the application. Notice for such requested hearing shall be given as provided in Section 520.100 Type II Procedure.
 - (4) The Planning Commission shall informally review the Preliminary Development Plan and Program at a regular meeting and may act to grant preliminary approval, approval with recommended modifications or denial. Such action shall be based upon the Comprehensive Plan, the standards of this ordinance and other regulations and the suitability of the proposed development in relation to the character of the area.
 - (5) Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their inter-relationships and shall not be construed to endorse precise location of uses nor engineering feasibility. The Planning Commission may require the development of other information than that specified in Section 360.020B to be submitted with the General Development Plan and Program.
 - (6) The Planning Commission shall review and may recommend expansion, additions or modifications in the qualifications of the proposed design team for the preparation of the General Plan and Program.
 - (7) The Planning Commission shall determine the extent of any additional market analysis to be included in the General Development Plan and Program.

B. General Development Plan and Program.

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

- (2) The applicant shall apply for an amendment of the Zoning Map as set forth in Section 680.010.
- (3) Upon receipt of the application accompanied by the General Development Plan and Program, the Planning Commission shall hold a public hearing in accordance with the provisions of Section 680.010.
- (4) The General Development Plan and Program shall contain the following elements:
 - (a) Plan Elements
 - (i) General Development Plan in conformance with the approved Preliminary Plan.
 - (ii) Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.
 - (iii) Location, widths and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks, or other public open spaces and land uses within 500 feet of the boundaries of the development.
 - (iv) Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
 - (v) Proposed sewers or other disposal facilities, water mains and other underground utilities.
 - (vi) A preliminary subdivision plan if the property is proposed to be divided.
 - (vii) A land use plan indicating the uses planned for the development.
 - (viii) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or other uses dedicated or reserved to the public, if any.
 - (vii) Parks, playgrounds, open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
 - (x) A traffic flow map showing the circulation pattern within and adjacent to the proposed development. Include a map that identifies possible street connections (except where prevented by topography, barriers or environmental constraints) at intervals of no more than 530 feet both within the project and to adjacent land in compliance with the City, County and Regional Transportation Plans. Street connections at intervals of no more than 330 feet are recommended in areas planned for the higher density mixed-use development.

- (xi) Location and dimensions of pedestrian walkways, malls, trails or easements. Illustrate accessways for pedestrians, bicycles or emergency vehicles on public easements or right-of-way where full street connections are not possible with spacing between streets and accessways preferably not to exceed 330 feet, unless impractical due to existing development or environmental, topography, physical barriers or environmental constraints.
- (xii) Location, arrangement, number and dimension of automobile garages and parking spaces, width of aisles, bays and angle of parking.
- (xiii) Location, arrangement and dimensions of truck loading and unloading spaces and docks, if any.
- (xiv) Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- (xv) A preliminary tree planting and landscaping plan including areas of ground cover and approximate finished grades, slopes, bank and ditches. All existing trees over 12" in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
- (xvi) The approximate location, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.
- (xvii) The stages, if any, of the development construction. Such stages shall be clearly marked on the General Development Plan.

(b) Program Elements

- (i) Narrative statement of the goals and objectives of the planned development.
- (ii) A completed market analysis, if required by the Planning Commission.
- (iii) Evidence of resources available to develop the project.
- (iv) Tables showing the total number of acres, the distribution of areas by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.
- (v) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals

for the limitation of density.

- (vi) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, of required dedications or reservations of public open spaces and of any dedications of development rights.

C. Action and Findings.

- (1) The Planning Commission, after public hearing as provided in Section 530.100, may by resolution, recommend approval of the Planned Development district and the General Development Plan and Program, with or without modifications or may deny the application. A decision to recommend approval of a Planned Development district shall be based upon the following finding:
 - (a) That the proposed development is in substantial conformance with the Comprehensive Plan for the City.
 - (b) That exceptions from the standards of the underlying district are warranted by the decision by the design and amenities incorporated in the development plan and program.
 - (c) That the proposal is in harmony with the surrounding area or its potential future use.
 - (d) That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable.
 - (e) That the approval will have a beneficial effect on the area which could not be achieved under other zoning districts.
 - (f) That the proposed development, or a unit thereof, can be substantially completed within four (4) years of the approval.
- (2) A resolution for approval shall be considered by the City Council according to the provisions of Section 530.100. A Planning Commission action to deny the application may be appealed to the Council as provided in Section 550.100.

D. Final Plan and Program.

- (1) Following approval of the Planned Development District by the City Council the applicant shall prepare a Final Plan and Program which shall be submitted to the City Administrator to check for compliance with the approved General Development Plan and Program.
- (2) If the Final Plan and Program is found to be in compliance, it shall be so certified by

the City Administrator and recorded by the applicant in the County offices of the Department of Records and Elections as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the Final Program.

- (3) The standards of the Subdivision Regulations shall be met if the property is to be divided or streets are to be dedicated.
- (4) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.
- (5) Final copies of all approved articles governing operation and maintenance shall be filed with the Planning Commission prior to the issuance of any building permit.

360.030 Development Standards

A. Application of Standards.

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

B. Minimum Site Size.

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

C. Compatibility with Neighborhood.

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

D. Lot Coverage. Lot coverage shall be the same as the underlying district unless the

Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.

E. **Open Space.**

- (1) Open Space in a Planned Development District means the land area to be used for scenic, landscaping or open recreational purposes within the development.
 - (a) It shall not include street rights-of-way, driveways or open parking areas.
- (2) Open Space shall be adequate for the recreational and leisure use of the population occupying the Planned Development District and designed to enhance the present and future value of the development.
- (3) To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
- (4) In order to assure that open space will be permanent, dedication of development rights to Wood Village for other than open space use may be required.
- (5) Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.
- (6) The Planning Commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate is not maintained in a condition consistent with the approved plan and program, then and in such event the City may at its option cause such maintenance to be done and assess the costs to the affected property owners.
- (7) **Recreation Area.** A minimum of two hundred (200) square feet of recreation area shall be provided for each dwelling unit proposed in the Development Plan for units No. 1 through and including No. 30. A minimum of two hundred fifty (250) square feet of recreation area shall be provided for each dwelling unit for Units No. 31 or more. The recreation area shall be of a shape that will make it usable for its intended purpose. Recreation buildings may be considered as a part of this requirement. Recreation areas shall not be located in required yard.
- (8) **Storage Area.** Storage space (for boats, campers, etc.) shall be provided on a multi-family development site at the rate of one (1), ten (10) foot by twenty (20) foot space in size for every four (4) living units. Adequate maneuvering room shall be provided; storage space shall be fenced with a six (6) foot sight-obscuring fence and conform to standard set backs.
- (9) **Landscaping.** Landscaping and screening shall be provided in each multi-family development and shall satisfy the following requirements:

- (a) All areas in a multi-family dwelling, not occupied by paved roadways or walkways, patios, shall be landscaped.
- (b) Native and ornamental trees with a height of twenty (20) feet or greater shall be retained unless it can be justified to be impractical.
- (c) Screen planting, masonry walls, or fencing shall be provided to screen objectionable views effectively within a reasonable time. Views to be screened include boat and RV parking areas, garbage and recycling collection stations and other similar uses.
- (d) Other landscape planting of adequate size, quantity and character shall be planted and maintained to provide an attractive setting and other improvements to provide adequate privacy and pleasant outlooks for living units.
- (e) It shall be the responsibility of the management to see that landscaped areas and yards are well kept.

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

G. **Staging.**

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

360.040 Permitted Uses

A. **For Residential Districts.**

The following uses are permitted in a Planned Development District:

- (1) Housing concepts may include but are not limited to single family residences, duplexes, row houses, townhouses, cluster units or multiple family dwellings.
- (2) Related commercial uses which are designated exclusively to serve the development of which they are a part, when approved by the Planning Commission.
- (3) Related community service uses which are designed to serve the development of

which they are a part, when approved by the Planning Commission.

(a) Such community service uses may also be designed to serve the adjacent area if considered desirable by the Planning Commission upon examination of the plan.

(4) Accessory buildings and uses.

B. For Commercial and Industrial Districts.

(1) Uses permitted in the underlying district.

(2) Community service uses approved by the Planning Commission.

(3) Other uses as approved by the Planning Commission as consistent with the Plan and Program.

(4) Accessory buildings and uses.

360.050 Changes and Modifications.

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

B. Minor Changes.

(1) Minor changes in the General Development Plan and Program may be approved by the Planning Director, provided that such changes:

(a) Do not increase the densities

(b) Do not change boundaries

(c) Do not change any use

(d) Do not change the location or amount of land devoted to specific land uses.

(2) Such changes may include:

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

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

SECTION 370
SIGNS

370.010 **Definitions:** See Section 720 - Definitions.

370.020 **General Provisions:**

- A. No person shall erect, construct, alter, place, change, relocate, suspend or attach any sign without first obtaining from the City Building Department a written permit to do so, paying the fees prescribed therefore, and otherwise complying with all of the applicable provisions of this Code. Signs will be maintained in good condition, both structurally, and in their appearance.
- B. **Permit Application:** Application for a sign permit shall be made on a form prescribed by the City and shall include at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign(s)' location, colors, graphic design, structural and mechanical design and engineering data which ensures its structural stability unless otherwise excepted herein. The application shall also contain the names and addresses of the owner(s) of the subject property, the person authorizing erection of the sign and the party erecting the same as well as the party who shall maintain the same.
- C. **Application Approval and Permit Issuance:** Unless otherwise provided by this Code, no permit shall be issued for any new sign or substantial modification thereof within the City until the same be reviewed and approved under the direction of the City Administrator. Applicants for structural work within the City requiring building applications are required to incorporate sign permit review as a part of their initial submittal of design plans on such new projects to the City Building Department.
- D. **Signs Exempt from Permits:** The following signs do not require permits as herein required:
 - (1) **Traffic or other governmental street signs**, such as railroad crossing signs and notices as may be authorized or required by State or Federal Law or the Wood Village City Council.
 - (2) **Signs of public utility companies** indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
 - (3) **Signs not visible from public right-of-ways.**
- E. **Signs Exempt from Permits but Requiring Conformance to Set Standards and Regulations:**

- (1) **Construction Project Sign:** a sign erected in conjunction with a construction project and used to inform the public of the architects, engineers and construction organizations participating in the project and indicating "future home of" information. One (1) such sign may be erected after appropriate building permits have been obtained. No such sign shall exceed sixty-four (64) square feet total or thirty-two (32) square feet per face; no free-standing sign shall exceed (8) feet in height. The sign shall be removed at the time final occupancy is approved by the City or in the event a building permit or license for such construction shall have expired.
- (2) **Garage Sale Sign:** a sign advertising garage sales or similar events in residential zones. Such sign shall not exceed a size per face of four (4) square feet and shall not exceed four (4) feet in height. Such sign may be erected up to one (1) week prior to the event and shall be removed no later than the day after the event. Such sign shall not be placed in the public right-of-way or vision clearance areas and shall not be maintained for more than ten (10) days in any one six (6) months' period of time.
- (3) **Gasoline Station Price Sign:** Unless otherwise herein provided, one (1) changeable copy sign shall be allowed for the purpose of advertising gasoline prices. The sign shall be one (1) or two (2) faced sign with a maximum of six (6) square feet in area per face and shall be permanently affixed to the building.
- (4) **Name Plate:** a sign when otherwise permitted in an area identifying the name, street address, occupation and/or profession of the occupant of the premises. Graphic information and all name plates shall be limited to the identification of the business name as registered with the State of Oregon. One (1) name plate, not exceeding two (2) square feet total shall be allowed for each occupant and shall be affixed to the building wall.
- (5) **Non-Commercial Sign:** a notice or pictorial sign, except those used for purposes of making things known about goods, services or activities offered by "for profit" entities shall be allowed in any zone when otherwise permitted, subject to the same regulations as signs in the particular zone and counted in the quantity limitations of signs for that zone for each property.
- (6) **Banner:** a temporary sign made of fabric, vinyl or other non-rigid material with or without an enclosing framework typically on a pole or lamppost. When a banner extends over a public sidewalk, or other space accessible to pedestrians, there must be a minimum 9-foot clearance. Banners are considered temporary and must be removed within 30 days.

Opening Banner: one (1) banner announcing the opening of a new business ("grand opening" or works to that effect) will be allowed either from date of issuance of building permit until four (4) weeks after issuance

of certificate of occupancy or if no building permit be issued for four (4) weeks from occupancy of a new business. Such banner shall not exceed sixty-four (64) square feet total and thirty-two (32) square feet per face. This section does not apply to announcing the availability of office space or residential units.

- (7) **Public Safety and Convenience:** Signs used to serve the public safety or convenience such as "entrance", "parking", or "no-smoking", "turn off motor" signs. Such signs shall not exceed three (3) square feet per face and shall meet all other pertinent requirements and City standards.
- (8) **Window Sign:** A sign not exceeding twenty (20) percent of an interior window area when otherwise permitted therein.
- (9) **Non-Commercial Flags:** Flags displayed from permanently located free-standing or wall-mounted flagpoles which are designed to allow raising and lowering of flags. The number of such flags shall be limited in number to one per hundred feet of linear frontage, with a maximum of six per premises. Such displays shall be kept neat, clean and in good repair.
- (10) **Political Signs:** Signs relating to the nomination or election of any individual for public office or advocacy of any measure to be voted upon at any special or general election shall be permitted from a date not more than forty-five (45) days prior thereto to a date ten (10) days following such election. Such sign if placed in a residential zone shall not exceed an area of two (2) square feet and in a non-residential area not more than ten (10) square feet; such sign shall be considered temporary in nature and shall be placed upon the concerned property only by the property owner, resident or with the consent of the owner, occupant or lessee thereof.
- (11) **Tourist Attraction Directional Sign:** A uniformly designed sign used by a public agency to identify a local or regional tourist attraction.

F. Signs or Advertising Devices Expressly Prohibited:

- (1) **Signs Structurally Unsafe:** no sign shall be constructed, erected or maintained unless the sign and sign structure is so constructed, erected and maintained as to be able to withstand wind, seismic and other loads as specified in the Uniform Building Code of the City.
- (2) **Intersection Signs:** notwithstanding any other provisions of this Code, no sign except authorized traffic signs shall be erected at the intersection of any street in such a manner as to create a traffic hazard by obstructing vision or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- (3) **Regulatory Sign Confusion:** signs resembling traffic signs or signals shall

not be constructed, erected or maintained or signs which bear the words "stop", "go slow", "caution", "danger" and "warning" or similar words except as officially authorized and installed by the City or other authorized governmental agencies.

- (4) **Obstructing Signs:** notwithstanding other provisions of this Code, no sign or sign structure shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall be erected or maintained so as to obstruct any window to such an extent that light or ventilation is reduced below minimums required by any applicable law or ordinance.
 - (5) **Portable Signs:** signs not permanently affixed to a building structure or the ground and designed to move from place to place except garage sale signs, special event signs, political signs, real estate signs or as otherwise provided in this Code including Section 370.030 (C)(3) regulating free-standing signs in commercial and industrial zones. Portable signs primarily include, but are not limited to, A-frame signs, except certain A-frame signs are permitted and exempt from a sign permit, including a public event directional A-frame sign; and one A-frame or sandwich board sign when located within 10 feet of the business being promoted, which must be removed at close of business each day, and signs attached to wood or metal frames designed to be self-supporting and movable including trailer reader boards, paper, cardboard or canvas signs wrapped around supporting poles.
 - (6) **Roof Signs:** signs erected, maintained and displayed above the eaves of a building or structure.
 - (7) **Flashing Signs:** signs, any part of which flash intermittently except when attached to a building and meeting other requirements of this Code, except time and temperature signs.
 - (8) **Off-Premise Signs:** except as otherwise permitted by this Code, off-premise signs are prohibited.
 - (9) **Electronic or Video Message Center Signs:** signs that include animated messaging, video clips, rapidly alternating messages or any other presentation that could distract drivers.
- G. **Other Prohibitions:** the following sign or sign "characteristics" are prohibited unless specifically provided for herein:
- (1) **Signs Attached to Any Tree or Public Utility Pole** other than warning signs issued by public utilities.
 - (2) **Signs Using Bare-Bulb Illumination or Lighted** so that the immediate source of illumination is visible. This is not intended to prohibit the use of neon as a source of illumination.

- (3) **Signs Using Flame** as a source of light.
- (4) **Signs Designed or Used for the Purpose of Emitting Sound or Dispersing Smells.**

370.030

Specific Regulations for Certain Zoning Designations: No person shall install or maintain any sign in the City of Wood Village and in the zoning district here designated except as herein provided:

A. Single Family Residential Zone: The following signs are permitted:

- (1) **Name Plates:** one lighted or unlighted name plate not exceeding one (1) square foot in area identifying the occupant of the premises.
- (2) **Real Estate Signs:** no more than two (2) on site signs offering the premises for sale, lease or inspection by the public shall be permitted, provided that the total combined area of all such signs does not exceed twelve (12) square feet. Said signs may also be modified to indicate that the property has been sold.
- (3) **Development Identification Sign:** one externally lighted or unlighted residential development identification sign not to exceed thirty-two (32) square feet or six (6) feet in height.

B. Multiple Family Residential Zone: The following signs are permitted.

- (1) **Name Plates:** one lighted or unlighted name plate not exceeding one (1) square foot in area identifying the occupant of the premises.
- (2) **Real Estate Signs:** no more than two (2) on site signs offering the premises for sale, lease or inspection by the public shall be permitted, provided that the total combined area of all such signs does not exceed twelve (12) square feet. Said signs may also be modified to indicate that the property has been sold.
- (3) **Non-Residential Signs:** one lighted or unlighted sign of a maximum of twelve (12) square feet in area identifying any non-residential use permitted in a multiple family zone (subject to zoning provisions in this Code).

C. Commercial and Industrial Zone:

- (1) **Wall Signs:** wall signs as defined shall be allowed for each business not to exceed twenty (20) percent of a building face. The twenty (20) percent allowance may be divided among the building faces. Ten (10) percent of two (2) building faces and five (5) percent of four (4) building faces are allowed. The area of each sign shall be computed by applying the allowable percentage to the wall to which the sign will be attached.

(2) **Projecting Signs:** commercial buildings which have the front building line within ten (10) feet of the public-right-of-way shall be permitted one (1) projecting sign on the front building face in lieu of a free standing sign. All projecting signs must conform to the latest edition of the UBC in meeting wind and dead load requirements and must be adequately maintained to prevent deterioration which could be a hazard to pedestrian traffic beneath the sign. Such sign shall project no more than six (6) feet or two-thirds (2/3) of the width of the sidewalk whichever is less and contain no more than twenty-four (24) square feet per face. Projecting signs shall have an underneath clearance of not less than ten (10) feet.

(3) **Free-Standing Signs:**

(a) One (1) free-standing sign, shall be permitted for any amount of street or highway frontage adjacent to any one parcel, tract of real property or separate tax lot. An additional free-standing sign shall be permitted for each additional three hundred (300) lineal feet of such frontage provided however when more than one (1) free-standing sign is permitted no free-standing sign shall be located closer than three hundred (300) feet from any other free-standing sign on the same parcel of real property.

(b) No free-standing sign shall exceed in height the distance from any portion of the sign to the center line of an adjacent public right-of-way, up to a maximum of 25 feet. Free-standing signs shall be located so as to assure adequate sight distance at street intersections and driveways.

(c) The maximum area of each face of a multi-faced free-standing sign shall be 1.0 square foot of sign face area per linear foot of site frontage, not exceeding 75 square feet. When property has frontage on more than one street, the property may be permitted to have the number of free-standing signs in accordance with the above provision for each such street frontage based on the aforementioned formula. Signs erected between July 9, 1986 and July 14, 1999 in compliance with regulations in effect at the time, shall be allowed to continue as long as maintained in a safe, neat and clean condition.

(d) The owner of any lot or parcel real property fronting on more than one street or highway who desires to utilize a single sign, the faces of which are to be set at angles, must request a variance under this Code.

(e) The owner of any lot or parcel of real property fronting on more than one street or highway may elect to combine the total street frontage of said property in establishing the maximum permitted size of any

free-standing sign; however in the event all street or highway frontage is so combined, only one such sign shall be permitted and such single sign shall not exceed in area the maximum hereinabove set forth.

- (f) Two or more owners of separate adjacent parcels of real property zoned for commercial or industrial use may elect to combine the street or highway frontage of their respective adjacent properties and in such case one (1) free-standing sign shall be permitted to be constructed in accordance with the provisions of this Code. This election shall not be permitted if there exists on any portion of said properties any other free-standing signs unless said signs are removed and shall be permitted only so long as all concerned owners consent thereto.
- (g) In addition, one (1) non-illuminated portable A-frame sign, readable from the street, is allowed per business provided the sign is sufficiently anchored while in use; is located outside of pedestrian ways and traffic clear vision areas; is a maximum of twelve (12) square feet per face and a maximum of sixty and one-half (60 1/2) inches in height (measured from the ground vertically to the top of the sign).
- (h) All such signs shall be placed on the lot or parcel of land in such a manner as to appear appealing to the community considering the factors set forth in this section and considering general area and the Comprehensive Plan development pattern therefor.

D. **Monument Signs.** A sign which is affixed to a base which is no more than thirty (30) inches above the nearest ground surface. Monument signs shall be allowed not to exceed thirty-two (32) square feet in size, and eight (8) feet in height. One (1) monument sign is permitted per primary frontage. A second monument sign may be erected on a secondary frontage that is three-hundred (300) feet or more in length.

E. **Freeway-Oriented Activities:** For not more than one (1) free-standing sign allowed in this sub-section, the City may allow a maximum height of forty-five (45) feet and a maximum area per face of 250 square feet if the City finds that the activity to be identified by the proposed sign is a freeway-oriented activity. For purposes of this section the term "freeway-oriented activity" shall mean:

- (1) A business or activity of such nature that it is committed primarily to providing services, lodging or products to non-resident travelers on Interstate 84; and
- (2) Such business or activity shall be located on property that lies within six hundred (600) feet of a line parallel to the center line of Interstate 84 and a

distance of one thousand (1,000) feet along Interstate 84 in each direction from the center line of NE 238th Drive.

F. Miscellaneous and Special Situations:

- (1) **Real Estate Signs:** Signs advertising a sale or rental of improved or unimproved real property within the City of Wood Village shall conform to the requirements appertaining to the various zoning classifications as set forth in Section 370.030 of this Code; provided however, that where a subdivision is concerned real estate signs advertising the same involving more than three (3) contiguous lots shall be limited to one (1) double-faced sign of thirty-two (32) square feet per face, placed at a right angle to the street or two (2) thirty-two (32) square foot signs facing the street. Such signs shall be at least nine hundred (900) feet apart and shall not exceed a height of eight (8) feet. Such signs shall be placed on the subdivision. The signs shall be removed at the end of two (2) years or when ninety (90) percent of the subdivision lots contain a completed structure, whichever event first occurs.

- (2) **Free-Standing Directory Signs:** Such signs may be permitted for a building or complex of buildings containing more than one tenant or occupant. Such directory signs shall be limited to identification of the name of the building or complex and the names of tenants or occupants thereof. Such sign shall have a maximum height of not more than fifteen (15) feet and a maximum area of not more than sixty (60) square feet as determined by the City. In evaluating the height and area requirements for such directory signs, the City may consider but is not limited to the following factors:
 - (a) Number of tenants or occupants.
 - (b) Number and size of other existing or proposed signs on the building.
 - (c) Distance between the building and adjacent street.
 - (d) Number of traffic lanes and traffic speed for the street adjacent to the proposed sign.
 - (e) Number of other existing or proposed directory signs provided that one (1) directory sign shall be permitted for any amount of frontage on a single street, and a second in the event the lineal street footage is more than three hundred (300) feet; provided further when frontage is on more than one (1) street, one (1) directory sign shall be permitted for each street frontage so long as the signs are not closer than three hundred (300) feet from one another measuring by lineal street frontage.

- (3) **Sign Illumination (Direction):** No artificial light of whatever type or nature, used for the purpose of lighting any sign shall be so erected or constructed or placed, nor shall any substance or material capable of reflecting light be so placed as to result in directing the same into any private residence. Hotels and motels are not considered private residences. No exposed reflective type bulb, strobe light or incandescent light shall be used in such a way so as to expose the face of the bulb, light or lamp to any public street; provided however, a reflective type lamp bulb of whatever wattage may be used for illumination of the displayed surface of a sign, if not directed towards the view from any public street.
- (4) **Rotating and Revolving Signs:** Shall be permitted provided that no floodlights, stoplights or similar high-intensity artificial lighting devices shall be attached to or made a part of any rotating, revolving or moving part of such signs. No substance or material capable of reflecting light shall be attached to, or made a part of, any rotating, revolving or moving part of such sign.
- (5) **Signs Not Intended to be Read From the Street:** Nothing contained in this Code shall prevent the erection, location or construction of signs on private property when such advertising signs are not intended to be read from any public street or highway or when such signs are designed to direct and guide pedestrian and vehicular traffic while said traffic is on the parcel of real property on which the signs are located and are not intended or "practically speaking" cannot be read from any public street or highway. Such signs shall not contain letters over one (1) inch in height when located within twenty (20) feet of any street right-of-way and one and one-half (1 1/2) inches in height when located further than twenty (20) feet from any street or right-of-way. No such sign shall be internally illuminated; no sign or any part thereof shall rotate or consist of any moving, rotating or otherwise animated parts; all such signs shall be subject to review and approval by the City Administrator.

370.040

Variance Procedures Relating to Signs: The requirements of Section 370, unless otherwise herein stated, shall apply to all signs. Variance requests shall be subject to all of the procedures, requirements and restrictions established for variances under Section 660.

A. Additional Requirements: Variances shall not be granted for the convenience of the applicant who may wish to use a "standard pattern or design". In all instances the DRB or the City Council, as the case may be, shall not grant a variance unless it shall find that such variance will not adversely affect the surrounding property or neighborhood or the development thereof with reference to the City's Comprehensive Plan.

- (1) A request for variance shall require the payment of a permit fee as provided by City Council Resolution establishing the same.

- (2) All variance requests shall be submitted to the City's Design Review Board upon form provided and obtained from the City Building Department.

370.050

General Administration and Enforcement:

- A. **Administration:** All signs, all applications therefore shall be exclusively administered by the City Building Department.
- B. **Enforcement:** The City Building Official or his designated representative is hereby authorized and directed to enforce all of the provisions of this Section. All signs for which a permit is required shall be inspected by the Building Official. Upon presentation of proper credentials the Building Official or his duly authorized representatives may enter upon, at reasonable times, any building, structure or premise in the City of Wood Village to perform any duty imposed upon him by this Code.
- C. **Permit Fees:** Application for a sign permit shall be accompanied by the appropriate fees as established by City Council Resolution including such building permit fees as required for construction of other types of buildings or structures within the City.

370.060

Removal of Signs:

- A. **Generally:** The City Building Official shall have the right to order the removal of any sign erected or maintained in violation of this Code by giving a thirty (30) day notice in writing to the owner of the sign or to the owner of the building, structure or premise on which the sign is located if the owner of the sign cannot bring it into compliance with this Code. If the owner of the building, structure or premise upon which such sign is located fails to remove the sign or bring it into compliance within thirty (30) days after receipt of written notice from the Building Official, the Building Official or his duly authorized representative may remove such sign at cost to the owner of the building, structure or premise.
- B. **Unsafe Signs:** If the Building Official finds that any sign or sign structure is in violation of this Code by reason of its condition and presents an immediate or serious danger to the public, he shall order its immediate removal or repair within such appropriate period of time he may specify. The Building Official may remove or authorize others to remove such sign in the event the person responsible therefore cannot be found or after notification such person refuses to remove or repair the same at cost to the owner of the building, structure or premise.
- C. **Abandoned Signs:** Any person who owns or leases a sign shall remove such sign when either the business it advertises has discontinued business in the City or the business it advertises is no longer conducted in or about the premises on which the sign is located. If the person who owns or leases such sign fails to remove it, the Building Official shall give the owner of the building, structure or premises upon which such sign is located thirty (30) days written notice to remove it. Failure to

remove the sign within said thirty (30) day period of time will be sufficient cause for the Building Official or his duly authorized representative to remove the same at cost to the owner of the building, structure or premise.

370.070 Right of Appeal and Procedure:

- A. All decisions of the City Building Official relating to the enforcement and administration of Section 370 including the refusal to issue a sign permit to construct, erect or maintain the same or to require the alteration or removal of a sign or the granting or refusal to grant a variance from provisions of this Code may be appealed to the City Planning Commission by serving written notice on the City Administrator within fifteen (15) days of notification of the order or decision of the Building Official, City Administrator or the Design Review Board, as the case may be, upon form supplied by the Building Department.
- B. Any person aggrieved by a final determination of the Planning Commission shall have the right of further appeal to the City Council upon written notice of appeal filed with the City Administrator within fifteen (15) days of the final action of the Planning Commission. Such appeal shall be promptly scheduled for hearing by the City Council in the same manner as appeals from decisions of the Planning Commission set forth in Section 550 of this Code.
- C. Decisions of the City Council may be appealed to a Court of competent jurisdiction as provided by ORS 34.010 and such other ORS provisions as may be applicable.

**SECTION 380
TEMPORARY USES**

380.010 Temporary Uses Permit. 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: leasing offices, temporary carnivals, neighborhood celebrations and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Four types of temporary uses require permit approval identified in sections A., B. and C. below.

380.020 Temporary Use Permit Not Required for Temporary Uses of Limited Duration. Application for a temporary use permit is not required to locate the following temporary uses, but such uses must comply with the requirements set forth in Section 380.030 A (1) through (7):

- Any temporary use of land of up to a 14-day duration (such as a promotional event, festival, carnival, or outdoor sale) which conforms with all other requirements of this Code and other applicable city regulations and public health and safety requirements, some of which may further limit such uses in terms of location, scope and duration.

380.030 Permit Required.

A. **Seasonal, Special Events and Street Vendors.** These types of uses occur only once in a calendar year and for no longer than a period of 90 days. Applications for such temporary uses shall be processed pursuant to the Type II procedure under Section 520.100 and subject to the applicant paying the basic public hearing planning fee. The City may approve, approve with conditions or deny a temporary use permit. Approval shall be based on findings that all of the following criteria are satisfied:

1. 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);
2. The applicant has proof of property owner's permission to place the use on his/her property;
3. There is adequate parking as required by Section 350 Parking and Loading;
4. The use provides adequate vision clearance, as required by Section 730 and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with the other uses of the property, code access and circulation requirements;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibration, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district; and
7. The use is adequately served by sewer or a septic system and city water, as applicable. The applicant shall be responsible for obtaining any related permits.

8. The Planning Commission may make an exception to any requirement in this section upon finding there is an overriding public benefit to the exception.

B. **Temporary Real Estate Sales Office, Model Home.** Applications for such temporary uses shall be processed pursuant to the Type II procedure under Section 520.100 and subject to the applicant paying the basic public hearing planning fee. The City may approve, approve with conditions or deny a temporary use permit. If the reviewing authority finds there are significant negative impacts from the use or a change in circumstances in the area, the annual permit may be denied. Approval shall be based upon findings which demonstrate compliance with the criteria set forth in Subsection A(1) through (8) of the this section.

1. Temporary real estate sales office:

- a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is sold; and
- b. The property to be used for the temporary sales office shall not be permanently improved for that purpose.
- c. Permit is valid for a maximum period of one year with no renewals.

2. Model House:

- a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
- b. The model house shall be designed as a permanent structure that meets all relevant requirements of this code.
- c. This type of temporary use must be renewed annually by City staff, unless there are citizen complaints about the use in which case the permit must be renewed by the Planning Commission or Design Review Board.

C. **Temporary Building.** Applications for temporary trailers or prefabricated buildings that are not regulated under Subsection B of this section shall be processed pursuant to the Type I procedure under Section 510.100 and subject to the applicant paying the basic public hearing planning fee. The City may approve, approve with conditions or deny a temporary use permit. City staff will renew this type of temporary use annually, unless there are citizen complaints about the use in which case the renewal of the permit must be considered by the Planning Commission or Design Review Board. If the reviewing authority finds there are significant negative impacts from the use or a change in circumstances in the area, the annual permit may be denied. Approval shall be based upon findings, which demonstrate compliance with the criteria set forth in Subsection A (1) through (7) of this section. In addition, approval shall be subject to the following additional criteria.

1. The temporary trailer or building shall be associated with the primary use on the property;
2. The building complies with applicable building codes;
3. The length of time that the temporary building will be used does not exceed twelve (12) months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or receive City staff approval to annually renew the temporary use permit. The review authority may revoke a permit or deny renewal if it is found that there are significant negative impacts from the use or there is a change in circumstances in the area.
4. The use shall comply with the City sign code.

SECTION 390
MIXED SOLID WASTE AND RECYCLABLES STORAGE
IN NEW MULTI-UNIT RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS

390.010 Purpose. The purpose of this section is to ensure that certain new construction incorporates functional and adequate space for on-site storage and efficient collection of mixed solid waste and source separated recyclables prior to pick-up and removal by haulers.

390.020 Applicability. The mixed solid waste and source separated recyclables storage standards shall apply to new multi-unit residential buildings containing five or more units¹ and non-residential construction that are subject to full site plan or design review; and are located within urban zones that allow, outright or by condition, for such uses.

390.030 Definitions. The following definitions apply to standards dealing with solid waste and recyclables storage areas only.

MIXED SOLID WASTE. Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for further use.

SOURCE SEPARATED RECYCLABLES. At a minimum, recyclable materials designated "principle recyclable materials" by the State Environmental Quality Commission under ORS 495A.025, with the exception of yard debris. Currently these materials include newspaper, ferrous and non-ferrous scrap metal, used motor oil, corrugated cardboard, aluminum, container glass, office paper and tin cans (OAR 340-60-030).

STORAGE AREA. The space necessary to store mixed solid waste and source separated recyclables that accumulate between collection days.

MULTI-UNIT RESIDENTIAL BUILDING. A structure that contains five or more dwelling units that share common walls or floors/ceilings with one or more units.

NON-RESIDENTIAL BUILDING. A structure that is used for any non-residential function, including but not limited to office, retail, wholesale/warehouse/industrial, educational, and institutional uses.

390.040 Materials Accepted. Except as provided for in Section 390.050 (C), the storage area must be able to accept at least all "principle recyclable materials" designated by the Oregon Environmental Quality Commission and other source-separated recyclables identified by City Ordinance.

¹ORS 459A.010 (2)(d)

390.050

Methods of Demonstrating Compliance. An applicant shall choose one of the following three methods to demonstrate compliance: 1) minimum standards; 2) comprehensive recycling plan; or 3) licensed hauler review and sign-off.

The following provisions apply to all three methods of demonstrating compliance:

- (1) Section 390.060 (Location, Design and Access Standards), except as provided in Section 390.050 (B).
- (2) The floor area of an interior or exterior storage area required by this Section shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.

A. Minimum Standards Method

Description of Method: This method specifies a minimum storage area requirement based on the size and general use category of the new construction.

Typical Application of Method: This method is most appropriate when the specific use of a new building is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

Application Requirements and Review Procedures: The size and location of the storage area(s) shall be indicated on the site plan of any construction subject to this Section. Through the site plan review process, compliance with the general and specific requirements set forth below is verified.

(1) **General Requirements:**

- (a) The storage area requirement is based on the predominant use(s) of the building (i.e. residential, office, retail, wholesale/warehouse /manufacturing, educational/ institutional, or other). If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.
- (b) Storage areas for multiple uses on a single site may be combined and shared.
- (c) The specific requirements are based on an assumed storage height of 4 feet for solid waste/recyclables. Vertical storage higher than 4 feet

but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43% of specific requirements). Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions of containers.

(2) **Specific Requirements:**

(a) **Multi-unit residential** buildings containing 5-10 units shall provide a minimum storage area of 50 square feet. Buildings containing more than 10 residential units shall provide an additional 5 square feet per unit for each unit above 10.

(b) **Non-residential buildings** shall provide a minimum storage area of 10 square feet (sq. ft.), plus:

Office: 4 square feet/1,000 sq. ft. gross floor area (GFA)

Retail: 10 sq. ft./1,000 sq. ft. GFA

Wholesale/Warehouse/Manufacturing: 6 sq. ft./1,000 sq. ft. GFA

Educational and Institutional: 4 sq. ft./1,000 sq. ft. GFA

Other: 4 sq. ft./1,000 sq. ft. GFA

B. Comprehensive Recycling Plan Method

Description of Method: The comprehensive recycling plan method is most appropriate when an applicant has independently developed a comprehensive recycling plan that addresses materials collection and storage for the proposed use.

Typical Application of Method: This method can be used when a comprehensive recycling plan has been developed for a specific facility. It is most suited to large non-residential uses such as hospitals, schools and industrial facilities. The comprehensive recycling plan method can be used for new construction or expansion that is subject to full site plan review.

Application Requirements and Review Procedure: The comprehensive recycling plan shall be submitted at the same time site plans are submitted for site plan review. The applicant shall submit plans and text that show how mixed solid waste and recyclables generated by the proposed development will be served under a comprehensive recycling plan. The location, design and access standards set forth in Section 390.060 are applicable to new storage areas only.

C. Licensed Hauler Review Method

Description of Method: This method provides for coordinated review of the proposed site plan by the licensed hauler serving the subject property.

Typical Application of Method: This method is to be used when there are unique conditions associated with the site, use or waste stream that make compliance with any of the other two methods infeasible. The objective of this method is to match a specific hauler program (types of equipment, frequency of collection, etc.) to the unique characteristic(s) of the site or development.

The following constitute unique conditions:

- (1) Use of either of the two other methods of compliance would interfere with the use of the proposed development by reducing the productive space of the proposed development, or make it impossible to comply with the minimum off-street parking requirements of the underlying zone.
- (2) The site is of an irregular shape or possesses steep slopes that do not allow for access by collection vehicles typically used by the licensed hauler to serve uses similar in size and scope to the proposed use.
- (3) The proposed use will generate unique wastes that can be stacked, folded, or easily consolidated without the need for specialized equipment, such as a compactor, and can therefore be stored in less space than is required by Section 390.050 (A) of this Section.

Application Requirements and Review Procedure: The applicant shall work with the licensed hauler to develop a plan for storage and collection of source separated recyclables and mixed solid waste expected to be generated from the new building. A narrative describing how the proposed site meets one or more of the unique site conditions described above plus site and building plans showing the size and location of storage area(s) required to accommodate anticipated volumes shall be submitted for site plan review. Additionally, a letter from the licensed hauler shall be submitted at the same time that describes the level of service to be provided by the hauler, including any special equipment and collection frequency, which will keep the storage area from exceeding its capacity.

390.060

Location, Design and Access Standards for Storage Areas. The following location, design and access standards for storage areas are applicable to all three methods of compliance: 1) minimum standards; 2) comprehensive recycling plan; or 3) licensed hauler review.

A. Location Standards

- (1) To encourage its use, the storage area for source separated recyclables shall

be co-located with the storage area for residual mixed solid waste.

- (2) Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements.
- (3) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (4) Exterior storage areas can be located within interior side yard or rear yard areas. Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street.
- (5) Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.
- (6) Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions in Section 390.060 B, Design Standards.
- (7) The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

B. Design Standards

- (1) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.
- (2) Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area.
- (3) Exterior storage areas shall be enclosed by a sight obscuring fence, wall, or hedge at least six feet in height. Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position.
- (4) Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

C. Access Standards

- (1) Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are

scheduled to provide collection service.

- (2) Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet of vertical clearance is required if the storage area is covered.
- (3) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

**SECTION 395
ACCESSORY DWELLING UNITS**

An Accessory Dwelling Unit (ADU) is a habitable living unit that provides the basic requirements for shelter, heating, cooking and sanitation. ADU's are permitted in single family zones, and in the single family areas of the Town Center Zone.

395.010 Purpose. The purpose of allowing ADU's is to:

- A. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principle unit, rental income, companionship, security and services.
- B. Add affordable units to the existing housing supply.
- C. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the City.
- D. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- E. Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADU's are installed under the conditions of this Code.

395.020 Requirements for All Accessory Dwelling Units. In addition to the standards of the State Uniform Building Code, all accessory dwelling units must meet the following:

- A. **Creation.** One accessory dwelling unit per single family residence may be created through the following methods only:
 - (1) Converting existing living area, attic, basement, or garage of a single family unit;
 - (2) Adding floor area to a single family unit;
 - (3) Constructing a detached ADU on a single family site;
 - (4) Constructing a new house or detached house with an internal or detached ADU.
- B. **Owner Occupancy.** The property owner, which shall include the holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence for at least six months out of the year, and at no time receive rent for the owner-occupied unit.
- C. **Number of Residents.** The total number of individuals that reside in both units may not exceed the number that is allowed for a household.

- D. **Location of Entrances.** If a separate entrance is provided, the primary entrance to the ADU shall be located in such a manner as to be visually secondary to the main entrance of the principal unit.
- E. **Parking.** In addition to the single family parking requirement, there shall be one additional parking stall provided for the ADU.
- F. **Floor Area.** The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 800 square feet GHFA.
- G. **Setbacks and Dimensional Requirements.** The ADU shall comply with the setback and dimensional requirements of the underlying zone.
- H. **Design and Appearance.** The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building conforms to the original design characteristics and style of the primary building.

**SECTION 400
OVERLAY ZONES AND LAND DIVISIONS**

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**SECTION 400
OVERLAY ZONES**

400.010 Overlay Zone Application. The following overlay zones and conditions therein, shall be applied to any zoning district which the Planning Commission deems necessary to carry out the intention of the overlay.

400.020 Purpose. Overlay zones are intended to address special conditions which are found in limited areas of the City. These conditions can arise from the natural or man made environment. The overlay zone may further restrict the uses or development standards than the base zoning or may further define specific development standards. Overlay zones may not permit any use which is otherwise prohibited, conditional or limited under the base zone or relax development standards.

AIRPORT OVERLAY ZONE

410.010 Purpose. This overlay zone is intended to comply with necessary restrictions associated with the Troutdale Airport. In order to carry out the provisions of this overlay zone, certain zones are defined and established which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to the City of Wood Village. Such zones are shown on the current Master Height Restriction Map (or equivalent) as prepared by the Port of Portland.

This overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls.

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

410.030 Special Definitions.

A. **Airport Approach Safety Zone.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for a Utility Runway having only visual approaches; 2,500 feet for a runway other than a Utility Runway having only visual approaches; 2,000 feet for a Utility Runway having a non-precision instrument approach; and 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The Airport Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet for each foot upward (20:1)

for all utility and visual runways and 10,000 feet at a slope of 34 feet for each one foot upward (34:1) for all non-precision instrument runways other than utility.

- B. **Airport Hazard.** Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- C. **Airport Imaginary Surfaces.** Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- D. **Clear Zone.** Extends from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.
- E. **Conical Surface.** Extends one foot upward for each 20 feet outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet for all non-precision instrument runways other than utility at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
- F. **Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.
- G. **Noise Impact.** Noise levels exceeding 55 Ldn.
- H. **Place of Public Assembly.** A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
- I. **Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches, 500 feet for Utility Runways having non-precision instrument approaches and 500 feet for other than Utility Runways.
- J. **Transitional Zones.** Extend one foot upward for each seven feet outward (7:1) beginning on each side of the Primary Surface which point is the same elevation

as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

- K. **Utility Runway.** A runway is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

410.040 Use Restrictions. Any use permitted in the zoning district in which the land is located, except as hereinafter limited by Section 410.050.

410.050 Uses Requiring Conditional Use Review.

- A. Single-family dwellings, manufactured homes, duplexes and multi-family dwellings, when authorized in the primary zoning district.
- B. Commercial and industrial uses, when authorized in the primary zoning district, which may result in the following:
- (1) Electrical interference with navigational signals or radio communication between the airport and aircraft.
 - (2) Difficulty for pilots in distinguishing between airport lights and others.
 - (3) Impaired visibility.
 - (4) Creation of bird strike hazards.
 - (5) Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
 - (6) Attraction of large numbers of people.

410.060 Prohibited Uses.

- A. No place of public assembly shall be permitted in the Airport Approach Safety Zone.
- B. No structure or building shall be allowed within the Clear Zone.

410.070 Development Restrictions.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above in Section 410.030 (C).

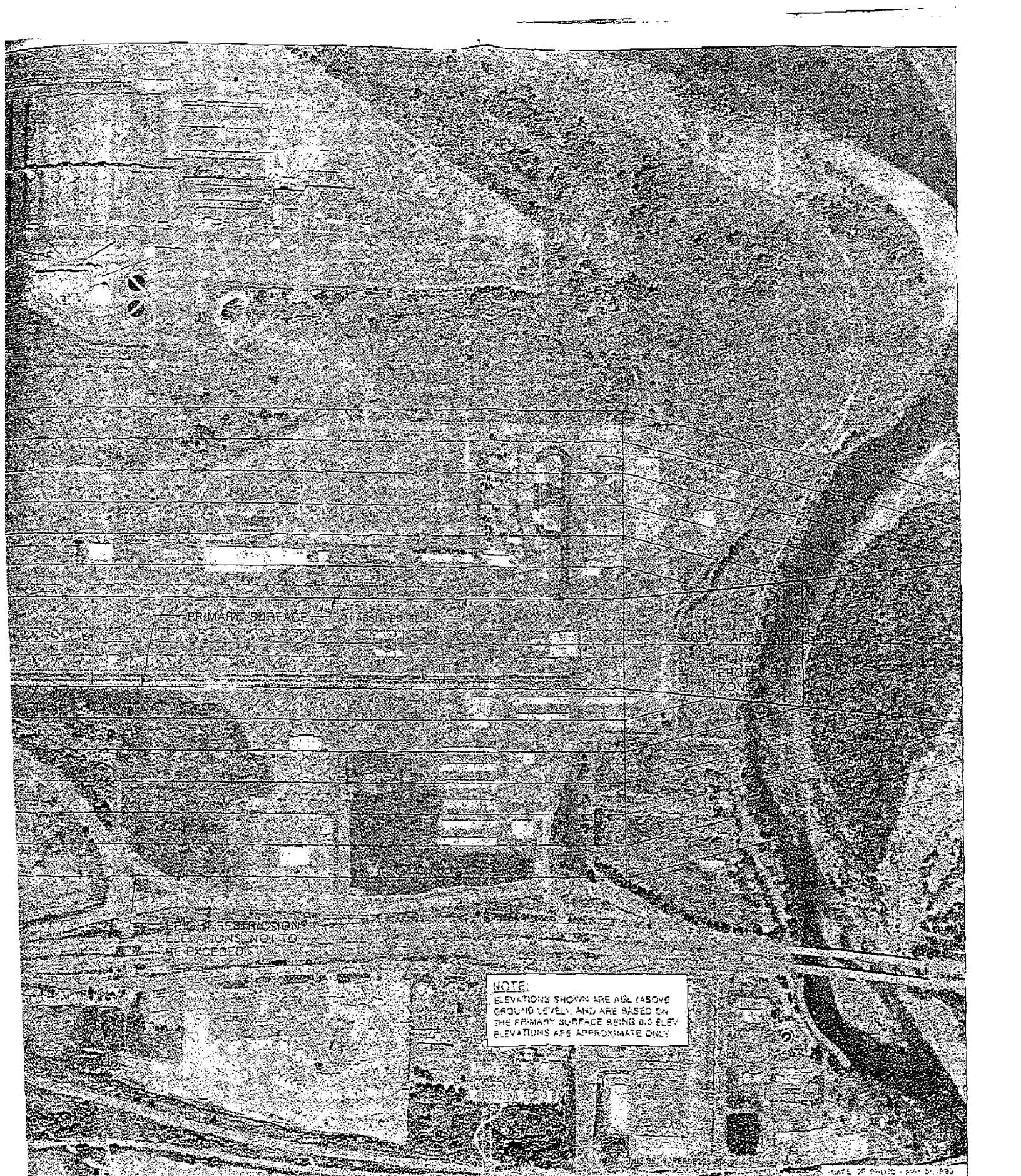
- B. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- C. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.

410.080 **Master Height Restriction Map.** See map on Page 4-7.
(Prepared by Port of Portland)

410.090 **Review Procedure.** Uses requiring conditional use review shall be processed as a Type III review.

410.095 **Review Criteria.**

- A. Single family dwellings, manufactured homes, duplexes and multi family dwellings shall be approved provided that the landowner signs and records in the deed and mortgage records of Multnomah County a Noise Disclosure Statement and Aviation and Hazard Easement and submits them to the Port of Portland and City Planning Department.
- B. Commercial and industrial uses which create problems as defined in 410.050B shall be reviewed with assistance from an appropriate Port of Portland official. Necessary conditions will be developed in consultation with that official.



PRIMARY SURFACE ASSIGNED ELEVATION

RUNWAY PROTECTION ZONE

SAFETY AREA

HEIGHT RESTRICTION ELEVATIONS, NOT TO BE EXCEEDED

NOTE.
 ELEVATIONS SHOWN ARE AGL (ABOVE GROUND LEVEL) AND ARE BASED ON THE PRIMARY SURFACE BEING 0.0 ELEVATION. AFS APPROXIMATE ONLY.

PORTLAND ESCIN	DESIGNED BY: <u>K. MADONIK</u>	PORTLAND TROUTDALE AIRPORT
	DRAWN BY: <u>A. BOWLER</u>	MASTER HEIGHT RESTRICTION MAP
CHECKED BY: <u>P. CASTELLO</u>	DATE: <u>JUN 1966</u>	RUNWAY PROTECTION ZONES, SAFETY AREA AND HEIGHT RESTRICTION ELEVATIONS
SCALE: <u>1" = 400'</u>	DRAFTED BY: <u>Donald L. Campbell</u>	PART 95-3 12 (C-1)



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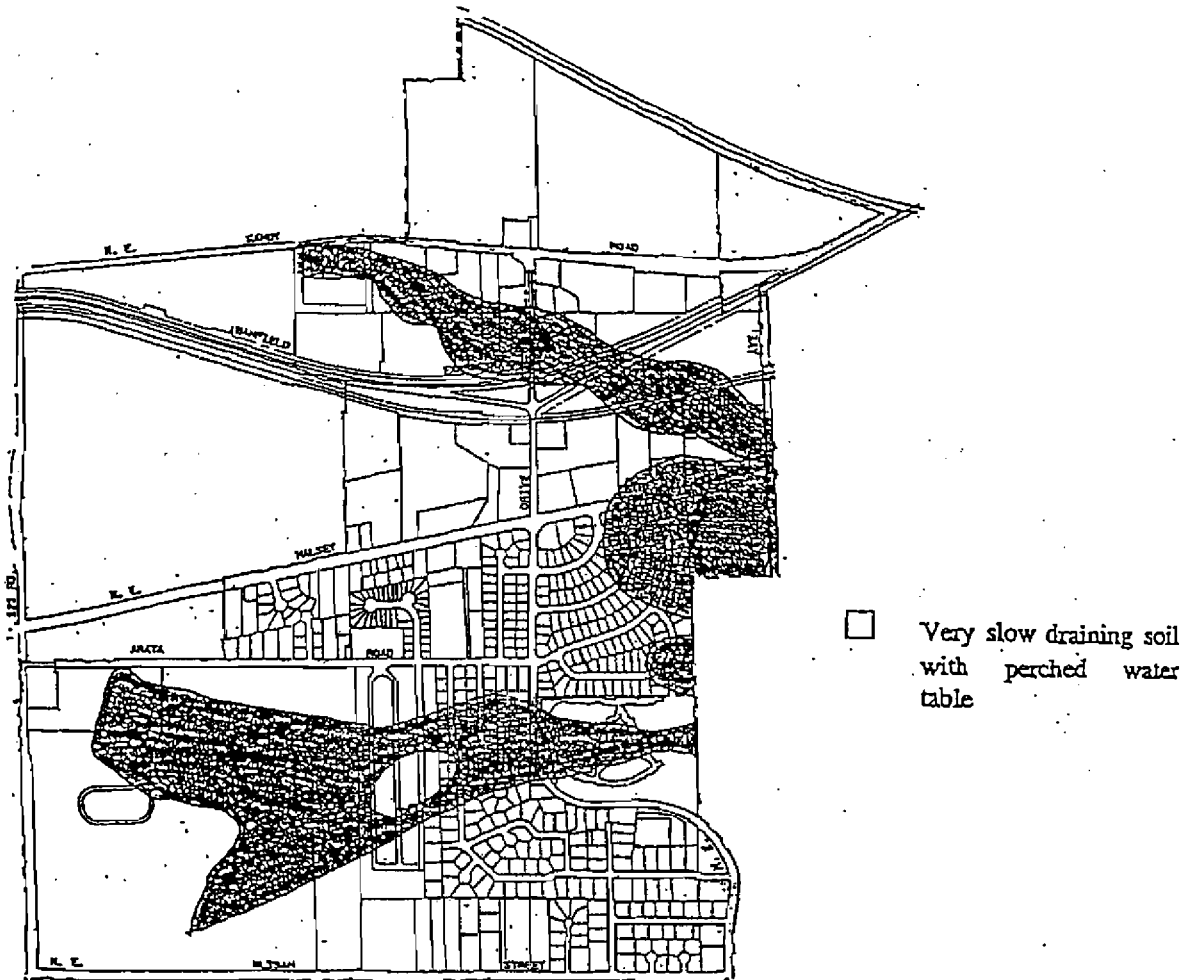


FOI

SOIL CONSTRAINT OVERLAY ZONE

- 420.010 **Purpose.** The Soil Constraint Overlay provides for additional review by the Director of Public Works to assure that proper site drainage has been provided in areas which have been determined to have poorly draining soils. The Soil Constraint overlay applies to areas indicated on the Poor Soil map of the City of Wood Village Comprehensive Plan.
- 420.020 **Use Restrictions.** Any permitted, conditional or limited use as defined by the bare zone shall be allowed in the Soil Constraint Overlay zone.
- 420.030 **Development Restrictions.** The development standards as stated in the base zone shall apply in the Soil Overlay zone.
- 420.040 **Review by the Director of Public Works.** The Director of Public Works shall review all Land Use Review, Design Review and Building Permit applications to assure that adequate site drainage is provided for any use development, building or structure proposed. The Director of Public Works shall use the Uniform Building Code or other commonly accepted standards in his determination of adequacy of site drainage. The Director of Public Works review shall be handled as a Type I administrative review requiring no public notice or hearing. No permit shall be issued to a site within the Soil Drainage overlay without the approval of the City Engineer.
- 420.050 **Poor Soil Map of the City of Wood Village Comprehensive Plan.**
See map on Page 4-9

POOR SOIL
CONSTRAINTS



Wood Village
Comprehensive Plan

SECTION 430
WATER QUALITY RESOURCE AREA OVERLAY ZONE

430.100 **Intent.** In addition to the standards in the Storm Water and Water Master Plans for the City, the purpose of this section is to protect and improve water quality in Wood Village and to comply with Sections 1-4 of Title 3 of Metro's Urban Growth Management Functional Plan.

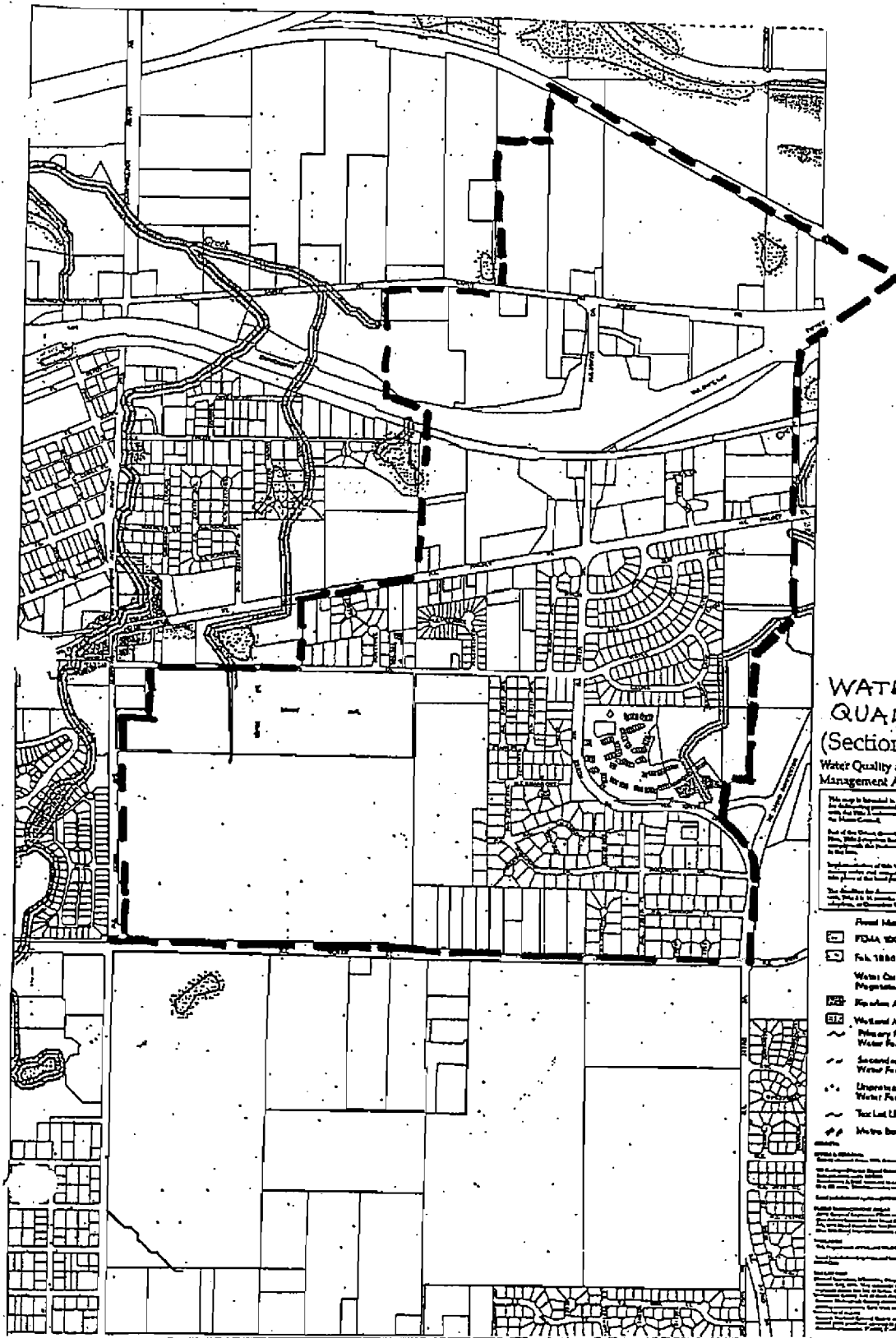
- A. To protect and improve water quality, to support the designated beneficial water uses and to protect the functions and values of existing and newly established Water Quality Resource Areas, which include, but are not limited to:
 - 1. Provide a vegetated corridor to separate Protected Water Features from development;
 - 2. Maintain or reduce stream temperatures;
 - 3. Maintain natural stream corridors;
 - 4. Minimize erosion, nutrient and pollutant loading into water;
 - 5. Provide filtration, infiltration and natural water purification;
 - 6. Stabilize slopes to prevent landslides contributing to sedimentation of water features.

- B. To establish an overlay zone for Water Quality Resource Areas which operates contemporaneously with the base zone and implements the performance standards of Title 3 of the Urban Growth Management Functional Plan.

430.110 **Applicability**

- A. This provision applies to:
 - 1. Development in the Water Quality Resource Area Overlay Zone. The overlay zone restricts the uses that are allowed in the base zone by right, with limitations, or as conditional uses.
 - 2. Development that may cause visible or measurable erosion on any property within the city limits.

- B. This provision does not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that after the emergency has passed, adverse impacts are mitigated in accordance with Table 2 standards for restoring marginal existing vegetated corridors.














WATER QUALITY (Section In3e34)

Water Quality and Flood Management Area Map

This map is intended to be used as a guide for the design of stormwater management systems, flood management systems, and water quality management systems, and for the design of water quality management systems, and for the design of water quality management systems.

It is the responsibility of the user to verify the accuracy of the information shown on this map and to consult the appropriate authorities for the most current information.

The information on this map was prepared by the City of San Diego, California, in 1998.

-  Flood Management Area
-  FEMA 100-Year Floodplains
-  Feb. 1980 Flood Inundation
-  Water Quality Assessment Programmatic Corridor
-  Riparian Area
-  Wetland Area
-  Primary Protected Water Features
-  Secondary Protected Water Features
-  Unprotected Water Features
-  Tax Lot Lines
-  Metro Boundary

NOTES:

1. This map is intended to be used as a guide for the design of stormwater management systems, flood management systems, and water quality management systems, and for the design of water quality management systems.
2. It is the responsibility of the user to verify the accuracy of the information shown on this map and to consult the appropriate authorities for the most current information.
3. The information on this map was prepared by the City of San Diego, California, in 1998.
4. This map is intended to be used as a guide for the design of stormwater management systems, flood management systems, and water quality management systems, and for the design of water quality management systems.
5. It is the responsibility of the user to verify the accuracy of the information shown on this map and to consult the appropriate authorities for the most current information.
6. The information on this map was prepared by the City of San Diego, California, in 1998.

430.120

Administration

- A. The City allows for one method for applying the provisions of this section to applications to allow development in the Water Quality Resource Areas Overlay Zone.

The City requires the text of this section, including definitions, to describe and regulate the protected areas shown on the City Water Quality Management Areas map using the map as a reference. The definitions and measurement methods are available from City staff.

- B. **Map as Reference**

- 1. The text provisions of this section shall be used to determine whether applications to allow development in the Water Quality Resource Area Overlay Zone are subject to the requirements of this section.
- 2. The Water Quality map shall be a reference for identifying areas subject to the Water Quality Resource Area Overlay Zone.
- 3. Applicants are required to provide the City with a delineation of the Water Quality Resource Areas on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the City.
- 4. Wetlands which meet the criteria in Section 430.700D shall be subject to the standards which apply to the Water Quality Resource Areas Overlay Zone.

- C. The City shall review the Water Quality Areas Map during periodic review as required by ORS 197.633 (1997).

430.200

Water Quality Resource Areas

- A. The purpose of this section is to protect and improve the beneficial water uses and functions and values of Water Quality Resource Areas.
- B. The provisions establish a Water Quality Resource Area Overlay Zone, which is delineated on the Water Quality map attached and incorporated by reference as part of this section.
- C. The Water Quality Resource Area is the vegetated corridor and the Protected Water Feature. The width of the vegetated corridor is specified in Table One. At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending on the width of the property, the width of the vegetated corridor will vary.

Table 1

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor
Primary Protected Water Features ¹ (Arata Creek)	< 25%	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet
Primary Protected Water Features ¹	≥ 25% for 150 feet or more ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	200 feet
Primary Protected Water Features ¹	≥ 25% for less than 150 feet ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	Distance from starting point of measurement to top of ravine (break in ≥ 25% slope) ³ plus 50 feet ⁴
Secondary Protected Water Features ² (No-name Creek)	< 25%	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	15 feet
Secondary Protected Water Features ²	≥ 25% ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet

¹ Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

² Secondary Protected Water Features include intermittent streams draining 50-100 acres.

³ Where the Protected Water Feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25% slope (see slope measurement in Appendix).

⁴ A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

⁵ Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.

(Note: The following methodology is an alternative for the purposes of substantial compliance: a jurisdiction can meet the performance standards in Title 3 by applying the following method to the water quality resource area: for areas with zero slope (as measured parallel to the ground) the buffer will be 50 feet from top of waterway bank, but for every one percent (1%) slope after that point, add six (6) feet).

D. Uses Permitted Outright

1. Stream, wetland, riparian and upland enhancement or restoration projects; and farming practices as defined in ORS 30.930 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
2. Placement of structures that do not require a grading or building permit.
3. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development.

E. Uses Under Prescribed Conditions

1. Repair, replacement or improvement of utility facilities where:
 - a. The disturbed portion of the Water Quality Resource Area is restored; and
 - b. Non-native vegetation is removed from the Water Quality Resource Area and replaced with vegetation from the Metro Native Plant List.
2. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in the Water Quality Resource Area where the disturbed portion of the Water Quality Resource Area is restored using native vegetative cover.

F. Conditional Uses

The following uses are allowed in the Water Quality Resource Area Overlay Zone subject to compliance with the Application Requirements and Development Standards of subsections H and I:

1. Any use allowed in the base zone, other than those listed in subsection D and E above.
2. Measures to remove or abate nuisances, or any other violation of State statute, administrative agency rule or city or county ordinance.
3. Roads to provide access to Protected Water Features or necessary ingress and egress across Water Quality Resource Areas.
4. New public or private utility facility construction.
5. Walkways and bike paths. (Subsection I.5)

6. New stormwater pre-treatment facilities. (Subsection I.6)
7. Widening an existing road adjacent to or running parallel to a Water Quality Resource Area.
8. Additions, alterations, rehabilitation or replacement of existing structures, roadways, accessory uses and development that increase the structural footprint within the Water Quality Resource Area consistent with Subsection I.7.

G. Prohibited Uses

1. Any new structures, development, other than those listed in subsections D, E and F above, construction activities, gardens, lawns, dumping of any materials of any kind.
2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

H. Application Requirements

Applications for Conditional Uses in the Water Quality Resource Area Overlay Zone must provide the following information in addition to the information required for the base zone:

1. A topographic map of the site at contour levels of five feet or less showing a delineation of the Water Quality Resource Area, which includes areas shown on the city Water Quality Area map, and that meets the definition of Water Quality Resource Areas in Table 1.
2. The location of all existing natural features including, but not limited to, all trees of a caliper greater than six (6) inches diameter at breast height (DBH), natural drainages on the site, springs, seeps and outcroppings of rocks, or boulders within the Water Quality Resource Area.
3. Location of Title 3 wetlands. Where Title 3 wetlands are identified, the applicant shall follow the Division of State Lands recommended wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist.
4. An inventory and location of existing debris and noxious materials.
5. An assessment of the existing condition of the Water Quality Resource Area in accordance with Table 2.

6. An inventory of vegetation, including percentage ground and canopy coverage.
7. Alternatives analysis demonstrating that:
 - a. No practicable alternatives to the requested development exist that will not disturb the Water Quality Resource Area; and
 - b. Development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use; and
 - c. The Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 2; and
 - d. It will be consistent with a Water Quality Resource Area Mitigation Plan.
 - e. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.
 - f. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures:
 - i. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and
 - ii. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
 - iii. Provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.
8. A Water Quality Resource Area Mitigation Plan shall contain the following information:
 - a. A description of adverse impacts that will be caused as a result of development.

- b. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 2.
- c. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.
- d. A map showing where specific mitigation activities will occur.
- e. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

I. Development Standards

Applications for Conditional Uses in the Water Quality Resource Area Overlay Zone shall satisfy the following standards:

- 1. The Water Quality Resource Area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table 2.
- 2. To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Quality Resource Area. Trees in the Water Quality Resource Area shall not be used as anchors for stabilizing construction equipment.
- 3. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in the Metro Native Plant List, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.
- 4. Prior to construction, the Water Quality Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed in Subsection F. Such markings shall be maintained until construction is complete.

5. **Walkways and Bike Paths:**

- a. A gravel walkway or bike path shall not be constructed closer than 10 feet from the boundary of the Protected Water Feature. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of 10 percent of the trail may be within 30 feet of the Protected Water Feature.
- b. A paved walkway or bike path shall not be constructed closer than 10 feet from the boundary of the Protected Water Feature. For any paved walkway or bike path, the width of the Water Quality Resource Area must be increased by a distance equal to the width of the path. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of 10 percent of the trail may be within 30 feet of the Protected Water Feature; and
- c. A walkway or bike path shall not exceed 10 feet in width.

6. **Stormwater Pre-treatment Facilities:**

- a. The stormwater pre-treatment facility may only encroach a maximum of 25 feet into the outside boundary of the Water Quality Resource Area of a primary water feature; and
- b. The area of encroachment must be replaced by adding an equal area to the Water Quality Resource Area on the subject property.

7. **Additions, alterations, rehabilitation and replacement of lawful structures:**

- a. For existing structures, roadways, driveways, accessory uses and development which are non-conforming, this section shall apply in addition to the non-conforming use regulations in Section 640 of this Code.
- b. Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to the Protected Water Feature than the existing structures, roadways, driveways, accessory uses and development.

8. **Off-site Mitigation:**

- a. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:
 - i. As close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable;
 - ii. Within the watershed where the development will take place or as otherwise specified by the City in an approved Wetland Mitigation Bank.
- b. In order to ensure that the mitigation area will be protected in perpetuity, proof that a deed restriction has been placed on the property where the mitigation is to occur is required.

**Table 2
WATER QUALITY RESOURCE AREA REQUIREMENTS**

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Good Existing Corridor: Combination of trees, shrubs and groundcover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.</p>	<p><i>Provide certification by registered professional engineer, landscape architect, or biologist or other person trained or certified in riparian or wetland delineation that vegetated corridor meets the standards of this ordinance.</i></p> <p><i>Inventory and remove debris and noxious materials.</i></p>	<p>Prior to construction, a biologist or landscape architect shall prepare and submit an inventory of vegetation in areas proposed to be disturbed and a plan for mitigating water quality impacts related to the development, including:</p> <p>Sediments, temperature and nutrients, sediment control, temperature control, or addressing any other condition that may have caused the Protected Water Feature to be listed on DEQ's 303 (d) list.</p> <p>Inventory and remove debris and noxious materials.</p>

Note: The middle column, being italicized, indicates that it is an option for consideration in the development review process.

WATER QUALITY RESOURCE AREA REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Marginal Existing Vegetated Corridor:</p> <p>Combination of trees, shrubs and groundcover are 80% present, and 25-50 percent canopy coverage in the vegetated corridor.</p>	<p><i>Provide certification by registered professional engineer, landscape architect, or biologist or other person trained or certified in riparian or wetland delineation that vegetated corridor meets the standards of this ordinance.</i></p> <p><i>Inventory and remove debris and noxious materials.</i></p>	<p>Vegetate disturbed and bare areas with, non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p> <p>Revegetate with native species using a City/County approved plan developed to represent the vegetative composition that would naturally occur on the site. Seeding may be required prior to establishing plants for site stabilization.</p> <p>Revegetation must occur during the next planting season following site disturbance. Annual replacement of plants that do not survive is required until vegetation representative of natural conditions is established on the site.</p> <p>Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris noxious materials.</p>

Note: The middle column, being italicized, indicates that it is an option for consideration in the development review process.

WATER QUALITY RESOURCE AREA REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Degraded Existing Vegetated Corridor:</p> <p>Less vegetation and canopy coverage than Marginal Vegetated Corridors, and/or greater than 10% surface coverage of any non-native species.</p>	<p><i>Vegetate bare areas with plantings from approved Native Plant List.</i></p> <p><i>Remove non-native species and revegetate with plantings from approved Native Plants List.</i></p> <p><i>Inventory and remove debris and noxious materials.</i></p>	<p>Vegetate disturbed and bare areas with appropriate plants from Native Plants List.</p> <p>Remove non-native species and revegetate with non-nuisance plantings from Native Plants List.</p> <p>Plant and seed to provide 100 percent coverage.</p> <p>Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p>

Note: The middle column, being italicized, indicates that it is an option for consideration in the development review process.

430.300 Subdivisions and Partitions

- A. The standards for land divisions in Water Quality Resource Areas Overlay Zone shall apply in addition to the requirements of Section 450 of this Code.
- B. Prior to preliminary plat approval, the Water Quality Resource Area shall be shown as a separate tract, which shall not be a part of any parcel used for construction of a dwelling unit.
- C. Prior to final plat approval, ownership of the Water Quality Resource Area tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

WATER QUALITY RESOURCE AREA REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Degraded Existing Vegetated Corridor:</p> <p>Less vegetation and canopy coverage than Marginal Vegetated Corridors, and/or greater than 10% surface coverage of any non-native species.</p>	<p><i>Vegetate bare areas with plantings from approved Native Plant List.</i></p> <p><i>Remove non-native species and revegetate with plantings from approved Native Plants List.</i></p> <p><i>Inventory and remove debris and noxious materials.</i></p>	<p>Vegetate disturbed and bare areas with appropriate plants from Native Plants List.</p> <p>Remove non-native species and revegetate with non-nuisance plantings from Native Plants List.</p> <p>Plant and seed to provide 100 percent coverage.</p> <p>Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p>

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- A. The standards for land divisions in Water Quality Resource Areas Overlay Zone shall apply in addition to the requirements of Section 450 of this Code.
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- C. Prior to final plat approval, ownership of the Water Quality Resource Area tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

- c. Allow no more than a ten percent cumulative increase in natural stream turbidities, as measured relative to a control point immediately upstream of the turbidity causing activity. However, limited duration activities necessary to address an emergency or to accommodate essential dredging, construction or other legitimate activities, and that cause the standard to be exceeded may be authorized provided all practicable turbidity control techniques have been applied.
3. The applicant will actively manage and maintain erosion control measures and utilize techniques described in the Permit to prevent or control erosion during and following development. Erosion and sediment control measures required by the Permit shall remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures;
4. No mud, dirt, rock or other debris will be deposited upon a public street or any part of the public stormwater system, surface water system, Water Quality Resource Area, or any part of a private stormwater system or surface water system that drains or connects to the public stormwater or surface water system.
- D. The Erosion and Sediment Control Plan shall be reviewed in conjunction with the requested development approval. If the development does not require review under Sections 430.120 and 430.200, the Public Works Director may approve or deny the permit with notice of the decision to the applicant.
- E. The City may inspect the development site to determine compliance with the Erosion and Sediment Control Plan and Permit.
- F. Erosion that occurs on a development site that does not have an Erosion and Sediment Control Permit, or that results from a failure to comply with the terms of such a Permit, constitutes a violation of this code section.
- G. If the Public Works Director finds that the facilities and techniques approved in an Erosion and Sediment Control Plan and Permit are not sufficient to prevent erosion, the Director shall notify the permittee. Upon receiving notice, the permittee shall immediately install interim erosion sediment control measures as specified in the *Handbook*. Within three days from the date of notice, the permittee shall submit a revised Erosion and Sediment Control Plan to the City. Upon approval of the revised plan and issuance of an amended Permit, the permittee shall immediately implement the revised plan.

Variances

- A. The purpose of this Section is to ensure that compliance with this Code does not cause unreasonable hardship. To avoid such instances, the requirements of Section 430 may be varied. Variances are also allowed when strict application of these provisions would deprive an owner of all economically viable use of land.
- B. This Section applies in addition to the standards governing proposals to vary the requirements of the base zone, as per Section 660 Variances.
- C. Development may occur on lots located completely within the Water Quality Resource Overlay Zone that are recorded with the county assessor's office on or before July 14, 1999. Development shall not disturb more than 5,000 square feet of the vegetated corridor, including access roads and driveways, subject to the erosion and sediment control standards of this Code.

D. Hardship Variance

Variances to avoid unreasonable hardship caused by the strict application of these regulations are permitted subject to the criteria set forth in this section. To vary from the requirements, the applicant must demonstrate the following:

1. The variance is the minimum necessary to allow the proposed use or activity;
2. The variance does not increase danger to life and property due to flooding or erosion;
3. The impact of the increase in flood hazard, which will result from the variance, will not prevent the city from meeting the requirements of this Code. In support of this criteria the applicant shall have a qualified professional engineer document the expected height, velocity and duration of flood waters, and estimate the rate of increase in sediment transport of the flood waters expected both downstream and upstream as a result of the variance;
4. The variance will not increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers;
5. Unless the proposed variance is from Section 430.200H.8 (mitigation) or 430.500 (erosion control), the proposed use will comply with those standards; and
6. The proposed use complies with the standards of the base zone.

E. Buildable Lot Variance

A variance to avoid the loss of all economically viable use of a lot that is partially inside the Water Quality Resource Overlay Zone is permitted. Development on such lots shall not disturb more than 5,000 square feet of the vegetated corridor, including access roads and driveways, subject to the erosion and sediment control standards in Section 430.500. Applicants must demonstrate the following:

1. Without the proposed variance, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that:
 - a. The proposed use cannot meet the standards in Section 430.600D (hardship variance); and
 - b. No other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
2. The proposed variance is the minimum necessary to allow for the requested use;
3. The proposed variance will comply with Section 430.200 H.8. (mitigation) and Section 430.500 (erosion control); and
4. The proposed use complies with the standards of the base zone.

F. Variance Conditions

The Public Works Director may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. If a variance is granted pursuant to subsections E.1-6 above, the variance shall be subject to the following conditions:

1. The minimum width of the vegetated corridor shall be 15 feet on each side of a Primary Protected Water Feature, except as allowed in Section 430.200F;
2. No more than 25 percent of the length of the Water Quality Resource Area for a Primary Protected Water Feature within a development site can be less than 30 feet in width on each side of the water feature; and
3. In either case, the average width of the Water Quality Resource Area

shall be a minimum of 15 feet on each side for Secondary Protected Water Features, a minimum of 50 feet on each side for Primary Protected Water Features; or up to 200 feet on each side in areas with slopes greater than 25 percent. The stream shall be allowed to meander within this area, but in no case shall the stream be less than 10 feet from the outer boundary of the Water Quality Resource Area.

430.700 Map Administration

A. The purpose of this section is to provide a process for amending the Water Quality map to add wetlands and correct the location of Protected Water Features and the Water Quality Resource Areas Overlay Zone.

B. Map Corrections

1. Within 90 days of receiving information establishing a possible error in the existence or location of a Protected Water Feature or Water Quality Resource Areas Overlay Zone, the City shall provide notice to interested parties of a public hearing at which the City will review the information.

2. The City shall amend the Water Quality map if the information demonstrates:

a. That a Primary or Secondary Protected Water Feature no longer exists because the area has been legally filled, culverted or developed prior to July 14, 1999; or

b. The boundaries of the Water Quality Resource Areas Overlay Zone have changed since adoption of the Water Quality Areas map.

C. Modification of the Water Quality Resource Area

To modify the Water Quality Resource Areas Overlay Zone, the applicant shall demonstrate that the modification will offer the same or better protection of the Protected Water Feature and Water Quality Resource Area by:

1. Preserving a vegetated corridor that will separate the Protected Water Feature from proposed development; and

2. Preserving existing vegetated cover or enhancing the Water Quality Resource Area sufficient to assist in maintaining or reducing water temperatures in the adjacent Protected Water Feature; and

3. Enhancing the Water Quality Resource Area sufficient to minimize

erosion, nutrient and pollutant loading into the adjacent Protected Water Feature; and

4. Protecting the vegetated corridor sufficient to provide filtration, infiltration and natural water purification for the adjacent Protected Water Feature; and

5. Stabilizing slopes adjacent to the Protected Water Feature.

D. Adding Title 3 Wetlands

1. Within 90 days of receiving evidence that wetland meets any of one of the criteria in D.2. below, the City shall provide notice to interested parties of a public hearing at which the City will review the evidence.

2. A wetland shall be protected by the standards set forth in this section if the wetland meets any one of the following criteria:

a. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or the wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

b. The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having "intact hydrological control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

c. The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of "water quality limited water body" in OAR Chapter 340, Division 41 (1996).

430.800 Consistency

Where the provisions of this section are less restrictive or conflict with comparable provisions of the zoning code, regional, state and federal law, the provisions that are more restrictive shall govern. Where this section imposes restrictions that are more stringent than regional, state and federal law, the provisions of this section shall govern.

430.810 Warning and Disclaimer of Liability

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

430.820 Severability

The provisions of this section are severable. If any section, clause or phrase of this section is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this section.

430.830 Enforcement

- A. No person shall engage in or cause to occur any development, use or activity that fails to meet the standards and requirements of this section. Development, uses or activities that are not specifically allowed within the Water Quality Resource Area are prohibited. All activities that may cause visible or measurable erosion are prohibited prior to the applicant obtaining an Erosion and Sediment Control Permit.
- B. In addition to other powers the City may exercise to enforce this section, the City may:
 - 1. Establish a cooperative agreement between the City of Wood Village and the applicant (or responsible party) to remedy the violation.
 - 2. Issue a stop work order.
 - 3. Impose a civil penalty in accordance with Section 100.250 of this Code.
 - 4. Cause an action to be instituted in a court of competent jurisdiction.
 - 5. Authorize summary abatement and subsequent abatement and subsequent recovery of costs incurred by the City.
- C. Upon notification by the City of any violation of this section the applicant, permittee, contractor or person responsible for carrying out development work may be required to immediately install emergency erosion and sediment control measures that comply with Section 430.500.

SECTION 450
SUBDIVISION AND LAND PARTITIONS

450.010 **Definitions** Section 720.

450.020 **Scope of Regulations and Procedures:** Subdivision plats and Land Partitions shall be approved by the Planning Commission in accordance with the provisions of this Code and applicable provisions of State law (ORS 92). Subdivision and partition approvals by the Planning Commission as herein set forth, shall be subject to formal approval of the preliminary and final plat before they become effective. No partitioning and no subdivision within the City of Wood Village shall become effective or be recorded until such approval by the Planning Commission be granted thereto. A person desiring to subdivide land or desiring to partition land shall submit tentative plans and final documents for approval as provided in this Code and the State law.

450.030 **Submission of Tentative Subdivision Plan:** A subdivider shall prepare a tentative plan together with such improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit fifteen copies of the tentative plan to the City Recorder's office at least 45 days prior to the Planning Commission meeting at which consideration of the plan is desired. Final determination as to the needed information and materials to be submitted shall rest with the Planning Commission.

- A. **Scale:** The tentative plan of a subdivision shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of such size as required by the County surveyor.

- B. **General Information:** The following general information shall be shown on the tentative plan of a subdivision:
 - (1) Proposed name of the subdivision: This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission and the Multnomah County Assessor's Office.

 - (2) Date, north point and scale of drawing.

 - (3) Appropriate identification of the drawing as a tentative plan.

 - (4) Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.

 - (5) Names and addresses of the owner, subdivider and engineer or surveyor.

C. **Existing Conditions:** The following existing conditions shall be shown on the tentative plan:

- (1) The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, section corners, city boundary lines and monuments.
- (2) Contour lines related to some established bench mark or other datum approved by the City engineer and having minimum intervals as follows:
 - (a) For slopes of less than five percent: show the direction of a slope by means of arrows or other suitable symbol together with not less than four spot elevations per acre, evenly distributed, one-foot contours.
 - (b) For slopes of five percent to 15 percent: two-foot contours.
 - (c) For slopes of 15 percent to 20 percent: five-foot contours.
 - (d) For slopes of over 20 percent: ten-foot contours.
- (3) The location of at least one temporary bench mark within the subdivision boundaries.
- (4) The location and direction of water courses and the location of areas subject to flooding.
- (5) Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
- (6) Existing uses of the property and location of existing structures to remain on the property after platting.

D. **Proposed Plan of Subdivision:** The following information shall be included on the tentative plan of a subdivision:

- (1) The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of streets to projected streets as shown on any development plan or, if no complete development plan is in effect in the area, as suggested by the Planning Commission to assure adequate traffic circulation.
- (2) The location of possible street connections, (except where prevented by topography, lot dimensions, barriers or environmental constraints), at

intervals of no more than 530 feet, both within the development and to adjacent land in compliance with City, County and Regional Transportation Plans. Street connections at intervals of no more than 330 feet are recommended in areas planned for the highest density.

- (3) The location of pedestrian, bicycle and emergency vehicle accessways with spacing between street connections or accessways of no more than 330 feet, except where prevented by topography, barriers or environmental constraints.
- (4) The location, width and purpose of proposed easements.
- (5) The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
- (6) Proposed sites, if any, allocated for purposes other than single-family dwellings.
- (7) Cul-de-sacs shall be designed in accordance with City and emergency access standards. Cul-de-sacs should be provided with a landscaped island designed to improve storm water retention. The property owners and the City shall enter into an agreement for maintenance of the island, whereby the property owners will provide on-going maintenance, and the City will provide periodic storm water system maintenance. Plant materials should be native and/or drought tolerant, but may be determined by the adjoining property owners.

E. **Partial Development:** If the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

F. **Explanatory Information with Tentative Plan:** Any of the following information may be required by the Planning Commission and, if it cannot be shown practicably on the tentative plan of a subdivision, it shall be submitted in separate statements accompanying the plan.

- (1) A vicinity map showing existing subdivisions and undivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
- (2) Proposed deed restrictions, if any, in outline form.
- (3) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.

- (4) For developments that are likely to generate more than 400 average daily motor vehicle trips (ADT's), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The scope of the study or analysis shall be determined by the agency responsible for the affected roadway.
- (5) The location of water resources as identified on the City Water Quality Map and in accordance with Section 430.300.

G. **Supplemental Proposals with Tentative Plan:** Any of the following may be required by the Planning Commission to supplement the plan of subdivision.

- (1) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
- (2) A plan for domestic water supply lines and related water service facilities.
- (3) Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
- (4) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
- (5) Proposals for other improvements such as electric utilities and sidewalks.

H. **Preliminary Review of Tentative Plan:** Upon receipt, the City Administrator shall furnish one copy of a tentative plan and supplementary material to the City Engineer and such other agencies such as ODOT, Multnomah County, Tri-Met, Metro and the Fire Marshall. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given a reasonable time to review the plan and to suggest revisions that appear to be in the public interest.

450.040 Approval of Tentative Subdivision Plan:

- A. Approval of a Tentative Subdivision Plan shall be in accordance with Section 520.100 Type II Procedures. Within 45 days from the first regular Planning Commission meeting following submission of a tentative plan of a subdivision, the Planning Commission shall review the plan and the reports of appropriate officials and agencies.

- B. **Required Findings:** No tentative plan shall be approved unless:
- (1) Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the Commission determines that the public interest is served by modifying streets or road patterns.
 - (2) Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.
 - (3) The plat complies with the Comprehensive Plan, the City, County and Regional Transportation Plans, the City Stormwater and Water Master Plans, and applicable zoning district regulations. Further, ODOT access permit approval is required on abutting state roadways prior to subdivision approval by the City.
 - (4) Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
 - (5) Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.
 - (6) Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.
- C. **Conditions of Approval.** Conditions and/or restrictions may be applied to the approval of a tentative subdivision plan in order to assure code compliance and mitigate transportation or public facility impacts and to protect those facilities.
- D. The action of the Planning Commission shall be noted on three copies of the tentative plan, including reference to any attached documents describing conditions.
- E. Approval of the tentative plan by the Planning Commission shall indicate approval of the final plat if there is no change in the plat of the subdivision and if the subdivider complies with the requirements of this Code.

Final Subdivision Plat

450.050 Submission of Final Subdivision Plat:

- A. Within one year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit

the original drawing, five prints, and any supplementary information to the City. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he must submit a new tentative plan and make any revision necessary to meet changed conditions as determined by the Planning Commission.

- B. Extension of time in which to submit the supportive documents and material without submission of a new tentative plan may be granted for an additional period of one year only, and then only upon application to and approval by the Planning Commission.
- C. **Information on Plat:** In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the final plat:
 - (1) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - (a) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - (b) Adjoining corners of adjoining subdivision.
 - (c) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Code.
 - (2) The exact location and width of streets and easements intercepting the boundary of the tract.
 - (3) Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest .01 second with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
 - (4) The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
 - (5) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width

of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

- (6) Lot numbers beginning with the number "1" and numbered consecutively in each block.
- (7) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (8) Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
- (9) Building setback lines, if any, are to be made a part of the subdivision restrictions.
- (10) The following certificates which may be combined where appropriate:
 - (a) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
 - (b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - (c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.
 - (d) Other certificates now or hereafter required by law.

D. Supplemental Information with Plat: The following data shall accompany the plat:

- (1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- (2) Sheets and drawings showing the following:

- (a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - (b) The computation of distances, angles and courses shown on the plat.
 - (c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- (3) A copy of any deed restrictions applicable to the subdivision.
 - (4) A copy of any dedication requiring separate documents.
 - (5) A list of all taxes and assessments on the tract which have become a lien on the tract.

E. Technical Plat Review:

- (1) Upon receipt by the City, the plat and other data shall be reviewed by the City Engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with provisions of the law and of this Code.
- (2) The City Engineer may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and his representatives may enter the property for this purpose.
- (3) If the City Engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

450.060

Approval of Plat:

- A. Upon receipt of the plat with the approval of the City Engineer, the Planning Commission shall determine whether it conforms with the approved tentative plan and with these regulations. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of

the president of the Planning Commission. The approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat.

B. Required Findings: No final subdivision plat shall be approved unless:

- (1) All required public streets are dedicated without any reservation or restriction other than easements for public utilities and facilities.
- (2) Streets and roads held for private use have been approved by the City.
- (3) The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.
- (4) The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, and sanitary sewer, storm water, and water supply systems.
- (5) Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:
 - (a) Adequate water service shall be deemed to be connection to the City water supply system.
 - (b) Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.
 - (c) The adequacy of other public facilities such as storm water and streets shall be determined by the Commission based on applicable City policies, plans, and standards for said facilities.
- (6) Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

C. Filing of Plat: A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained. Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

D. **Creation of Streets:**

(1) **Approval.**

The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications.

(2) **Exceptions.**

The Planning Commission may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformation to the standards of this Code. One or more of the following conditions must apply:

- (a) The street creation is required by the City and is essential to general traffic circulation.
- (b) The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.

450.070 Land Partitions

A. **Approval Required:** A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City.

B. **Partitioning Procedures:** A partition shall be submitted under the following procedure:

- (1) There shall be submitted to the City a tracing of a tentative plan 18 by 24 inches in size with the following information:
 - (a) The date, north point, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location.
 - (b) Name and address of the record owner and of the person who prepared the tentative plan.
 - (c) Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning.

- (d) For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, width and purpose of other existing easements; and location and size of sewer and water lines and drainage ways and the location of power poles.
 - (e) Outline and location of existing buildings to remain in place.
 - (f) Parcel layout, showing size and relationship to existing or proposed streets and utility easements.
 - (g) Such additional information as required by the Planning Commission.
- (2) The Planning Commission may define the circumstances under which an application for partitioning may be given routine administrative review and approval. Under this procedure, the City Administrator shall check the proposal against the development plan and may approve the proposal without submitting it to the Planning Commission.
 - (3) If the location or type of land is not such as has been defined for routine administrative approval or if the proposed partitioning does not appear to comply with the requirements for routine administrative approval, the tentative plan shall be submitted for Planning Commission review and determination that the proposal will comply with this Code. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided.
 - (4) When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions has been assured, the plan shall be marked approved and then becomes the partition map.
 - (5) In the event that the tentative plan and partition is not approved by the Planning Commission, the same shall be returned to the City Recorder for appropriate action in conformance therewith.

C. **Flag Lot Partitions in Residential Zones** – Partitions involving the creation of flag lots in residential zones shall be approved by the Planning Commission in accordance with the partition approval procedure if the following conditions are satisfied:

- (1) Findings for Partition Approval have been met.
- (2) The partition does not cause undue harm to adjacent property owners.
- (3)
 - a. The access for flag lots shall comply with Section 460.030 B. of this Code and shall have a minimum of 15 foot width paved driving surface. For drives serving two lots, there shall be a minimum of 15 feet width of driving surface to the back of the first lot, and 12 feet width respectively, for the rear lot. Drives shared by adjacent properties shall have a 15 foot width paved driving surface.
 - b. Flag drives shall be constructed so as to prevent surface drainage from flowing over sidewalks or other public ways. Flag drives shall be in the same ownership as the flag lots served. If a drive is shared between owners, there shall be provided a joint driveway access easement and maintenance agreement to ensure legal access and adequate maintenance of the drive.
 - c. Flag drives shall not exceed a minimum grade of 15 %.
 - d. Flag drives greater than 250 feet in length shall provide an adequate turnaround for emergency vehicles.
- (4) A site plan of the flag lot partition shall be submitted illustrating the following:
 - a. The location of all proposed structures in the partition.
 - b. The location of driveways, turnarounds and parking spaces.
 - c. Landscaping or screening adjoining the drive.
- (5) No more than two (2) lots are to be served by the flag drive.
- (6) For the purpose of meeting the lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district.

450.080

Required Findings for Partition Approval: Partitions shall not be approved unless:

- A. No new rights-of-way, roads, or streets are created, except for widening of existing rights-of-way. Partitions creating such new streets shall be processed as subdivisions.

- B. The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.
- C. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.
- D. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards and in accordance with the City Stormwater and Water Master Plans and Transportation Plan.
- E. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

450.090 Future Developability

In addition to the findings required by Section 450.080, the Commission must find, for any partition creating lots averaging one (1) acre or more, that the lots may be repartitioned or resubdivided in the future in full compliance with the standards of this Code. The Commission may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If repartitioning or resubdividing in full compliance with this Code is determined not to be feasible, the Commission shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

450.100 Subdivision Compliance

Generally

If a partition exceeds two (2) acres and within one (1) year is repartitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

450.110 Dedications:

A. Generally

The City's requirements for dedication of public lands as per this Code, including road rights-of-way shall apply to partitions. Actual public improvements may not be required at the time of partition, at the Commission's discretion.

B. Dedications Acceptance

The City Administrator shall accept all public dedications by his or her signature on the partition plat prior to filing with the County.

C. Owner Declaration

If a property is being dedicated or donated for public use, the mortgage of trust deed holder of the property shall sign a declaration to that effect on the partition plat, or file an affidavit consenting to the plat.

450.120 Filing Requirements

A. Generally

Within twelve (12) months after City approval of a land partition, a partition plat shall be submitted to Multnomah County in accordance with its final partition plat and recording requirements.

B. Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The Commission may upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the partition and that no other development approval would be affected.

450.130 Property Line Adjustments

A. Generally

The City Administrator may approve a property line adjustment without public notice or a public hearing provided that no new lots are created and that the adjusted lots comply with the applicable zone requirements. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

B. Filing Requirements

If a property line adjustment is approved by the City, it does not become final until reviewed and approved by Multnomah County in accordance with its property line adjustment recording requirements.

Improvement Agreement Required:

- A. No final plat shall be approved unless the City has received adequate assurances that the subdivider or partitioner has agreed to make all public improvements which are required as conditions of approval of the tentative plan, including, but not limited to streets, alleys, pedestrian ways, and storm drainage, sewer and water systems. The following constitute acceptable adequate assurances:
1. Certification by the City Engineer that all required improvements, both public and private, are completed and accepted by the City Council, and a maintenance agreement and guarantee have been executed pursuant to Section 450.155 of this Code; or
 2. An executed improvement agreement between the City and the developer, executed and filed with the City, requiring the developer to complete all required improvements within one (1) year of the approval of the tentative plan. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City. The agreement shall include a performance guarantee as set forth in Section 450.150, and an agreement to file a one year maintenance agreement and performance guarantee as set forth in Section 450.155. The agreement may be continued for an additional one (1) year period, provided that the performance guarantee is modified to reflect any changes in the cost of construction. The agreement shall state that, should all improvements not be completed within the term of the agreement or its extension, the City shall estimate the cost of completing the work, call upon the performance guarantee as necessary to cover the cost, and complete the improvement from funds collected under the performance guarantee. If the funds collected under the performance guarantee are insufficient to install the required improvements, the City may:
 - a. Hold the collected funds until additional funds are authorized for the improvement;
 - b. Expend the funds on a revised improvement or on a portion of the improvement as determined to be reasonable by the City Engineer; or
 - c. Complete the project. Upon completion, the excess amount due to the City, plus a 10% administrative charge, shall become a lien on the real property subject to the performance agreement. The lien shall attach upon entry in the City lien docket and the giving of notice of the claim for the amount due for the completion of the project pursuant to the performance agreement. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the cost of the

fulfillment of the obligation, and allege the applicant's failure to complete the public improvements as required by the improvement agreement. The lien may be foreclosed in the manner prescribed in ORS Chapter 223 for foreclosing liens on real property.

- B. If a developer has begun construction pursuant to the tentative plan but fails to submit the final plat for approval within one year of approval of the tentative plan as required by Section 450.050(A) of this Code, the City may require execution of an improvement agreement and performance guarantee pursuant to Subsection A(2) of this section as a condition of granting an extension of time pursuant to Section 450.050(B).

450.150 Performance Guarantee Required.

- A. When required pursuant to Section 450.140 above, the developer shall file one of the following to insure the full and faithful performance of all terms of the improvement agreement:
1. A surety bond executed by a surety company authorized to transact business in the State of Oregon, in a form approved by the City Attorney, in an amount equal to 110 percent of the construction cost of the required improvements as verified by the City Engineer.
 2. A deposit with the City or, at the option of the City, a verified deposit with a responsible escrow agent or trust company, of cash or negotiable bonds in an amount equal to 110 percent of the construction costs of the required improvements, together with an agreement that the deposit may be disbursed only upon approval by the City Administrator. The agreement shall include a provision that the City allow release of the deposit in such amounts and at such times as a corresponding portion of the required improvements are completed to the satisfaction of the City Engineer, following inspection by the Director or the Director's designee.
 3. An agreement between the City, developer and one or more financial or lending institutions pledging that funds equal to 110 percent of the construction cost of all required improvements are available to the developer and are guaranteed for payment of the improvements. An irrevocable letter of credit is acceptable.

If the applicant fails to complete all improvements, the City may call on the performance guarantee as provided in Section 450.140(A)(2) of this Code.

450.155

Maintenance Agreement and Guarantee Required.

- A. At the time of submittal of the final plat pursuant to Section 450.140(A)(1) or at the time of City acceptance of the public improvements pursuant to Section 450.150(A)(2), the developer shall execute a maintenance agreement agreeing to maintain the public facilities for a period of one year following the date of acceptance of the public facilities by the City. The developer shall be responsible for correcting all deficiencies in construction and maintenance brought to the attention of the developer during the one-year warranty period. The agreement shall state that, should the developer fail to maintain the facilities or correct any defects brought to the developers attention, the City shall estimate the cost of completing the work, call upon the performance guarantee as necessary to cover the cost, and complete the improvement from funds collected under the performance guarantee. If the funds collected under the performance guarantee are insufficient to make the required improvements, the City may:
- a. Hold the collected funds until additional funds are authorized for the improvement;
 - b. Expend the funds on a revised improvement or on a portion of the improvement as determined to be reasonable by the City Engineer; or
 - c. Complete the project and seek reimbursement from the developer.

The developer shall post a maintenance guarantee in the amount of ten percent of the cost of the public improvements accepted by the City to insure this obligation. The maintenance guarantee shall be in the form set forth in Section 450.150(A). At the end of the one-year period, the City shall release any remaining maintenance guarantee.

450.160

Easements:

- A. **Utility Lines:** Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six feet in width.
- B. **Water Courses:** If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.
- C. **Pedestrian and Bicycle Ways:** In compliance with the Transportation Plan, a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation, as per Section 460.100 E. and F. Bicycle lanes on County streets shall comply with County bicycle lane standards.

SECTION 460
TRANSPORTATION AND UTILITY DESIGN STANDARDS

460.010 Streets

- A. **Generally.** The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, to the proposed use of land to be served by the streets and the public interest. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:
- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (2) Conform to the Transportation System Plan or to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- B. **Creation or Extension of Public Street Outside Subdivision:**
- (1) The creation or extension of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions except, however, the Planning Commission shall approve the creation or extension of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
 - (a) The establishment or extension of the public street is initiated by the City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
 - (b) The tract in which the street, new or extension, is to be dedicated is a major partition within an isolated ownership either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
 - (2) In those cases where approval of a public street or extension is to be without full compliance with the regulations applicable to subdivision, a copy of a tentative plan and the proposed deed shall be submitted to the City at least fifteen days prior to the Planning Commission meeting at

which consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Section 460 of this Code, shall be approved with conditions necessary to preserve these standards.

- (3) In those cases in which the Planning Commission has granted approval to a proposal for a street or extension thereof under B(1) above the same shall thereafter be submitted to the City Council, which shall within thirty days of such submission, make determination by appropriate resolution that said street or extension thereof is in the public interest. Such determination by the Council shall be required before any street or extension thereof created under B(1) above be effective. If the City Council finds that such street proposal is not in the public interest, it shall indicate the same by appropriate resolution, setting forth reasons for its determination, which shall be submitted to the applicant for such street or extension.

C. **Creation of Private Street Outside a Subdivision:** A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in B above, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two parcels may be provided with access. A copy of the tentative plan to create the street and partition the tract shall be submitted to the City at least fifteen days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

- (1) In the event the Planning Commission shall grant approval to said proposal under this Section, the same shall thereafter be submitted to the City Council for its approval or disapproval for the reason and in the manner indicated in B(3) above.

D. **Minimum right-of-way and roadway width:** Unless otherwise indicated on the development plan approved by the City, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table and as illustrated in Section 730.120. Right-of-way and roadway width on county roads shall be in compliance with Multnomah County Streets Standards. Further, the City will consider regional design standards when reviewing new development on NE Halsey Street and 238th Drive (community street design), Sandy Blvd. (urban road design), 223rd Ave. (community boulevard design), and Glisan Street (regional street design).

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width
Arterial	80-120 feet	40-52 feet
Collector Street	60-80 feet	36-48 feet
Local Street	55 feet	32 feet
Minor streets less than 2,400 feet in length which cannot be extended	44 feet	28 feet
Radius for turn-around at end of cul-de-sac	50 feet	35 feet
Alleys	20 feet	20 feet

Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrow right-of-way may be accepted, ordinarily not less than 50 feet. If necessary, slope easements may be required.

- E. **Reserve strips:** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.
- F. **Alignment:** As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet.
- G. **Future Extensions of Streets:** Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- H. **Intersection Angles:** Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80° degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80° degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

- I. **Existing Streets:** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.
- J. **Half Streets:** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the development, subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- K. **Cul-de-sac:** A cul-de-sac shall be as short as possible and shall have a maximum length of 200 feet (except for long narrow lots on Glisan Street where cul-de-sacs may not exceed 400 feet) and serve building sites for not more than 25 dwelling units. A cul-de-sac shall terminate with a circular turn-around.
- L. **Street Names:** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
- M. **Grades and Curves:** Grades shall not exceed six percent on arterials, ten percent on collector streets or 12 percent on other streets. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials or 100 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 percent.
- N. **Streets Adjacent to Railroad Right-of-Way:** Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets.
- O. **Marginal Access Streets:** Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- P. **Alleys:** Alleys may be provided in any zoning district, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.

460.020 Block Requirements:

- A. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.
- B. **Size:** No block shall be more than 530 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

460.030 Building Sites:

- A. **Sizes and Shape:** The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of this Code with the following exceptions:
- (1) In areas that will not be served by a public-sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
 - (2) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - (3) Under no circumstances shall the basic areas provided under (1) and (2) above be less than the minimum required by the pertinent provisions of this Code or be less than the standards set forth therein and at all times such requirements as provided in (1) and (2) above shall be equal to the minimum requirement of other applicable ordinances of the City relating to sewers, sewer connections and sewer service for the disposal of sewage effluence and storm and surface drainage.

- B. **Access:** Except as set forth in Section 460.010 (C) each lot and parcel shall abut upon a street other than an alley for a width of 20 feet, or 15 feet for flag lots.
- C. **Through Lots and Parcels:** Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.
- D. **Lot and Parcel Side Lines:** The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

460.040 Grading of Building Sites: Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

- A. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
- B. Fill slopes shall not exceed two feet horizontally to one foot vertically.
- C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

460.050 Building Lines: If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat or, if temporary in nature, they shall be included in the deed restrictions.

460.060 Large Building Sites: In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

460.070 Land for Public Purposes: If the City has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

Within or adjacent to a subdivision, a parcel of land of not less than six percent of the gross area of the subdivision shall be set aside and dedicated to the public by the

subdivider. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider shall, in lieu of setting aside land, pay into a public land acquisition fund a sum of money equal to current comparable assessed value. The sums so contributed shall be used to aid in securing suitable areas for park and recreation purposes to serve the area containing the subdivision. If the nature of the subdivision is such that over 34 percent of the tract to be subdivided is being dedicated to the public for streets, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 percent.

460.080

Improvement Procedures: In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option, shall conform to the requirements of this Code and improvement standards and specifications followed by the City in accordance with the City Stormwater Master Plan and Water Master Plan, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition.
- B. Improvement work shall not commence until after the City is notified, and if work is discontinued for any reason, it shall not be resumed until after the City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- D. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to the length obviating the necessity for disturbing the street improvements when service connections are made.
- E. A map showing public improvements as built shall be filed with the City upon completion of the improvements.

460.090

Specifications for Improvements: The Public Works Director shall prepare and submit to the City Council specifications to supplement the standards of this Code based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets.

Improvements in Subdivisions: The following improvements shall be installed at the expense of the subdivider and at the time of subdivision.

- A. **Streets:** Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines.
- B. **Surface Drainage and Storm Sewer System:** Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- C. **Sanitary Sewers:** Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the City trunk system, the Planning Commission may recommend to the City Council and the City Council may authorize by appropriate ordinance to which the emergency clause will not be attached after public hearing before the Council, if public need and necessity be shown, the use of septic tanks if lot areas are adequate considering the physical characteristics of the areas and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design by the City Engineer shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will without further sewer construction directly serve property outside the subdivision, the following agreements will be made to equitably distribute the cost:

- (1) If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his share of the construction.
- D. **Water System:** Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to City mains shall be installed. The City Engineer's design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system.

- E. **Sidewalks:** Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within a development or a subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available and if they provide safe, convenient and reasonably direct pedestrian circulation. On local City streets concrete sidewalks, five (5) feet wide (6 feet in commercial areas), separated from the street by a 4-5 foot wide planter strip for approved, uniformly planted street trees, are required. In the event a pathway is preferable for access, multi-use pathways shall be eight (8) feet wide, asphalted or compacted gravel to meet ADA standards. Pathways shall be located in a 20 foot wide public easement. On County streets, sidewalks shall be provided in accordance with Multnomah County Street Standards and regional street design standards.
- F. **Bicycle Routes:** If appropriate to the extension of a system of bicycle routes, existing or planned in compliance with the City, County or Regional Transportation Plans, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths. Existing and planned bicycle routes in the City as illustrated in the City Transportation System Plan, shall be built to Multnomah County bicycle path standards.
- G. **Street Name Signs:** Street name signs shall be installed at all street intersections in a manner provided by pertinent City regulations.
- H. **Street Lights:** Street lights shall be installed by the developer and shall be served from an underground source of supply. Street light style shall be approved by the City.
- I. **Other:** The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

460.110

Improvements in Partitions: The same improvements shall be installed to serve each building site of a partition as is required for a subdivision. However, if the Planning Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission shall recommend to the City Council such exception as appears necessary. The City Council shall, within 30 days after date of submission of such recommendation, approve or disapprove said recommendation. In lieu of accepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

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LAND USE REVIEW PROCEDURES**

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APPLICATION PROCEDURES

500.100 Land Use Application Procedures.

- (1) A land use application shall be processed under a Type I, II or III procedure, as described in this Section.
- (2) Where there is a question as to the appropriate type of procedure, the City Administrator shall determine the type of procedure to be utilized based upon the most similar land use application procedure specified by this Code or other established policy.
- (3) Where a proposal involves more than one application for the same property, the applicant(s) may submit concurrent applications which shall be processed simultaneously in accordance with the highest number procedure specified. When concurrent applications are so received and accepted as completed, the 120-day requirement of Section 500.130(2) shall apply as if a single application had been made.

500.105 Coordination of Land Use Application Procedure. The City Administrator shall be responsible for coordination of the land use application and decision-making procedure. The City Administrator shall issue a land use approval for applications and proposed developments that are in compliance with the provisions of this Code. Before issuing the approval, the City Administrator shall be provided with the information required to determine full compliance with the requirements of this Code.

500.110 Application Contents. A land use application shall consist of the following:

- (1) Explanation of intent, nature and proposed use of the development, pertinent background information and other information that may have a bearing in determining the action to be taken, including submission of detailed findings where such are required by the provisions of this Code.
- (2) Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.
- (3) Property description and assessor map parcel number(s).
- (4) Drawings which show the site plan including all structures (both existing and proposed), vehicular and pedestrian access, landscaping, on-site parking and other information necessary to review the application.
- (5) Additional information required by other sections of this Code because of the type of development proposal or the area involved.
- (6) Duplicates of the above information as required by the City Administrator.
- (7) Submission of application fees as established by the City Council.

500.115 Submission of Land Use Applications.

- (1) Application materials shall be submitted to the City Administrator who shall have the date of submission indicated on each copy of the materials submitted.
- (2) Land use applications requiring a public hearing shall be submitted at least 45 days in advance of the next regularly scheduled public meeting of the hearings body unless waived by the City Administrator when adequate notice can otherwise be achieved. All documents or evidence relied upon by the applicant shall be submitted to the City Administrator and made available to the public at least 10 days prior to the public hearing. If additional documents, evidence or written materials are provided in support of that application less than 10 days prior to the public hearing, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 227.178.
- (3) Within thirty (30) calendar days the City Administrator shall determine whether the application is complete. The City Administrator shall notify the applicant when the application is found to be incomplete and identify what additional information is needed. An application which has been determined to be incomplete may be supplemented, amended or resubmitted, at the City Administrator's discretion.
- (4) Upon request, the application file shall be made available to the public for inspection at no cost and copies will be provided at reasonable cost.

500.120 Referral and Review of Land Use Applications. Within five (5) working days of accepting an application as complete, the City Administrator shall do the following:

- (1) Provide appropriate information to all government agencies and private utilities identified by the City Administrator as having possible interest in reviewing and commenting on the development proposal. If the government agency or private utility does not comment by the date of the first hearing the government agency or private utility is presumed to have no comments or objections.
- (2) Provide for notices to be given and hearings to be established as required under Type II or III procedures established in this Section.

500.130 Land Use Application Decision.

- (1) Within five (5) days of final action on a land use application, the City Administrator shall provide written notice of the decision to the applicant and any other parties entitled to notice. The notice shall state the effective date of the decision, describe the right of appeal, and summarize the reasons for the decision and any conditions of approval or indicate where such can be reviewed in detail.
- (2) The City shall take final action on all land use requests which are wholly within the authority and control of the City within 120 days of receipt of a completed application. However, by agreement with the applicant, this deadline may be extended for any reasonable length of time.

500.140

Action on Resubmission of Denied Application. An applicant may make appropriate alterations to a proposal which has previously been denied and resubmit it with a payment of any required fee.

ADMINISTRATIVE PROCESS

TYPE I PROCEDURE

- 510.100 Purpose.** The purpose of the Type I procedure is to provide for land use review based on standards specified in this Code which do not require interpretation or the exercise of policy or legal judgement. Approval of a Type I land use application is not a land use decision. (See definitions).
- 510.110 No Hearing or Notifications Required.** Under the Type I procedure, an application shall be processed by the City Administrator without need for public hearing or notification.
- 510.120 Examples.** Examples of applications processed through a Type I procedure include, but are not limited to: detached single family dwellings and residential accessory buildings.

QUASI-JUDICIAL PROCESS

TYPE II PROCEDURE

- 520.100 Purpose.** The purpose of the Type II procedure is to provide for the review of certain applications within the City by the Planning Commission or Design Review Board at a public hearing.
- 520.110 Notification.** Under the Type II procedure, an application is scheduled for public hearing before either the Planning Commission or the Design Review Board. The City Administrator shall notify all property owners within 150 feet of the subject property and any recognized neighborhood organization whose boundaries include the site.
- 520.120 Hearing.** The review body shall:
- (a) review the request and any written comments and testimony;
 - (b) adopt findings based on the established criteria; and,
 - (c) make a decision by approving, conditionally approving, or denying the application.

Conditions and/or restrictions may be applied to the approval of any land use application granted under a Type II procedure in accordance with the relevant provisions of this Code.

- 520.130 Examples.** Examples of applications processed through a Type II procedure include, but are not limited to Design Review and certain non-conforming use reviews.

TYPE III PROCEDURE

520.140 **Purpose.** The purpose of the Type III procedure is to provide for the review of certain land use applications by the Planning Commission at a public hearing. These decisions are usually complex in nature, and require the interpretation of the Comprehensive Plan policies and the criteria of this Code.

520.150 **Notification.** Under the Type III Procedure, an application is scheduled for public hearing before the Planning Commission. The City Administrator shall notify all property owners within 250 feet of the subject property. The City Administrator shall post notices of the requested review and public meeting on the subject site and any recognized neighborhood organization whose boundaries include the site.

520.160 **Hearing.**

The Planning Commission shall:

- (a) review the request and any written comments and testimony;
- (b) adopt findings based on the established criteria; and
- (c) make a decision by approving, conditionally approving, or denying the application.

Conditions and/or restrictions may be applied to the approval of any land use application granted under a Type III procedure in accordance with the relevant provisions of this Code.

520.170 **Examples.** Examples of applications processed through a Type III procedure include, but are not limited to Zone changes, Comprehensive Plan amendments and conditional uses.

PUBLIC HEARINGS

530.100 Responsibility for Hearings. The City Administrator shall carry out the following duties pertaining to a hearing, all in accordance with other provisions of this Code:

- (1) Schedule and assign the matter for review and hearing.
- (2) Conduct the correspondence of the review body.
- (3) Provide notices of public hearings as required by the Code and state law.
- (4) Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement, and continuances and a summary of action taken by the review body.
- (5) Prepare minutes to include the decision on the matter heard and the reasons given for the decision.
- (6) Reduce the decisions of the review body to writing and maintain permanent record of such.
- (7) Provide advance notice of all hearings and written decisions to persons requesting the same and not entitled to such by the section provided that such persons pay the actual cost for the service provided as established by the City (applicants excepted).

530.110 Hearing Record. The hearing proceedings will be recorded either stenographically or electronically.

- (1) When an electronic recording is made, testimony shall be transcribed at the expense of the requesting party if required for judicial review or local appeal proceedings. The transcribing fee may include all actual costs up to \$500 plus one-half the actual costs over \$500 or as authorized by state law.
- (2) The review body shall, where practical, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after all appeal periods have expired, at which time the exhibits may be released. Any physical evidence presented at the public hearing shall be submitted to the review body staff, distributed to members, and shall become part of the record.
- (3) If a staff report and recommendation are made, they shall be included in the record.
- (4) A person shall have access to the record of the proceedings at reasonable times, places, and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

Mailed Notice.

- (1) Addresses for a mailed notice required by this Code shall be taken from current County Assessor records. Any deficiency in the form of notice prescribed in this section or a failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice.
- (2) In addition to persons receiving notice as required by the matter under consideration, the City Administrator may provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.
- (3) The cost of notice mailings shall be included in the land use application fee.
- (4) Notice of public hearing shall be sent by mail at least twenty (20) days before the hearing and shall contain the following information:
 - (a) The reviewing body, the date, time, and place of the hearing.
 - (b) The street address or other easily understood geographic reference to the subject property.
 - (c) The nature of the application and the proposed use or uses which could be authorized.
 - (d) Where information may be examined and when and how written comments addressing findings required for a decision by the review body may be submitted.
 - (e) A list of the applicable criteria from the ordinance and/or the plan that apply to the application.
 - (f) A statement that failure to raise an issue, including constitutional or other issues regarding proposed conditions of approval, accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issues precludes appeal to the City Council or Land Use Board of Appeals based on that issue, or to seek damages in circuit court due to a condition of approval.
 - (g) The name of a City representative to contact and the telephone number where additional information may be obtained.
 - (h) A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and copies will be provided at reasonable cost.
 - (i) A statement that a copy of any staff report that might be produced will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost.
 - (j) A statement that all interested persons may appear and provide testimony and that only those making an appearance of record, either in person or in writing, shall be entitled to appeal.
 - (k) A general explanation of the procedure for the conduct of hearings.

Posted Notice. The sites that are the subject of Type III quasi-judicial public hearings shall be posted. At the discretion of the City Administrator the applicant may be responsible for providing a sign frame for the notice and also responsible for posting the

notice at the correct time and location. The actual notice shall be provided by the City. The posting shall comply with the following requirements:

- (1) The notice frame shall be a minimum of 1 ½ feet by 2 feet.
- (2) The notice shall be posted in a location which is visible from a traveled public road or street abutting the property. If no public street abuts the property, the notice shall be placed in such a manner to be generally visible to the public.
- (3) The notice shall be posted for at least seven (7) consecutive days prior to the first scheduled public hearing on the matter.
- (4) If the subject property is a corner lot, then two signs are required in locations defined in (2) above.
- (5) When the applicant is required to post the notice, an affidavit of posting shall be filed with the City Administrator at least five (5) days before any hearing.
- (6) If the subject property is not properly posted as set forth in this section, the hearing may be postponed by the City Administrator until such provisions are met.
- (7) The posted notice shall display the nature of the application and a telephone number for more information. The posted notice shall also include a photocopy of the original mailed notice sent to affected property owners.

530.130 Compliance and Waiver of Notice.

- (1) Notice by mail shall be deemed received three calendar days after the notice is deposited with the US Postal Service, first class postage, fully prepaid, for mailing to the addressee at the addressee's last known mailing address. Failure of the addressee to actually receive notice shall not invalidate the proceeding.
- (2) Posted notice is deemed given when the sign is first posted.
- (3) The requirement for notice shall be deemed satisfied as to any person who, in any manner, obtains actual knowledge of the time, place, and subject matter of the hearing prior thereto.
- (4) Appearance and testimony or comment on the merits of the proposed action by any person at a hearing, or submission by any person of written comment directed to the merits of the proposed action at or prior to the hearing and after the proceedings was initiated, shall be deemed a waiver of such person of any defect in notice.

530.140 Challenges to Impartiality. A party to a hearing or a member of a review body may challenge the qualifications of a member of the review body to participate in the hearing and decision regarding the matter. The challenge shall be incorporated into the record at the time of the hearing.

530.145 Disqualification. No member of a review body shall participate in a discussion of the proposal without removing himself or herself from the bench or shall vote on the proposal when any of the following conditions exist:

- (1) Any of the following have a direct or substantial financial interest in the proposal: the review body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or in which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment or is otherwise in a position of conflict of interest as determined by state law.
- (2) The member has a direct private interest in the proposal.
- (3) Any other valid reason for which the member has determined that participation in the hearing and decision cannot be in an impartial manner.

530.150 Participation by Interested Officer or Employee. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion or staff report to the review body on the proposal without first declaring for the record the nature and extent of such interest.

530.155 Ex Parte Contacts. The general public has a right to have review body members free from pre-hearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Should ex parte communication occur, at the beginning of the hearing, the review body member shall reveal the source and substance of any significant pre-hearing or ex parte contacts regarding any matter at the commencement of the public hearing on such and the presiding officer shall allow for rebuttal of any information received through such ex parte contact. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with the following section.

530.160 Abstention or Disqualification.

- (1) An abstaining or disqualified member of the review body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by making full disclosure of his or her status and position at the time of addressing the review body, removing himself or herself from the seat on the hearing body and physically joining the audience.
- (2) If a quorum of a review body abstains or is disqualified, all members present after stating their reasons for abstention or disqualification shall automatically be requalified and proceed to resolve the issues necessary to hear the matter before them.
- (3) A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received and so states on the record.

530.170

Burden and Nature of Proof. The burden of proof is upon the proponent or appellant. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

530.180

Hearing Procedures. Hearing procedures will depend in part on the nature of the hearing. The following may be supplemented by appropriate rules announced by the presiding officer:

- (1) The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case and that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-makers and the parties an opportunity to respond to the issues precludes appeal to the State Land Use Board of Appeals on that issue. The presiding officer may establish the time allowed for the presentation of information.
- (2) Any objections on jurisdictional grounds shall be noted in the record.
- (3) Any abstentions or disqualifications shall be determined. Members shall announce all conflicts of interest and shall disclose the time, place, and nature of any ex parte contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the ex parte contact.
- (4) The review body may view the area under consideration for purposes of evaluating the proposal, but shall state the place, time, manner, and circumstances of such viewing in the record.
- (5) The presiding officer at the hearing may take official notice of known information related to the issue, such as provisions of federal or state law, or of an ordinance, resolution, official policy or charter of the City.
- (6) Matters officially noticed need not be established by evidence and may be considered by the review body in the determination of the matters. Parties requesting official notice shall do so on the record.
- (7) Presentation of staff report when one is provided, including a list of the criteria applying to the issue(s) being heard. City staff may also present additional information whenever allowed by the presiding officer during the proceedings.
- (8) Presentation of information by the applicant or those representing the applicant.
- (9) Presentation of evidence or inquiries by those persons who support the proposed change.
- (10) Presentation of evidence or inquiries by those persons who oppose the proposed change.
- (11) Presentation of evidence or inquiries by those persons who do not necessarily support or oppose the proposed change.

- (12) If additional documents or evidence are provided in support of an application, any party shall, upon request, be entitled to a continuance of the hearing to allow for adequate preparation of rebuttal. Such a continuance shall not be subject to the limitations of ORS 227.178.
- (13) Only the applicant shall have the right to present rebuttal testimony. If the presiding officer allows rebuttal by an opponent, the proponent or applicant shall have the right to an additional and final rebuttal.
- (14) The presiding officer may approve or deny a request to ask a question from a person attending the hearing. Unless the presiding officer specifies otherwise, the presiding officer will direct the question to the person who has submitted testimony.
- (15) At the close of presentation of information the presiding officer shall declare that the hearing is closed unless a continuance has been granted.
- (16) Unless there is a continuance, if a participant so requests before the conclusion of the first evidentiary hearing, the record shall remain open for at least seven (7) calendar days after the hearing.
- (17) When the hearing has ended, the review body may openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.
- (18) If the hearing is closed, it shall be reopened only upon a majority vote of the review body.
- (19) Upon reopening a hearing, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.

DECISION

540.100 Findings. The review body shall make a decision and adopt findings based upon the information accompanying the application, staff report, and/or evidence presented at the hearing. The finding shall address:

- (1) Applicable Zoning and Development Code criteria.
- (2) For approval, a statement of the facts establishing compliance with each applicable policy or criteria. For denial, a statement of the facts establishing non-compliance with any required policy or criteria.
- (3) Conditions of approval may be attached to a land use decision. Conditions may include, but are not limited to, a time limit, a termination date, a requirement for a performance bond or other type of security, and other conditions which meet one of the following criteria:
 - (a) the condition is required to protect the public from the potentially deleterious effects from the proposed use;
 - (b) the condition is required to fulfill the public service or public facility demand created by the proposed use; or
 - (c) the condition is required to carry out the policies of an adopted City policy, plan or ordinance provision.

540.110 Notice of Decision.

- (1) The City Administrator shall provide written notice of the decision of final action on a land use application, to the applicant and any other parties entitled to notice. The notice shall state the effective date of the decision, describe the right of appeal, and summarize the reasons for the decision and any conditions of approval or indicate where such can be reviewed in detail.
- (2) The City shall take final action on all land use requests which are wholly within the authority and control of the City within 120 days of receipt of a completed application. However, by agreement with the applicant, this deadline may be extended for any reasonable length of time.

540.120 Effective Date of Decision. The Planning Commission or Design Review Board decision in any land use review becomes effective one day after the last day on which an appeal can be filed.

APPEALS

550.100 Appeal Procedures.

- (1) A decision of the Planning Commission or Design Review Board may be appealed to the City Council by an affected party by filing a "Notice of Appeal" within 14 days of the date the notice of decision is mailed.
- (2) For any appeal proceeding, the City Administrator shall cause notice to be provided in the same manner as provided for the original decision, those testifying and any other parties to the proceedings who request notice in writing.
- (3) A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal not later than 21 days after the decision becomes final.

550.110 Requirements of Notice of Appeal. A "Notice of Appeal" shall contain:

- (1) An identification of the decision sought to be reviewed, including the date of the decision.
- (2) The name, address, signature, phone number and a statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.
- (3) A statement of which approval criteria the decision violates.
- (4) Any required fee as established by the City Council.

550.120 De Novo Hearing. The City Council shall hear an appeal as a "de novo hearing" on the merits of the case. "De novo hearing" shall mean a hearing by the City Council as if the request had not been previously heard and as if no decision had been rendered, except that all testimony, evidence, and other material from the record of the previous consideration may be included in the record of the review.

550.130 City Council Decision. Upon review, the City Council may affirm, remand, reverse, or modify in whole or part a determination or requirement of the decision that is under review. When the City Council modifies or renders a decision that reverses a decision of the review body, the City Council shall set forth its findings and state its reasons for taking the action. When the City Council elects to remand the matter back to the previous review body for such further consideration as the City Council deems necessary, it may include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.

550.140 Effective Date of Decision. The decision by City Council in any land use matter becomes effective seven (7) days after the "Notice of Decision" (as described in Section 540.110) is mailed.

LEGISLATIVE PROCESS

560.100 Purpose. The legislative process provides for the establishment and modification of land use plans, policies, regulations and guidelines. A required public hearing provides an opportunity for public comment and input on actions which may affect large areas of the City.

560.110 Initiation.

- (1) The City Council may make changes in the Comprehensive Plan or Zoning and Development Code provisions and designations by legislative act where such changes affect a large number of persons, properties, or situations and are applied over a large area.
- (2) The City Council, Planning Commission, or the Design Review Board may initiate a review on any legislative matter.

560.120 Hearing Required. The Planning Commission and City Council must hold at least one public hearing before recommending action on a legislative matter.

560.130 Hearing Notice.

- (1) The City Administrator may inform persons believed to have a particular interest and provide the general public with reasonable opportunity to be aware of the hearings on the proposal.
- (2) Notice shall be posted in public places at least one week prior to the hearing and additionally as may be required by state law for a particular proceeding.
- (3) Posted notice shall include the following information:
 - (a) The reviewing body, the date, time, and place of hearing.
 - (b) The nature of the proposed amendment.
 - (c) The name and telephone number of the staff member to contact for more information.
- (4) Mailed notice to individual property owners shall be provided as follows:
 - (a) At least 20 days and not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or an element thereof, or to adopt a new comprehensive plan, the City shall cause a written individual notice of land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.
 - (b) In addition, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone the property, the City shall send a written notice of land use change to be mailed to the

owner of each lot or parcel of property that the new ordinance proposes to rezone.

- (c) The notice shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall be mailed by first class mail to the affected property owner at the address shown on the last available complete tax assessment roll. The notice shall contain the following language in boldfaced type at the top of the page:

This is to notify you that the City of Wood Village has proposed a land use regulation that will affect the permissible uses of your land. On _____ (date of public hearing) the City Council of Wood Village will hold a public hearing regarding the adoption of Ordinance # _____. The City Council has determined that adoption of the ordinance will affect the permissible uses of your property and may reduce the value of your property. Ordinance # _____ is available for inspection at City Hall located at 2055 NE 238th Drive, Wood Village, Oregon. A copy of Ordinance # _____ also is available for purchase at the cost of copying the document. For additional information concerning Ordinance # _____ you may call City Hall at 503-667-6211.

- (d) **Notice for Periodic Review.** At least 30 days before the adoption or amendment of a comprehensive plan or land use regulation by the City of Wood Village pursuant to a requirement of periodic review of the comprehensive plan, the City shall send a written individual notice of the land use change to the owner of each lot or parcel that will be rezoned as a result of adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment will affect the use of the property. The notice shall contain the following language in boldfaced type across the top of the page:

This is to notify you that the City of Wood Village has proposed a land use regulation that will affect the permissible uses of your land. As a result of an order of the Land Conservation and Development Commission, Wood Village has proposed Ordinance # _____. Wood Village has determined that the adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property. Ordinance # _____ will become effective on (date). Ordinance # _____ is available for inspection at City Hall located at 2055 NE 238th Drive, Wood Village, Oregon. A copy of Ordinance # _____ also is available for purchase at the cost of copying the document. For additional information concerning Ordinance # _____ you may call City Hall at 503-667-6211.

560.140 Hearing Procedures. Interested persons may submit written recommendations and comments in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted. The presiding officer may establish a time limit for presentation of information.

560.150 Planning Commission Recommendation. In preparing its recommendation to the City Council, the Planning Commission shall do the following:

- (1) Evaluate the proposal based on the relevant Zoning and Development Code criteria.
- (2) Prepare a recommendation and make findings in support of such recommendation.

560.160 City Council Action.

- (1) In reaching a decision on a legislative matter, the Council shall adopt findings applicable to the relevant policies and criteria in support of the decision.

The City Council may:

- (a) Enact, amend or defeat all or part of the proposal under consideration, or
- (b) Refer some or all of the proposal back to the Planning Commission for further consideration.

560.170 Notice to DLCD on Legislative Matters.

- (1) The City Administrator shall notify Department of Land Conservation and Development for adoption of or amendment to the Comprehensive Plan, the Zoning and Development Code, or any other land use regulations. The notice shall be provided at least 45 days before the proposed first hearing on adoption and the notice shall contain information sufficient to inform the Department as to the effect of the proposal.
- (2) If the City determines that the statewide goals do not apply to a particular proposed amendment or new regulation, notice under subsection (1) of this section is not required. In addition, the City may consider an amendment or new regulation with less than 45 days notice if the City Council determines that there are emergency circumstances requiring expedited review.

560.180 Decision Notice Requirements.

- (1) Within five (5) working days following adoption of an amendment or new land use regulation, the City Administrator shall forward to the Department of Land Conservation and Development a copy of the adopted text and findings and notify the Department of any substantial changes which may have occurred in the proposal since any previous notification to the Department.
- (2) Within five (5) working days, the City Administrator shall also notify any person who participated in the proceedings leading to the decision. Such notice shall briefly describe the final action taken, state the date and effective date of the decision, and explain the requirements for appealing the action under ORS 197.830 to 197.845.

560.190 Appeal. A legislative land use decision may be appealed to the Land Use Board of Appeals.

**SECTION 600
LAND USE REVIEW CRITERIA**

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REVIEW CRITERIA

600.010 **Overview.** The Zoning and Development Code provides a combination of non-discretionary and discretionary standards for the City to use in evaluating land use proposals for compliance with the use and development requirements of the Code. The non-discretionary criteria provide the certainty needed in most situations by providing straightforward, clear, and objective standards. Discretionary criteria provide needed flexibility by allowing more subjective standards and objectives, and provide for the modification of regulations in response to specific site conditions. This chapter contains the criteria of the following land use applications:

- Adjustments
- Comprehensive Plan Amendments
- Conditional Uses
- Design Review
- Zoning Map Amendments
- Non-conforming Situations
- Vacations
- Variances
- Zoning and Development Code Amendments

600.020 **Function of Review Criteria.**

The review criteria that are listed with a specific review reflect the findings which must be made to approve the request.

- A. Review criteria set the bounds for the issues that must be addressed by the applicant and which may be raised by the City or affected parties. A proposal that complies with all the criteria will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions. A proposal that cannot comply with the criteria outright or cannot comply with mitigation measures will be denied.
- B. The review criteria have been derived from and are based on the Comprehensive Plan. Reviews against the goals and policies of the Comprehensive Plan are not required unless specifically stated. Fulfillment of all requirements and review criteria means the proposal is in conformance with the Comprehensive Plan.
- C. When review criteria refer to the request's meeting a specific threshold, such as adequate services or no significant detrimental environmental impacts, the threshold includes any proposed improvements, mitigation measures, or limitations. All proposed improvements, mitigation measures, and limitations must be identified prior to a final decision by a review body.

600.030 **Burden of Proof.** The burden of proof is on the applicant to show that the review criteria are met. The burden is not on the City or other parties to show that the criteria have not been met.

600.040 **Conditions of Approval.** The City may attach conditions to the approval of a land use decision in accordance with Section 540.100 (3) - Findings.

600.050 **Relationship to Other Regulations.** Approval of a land use application based on review criteria in this Code does not relieve the applicant of responsibility for compliance with other applicable codes, ordinances, statutes or regulations.

COMPREHENSIVE PLAN AMENDMENTS

- 610.010 **Purpose.** The Comprehensive Plan is the official and controlling land use document of the City, providing guidance to both public and private activities which affect the growth, development, and livability of the community. The Plan is intended to be a flexible document, reflecting changing circumstances and community attitudes through occasional amendments. This section provides a process whereby the Comprehensive Plan may be amended without violating the integrity of the Plan or frustrating its basic purposes. This process applies to proposed changes to the Comprehensive Plan map designations, and text.
- 610.020 **Initiating a Comprehensive Plan Amendment.** Comprehensive Plan amendments which are legislative in nature can be initiated by the Planning Commission or City Council. The City Administrator and others may request the Planning Commission to consider an initiation. Requests for Comprehensive Plan amendments which are quasi-judicial in nature may be initiated by an applicant, the Planning Commission or the City Council. Initiations by the Planning Commission or City Council are made without prejudice towards the outcome.
- 610.030 **Procedure.** Requests for Plan amendments determined by the City Administrator to be legislative in nature are reviewed through the legislative procedures stated in Section 560 - Legislative Process. Quasi-judicial requests are reviewed through the Type III procedure of Section 520 - Quasi-Judicial Process.
- 610.040 **Review Criteria.** Amendments to the Comprehensive Plan will be approved if the Council finds that the applicant has shown that the following applicable criteria are met:
- A. A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plan adopted by the City Council.
 - B. A legislative amendment is needed to meet changing conditions or new laws.
 - C. The requested designation for a quasi-judicial map amendment meets all of the following tests:
 - (1) The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.
 - (2) The requested designation is consistent with the Comprehensive Plan map pattern.
 - (3) The requested designation is consistent with the Statewide Planning Goals.

D. The review body shall find that:

The transportation system is capable of supporting the proposed use in addition to the existing uses in the area and will not significantly affect a transportation facility. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

“Significantly” affect the transportation facility means the proposal would:

1. As measured at the end of the Wood Village TSP planning period or 15 years, whichever is greater, the proposal would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
2. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable; or
3. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable.

E. **Amendments that Affect Transportation Facilities.** Except as provided in Subsection F, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Wood Village TSP. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
2. Amending the Wood Village TSP or Comprehensive Plan to provide transportation facilities improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

4. Amending the planned function, capacity or performance standards of the transportation facility; or
 5. Providing other measures as a condition for development or through a development agreement or similar funding method, specifying when such measures will be provided.
- F. **Exceptions.** Amendments to the Comprehensive Plan or land use regulation with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the Wood Village TSP or the Regional Transportation Plan, may be approved when all of the following criteria are met:
1. The amendment does not include property located in an interchange areas, as defined under applicable law;
 2. The currently planned facilities, improvements or services are not adequate to achieve the standard;
 3. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
 4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

610.050

Corrections to the Comprehensive Plan Map. The City Administrator may initiate a review through the Type II procedure for the types of corrections to the Comprehensive Plan Map listed below:

- A. The correction may be made for mapping errors such as:
- (1) A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;
 - (2) The line on the map does not match the legal description or map shown or references in the ordinance which applied to the designation; or
 - (3) When there is a discrepancy between maps and there is a clear legislative intent for where the line should be.
- B. The correction may be made when a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar items. Map line changes in these cases must not be more than a minor change to the map pattern and must not result in any significant impacts to abutting lots.

CONDITIONAL USES

620.010 Purpose. Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but not necessarily do, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.

Uses identified in Sections 200 and 300 as requiring Conditional Use approvals may be permitted, enlarged or altered in accordance with the provisions of this Section. In addition, where a use is not authorized in any district or where ambiguity exists concerning the appropriate classification of a particular use or type of development within the intent of this Code, the use or type of development may be established by Conditional Use approval in accordance with this Section.

620.020 Scope. Approval of a conditional use permit shall not constitute a zone change and shall be granted only for the specific use requested. Any change of use or modification of a limitation or condition shall be subject to Planning Commission approval under the Conditional Use review process.

620.030 Procedure. Conditional Use applications or modifications to an existing Conditional Use Permit are reviewed as a Type III procedure.

620.040 Review Criteria. Requests for Conditional Uses will be approved if the review body finds that the applicant has shown that all of the following criteria have been met, either outright, or with conditions that bring the proposal into compliance:

- A. The use is listed as a conditional use in the base zone or is approved by the Planning Commission for consideration as a conditional use.
- B. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.
- C. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses in the zone.
- D. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area and will not significantly affect a transportation facility. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

“Significantly” affect the transportation facility means the proposal would:

1. As measured at the end of the Wood Village TSP planning period or 15 years, whichever is greater, the proposal would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
2. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable; or
3. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable.

If it is determined that a proposed land use significantly affects a transportation facility, the applicant shall assure that the allowed uses are consistent with the function, capacity and level of service of the facility by one of the following methods:

- (a). Alter land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
 - (b). Provide measures demonstrating that the use can be consistent with the planned function of the transportation facility, or provide other measures as a condition of development through a development agreement or similar method, specifying when such measures will be provided.
- E. Public service for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.
- F. The proposal will not have significant adverse impact on the livability of nearby residentially zoned lands due to:
- (1) Noise, glare, odor, litter, and hours of operation.
 - (2) Privacy and safety issues.
- G. Conditional Uses which fall within the Waste Related Use Category (See Section 710.330) must also meet the criteria defined in the Mitigation Agreement for Siting Solid Waste Facilities between Metro and the City.

620.050 **Conditions of Approval.** The review body may attach conditions to a conditional use approval to ensure that the proposal will conform to the applicable review criteria. Some of the most frequently imposed conditions relate to but are not limited to, the following: special yards and spaces; fences and walls; street dedications and improvement petitions (or bonds); improvement of public facilities such as water, sanitary sewer, storm drainage, sidewalks, curbs, and fire hydrants; ingress and egress; off-street parking; signs; building textures, colors, architectural features and height; landscaping, screening and buffering noise, vibration, odors or other similar nuisances; hours for certain activities; time period within which the proposed use shall be developed; duration of use; preservation of natural vegetative growth and open space; public safety & crime prevention; and undergrounding of utilities.

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

620.070 **Expiration.** Approval of a conditional use permit shall be void after two (2) years, or a lesser time as may be specified by the Planning Commission, unless substantial construction has taken place. A one (1) year extension may be granted by the Planning Commission through a Type III procedure if the applicant requests such an extension before the expiration of the initial time limit.

620.080 **Building Permit.** A building permit for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Commission. Any changes in the approved plan shall be submitted to the City for processing as a modification to a conditional use.

620.090 **Revocation.** A conditional use permit shall be subject to revocation by the Planning Commission through a Type III procedure. The burden of proof shall be on the applicant to show why the conditional use permit should not be revoked. The Planning Commission may revoke the permit if:

- (1) the application contained false or misleading information; or
- (2) the conditions of approval have not been met or are not being maintained; or
- (3) the scope of the use has changed so as to be significantly different than that originally contemplated.

The Planning Commission may also attach new conditions and reapprove the conditional use permit as part of its consideration of a conditional use revocation.

DESIGN REVIEW

- 630.010 **Purpose.** Design Review of certain developments and improvements is intended to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.
- 630.020 **Design Review Plan.** When required by this Code a Design Review Plan shall be submitted. The elements of a Design Review Plan are: the layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.
- 630.030 **Design Review Plan Approval Required.** No buildings, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Design Review Board.
- 630.040 **Application of Design Review Regulations.** Except for single family dwellings in Light Residential zones, all new construction, remodeling or alteration of an existing structure or building, parking development or alteration, sign erection or alteration or any land use shall be subject to Design Review under this Section.
- 630.050 **Compliance.**
- A. Non-compliance by the applicant or his successor in interest with a final approved design review plan, as approved, shall be considered a zoning code violation and enforced as such.
 - B. The City Council or Planning Commission may, as a condition of approval of land use reviews, require that design review plan approval be obtained prior to issuance of any required permit.
- 630.060 **Procedure.** Requests for Design Review shall be processed under the Type II procedure.
- 630.070 **Design Review Plan Contents.**
- A. Any preliminary or final design review plan shall be filed on forms provided by the City Administrator and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.
 - B. Contents:
 - (1) Preliminary Site Development Plan;
 - (2) Preliminary Site Analysis Diagram;

- (3) Preliminary Architectural Drawings, indicating floor plans and elevations;
 - (4) Preliminary Landscape Plan;
 - (5) Design Review Application Fee;
 - (6) For developments that generate more than 400 average daily motor vehicle trips (ADT's), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system.
- C. A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:
- (1) Relation to adjacent lands;
 - (2) Topography;
 - (3) Natural drainage;
 - (4) Natural features and structures having a visual or other significant relationship with the site.
- D. A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:
- (1) Access to site from adjacent rights-of-way, streets, and arterials;
 - (2) Parking and circulation areas;
 - (3) Location and design of buildings and signs;
 - (4) Orientation of windows and doors;
 - (5) Entrances and exits;
 - (6) Private and shared outdoor recreation spaces;
 - (7) Pedestrian circulation;
 - (8) Outdoor play areas;
 - (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
 - (10) Areas to be landscaped;
 - (11) Exterior lighting;
 - (12) Provisions for handicapped persons; and
 - (13) Other site elements and spaces which will assist in the evaluation of site development.
- E. The preliminary landscape plan shall indicate:
- (1) The size, species and approximate locations of plant materials to be retained or placed on the site; and
 - (2) Proposed site contouring.

630.080

Decision on Design Review Plan.

- A. The Design Review Board may approve a design review plan, disapprove it, or approve it with such modifications and conditions as may be consistent with the

criteria and standards listed in this section. Conditions and/or restrictions may be applied to the approval of a design review plan in order to assure Code compliance and to mitigate transportation or public facility impacts and to protect those facilities.

630.090

Review Criteria.

A. Approval of a design review plan shall be based on the following criteria:

(1) **Relation of Design Review Plan Elements to Environment.**

- (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.
- (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.
- (c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.

(2) **Safety and Privacy** - The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.

(3) **Special Needs of Disabled Persons** - Where appropriate, or required, the design review plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.

(4) **Preservation of Natural Landscape** - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.

(5) **Pedestrian and Vehicular Circulation and Parking** - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.

(6) **Drainage** - Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.

- (7) **Buffering and Screening** - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.
 - (8) **Utilities** - All utility installations must be located underground and shall be located so as to minimize adverse impacts on the site and neighboring properties. At the time of development, public facilities and services, including public sanitary and storm sewer, water and public streets, shall be extended across a site to facilitate service to adjoining properties, unless determined unreasonable by the Design Review Board.
 - (9) **Signs and Graphics** - The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.
 - (10) **Plan and Code Compliance** - The proposal shall be in compliance with the City, County and Regional Transportation Plans, the City Stormwater Master Plan and the City Water Master Plan. Further, ODOT access permit approval is required abutting a state roadway prior to design review approval by the City.
- B. Guidelines designed to assist applications in developing design review plans may be adopted by the Design Review Board.

630.100

Expiration of Approval.

- A. Design review approval shall expire in two (2) years from the date of final design review approval if significant construction has not taken place.

NON-CONFORMING SITUATIONS

640.010 Purpose. Within the City there are lots, developments, and uses which were lawful before this Code was adopted or amended, but which would no longer be allowed under the current terms of this Code. It is the intent of these provisions to permit such non-conformities to continue, but not to encourage their perpetuation. All nonconformities are referred to as "Non-conforming Situations".

640.020 Status and Documentation of a Non-conforming Situation. The non-conforming situation regulations apply only to those situations which were allowed when established or which were approved through a land use review. Non-conforming situations which were not allowed when established have no grandfather rights and must be removed. The burden of proof is on the property owner or applicant to document that a non-conforming situation was allowed when established and was maintained over time. Evidence might consist of building permits, utility hookups, tax records, or telephone directory listings.

640.030 Types of Non-conforming Situations. A specific site may be non-conforming because it contains either a non-conforming use, an allowed residential use that exceeds that allowed density, a non-conforming development, or a combination of these.

640.040 Regulations That Apply to All Non-conforming Situations.

- A. The status of a non-conforming situation is not affected by changes in ownership.
- B. A non-conforming situation may be changed to a conforming situation by right. Once a conforming situation occupies the site, the non-conforming rights are lost and a non-conforming situation may not be re-established.
- C. A non-conforming use may change to a conditional use if approved through a conditional use review. Once a conditional use occupies the site, the non-conforming rights are lost and a non-conforming use may not be re-established.
- D. Normal maintenance and repair of non-conforming situations is allowed.

640.050 Loss of Non-conforming Status.

- A. The non-conforming use of a building, structure, or land shall be deemed to have terminated if the building, structure, or land ceases to be occupied by a permitted or legally non-conforming use for any reason for a continuous period of one year. Extensions of up to two additional years may be granted under the Type II procedure if the Planning Commission finds that:
 - (1) Conversion to any conforming use will result in a substantial economic loss and that the proposed use will result in greater conformance with the development standards of the zone or

- (2) The proposed use will be compatible with both non-conforming and conforming uses in the immediate area.
- B. Non-conformance with any development standards or condition other than building setback, coverage, or height shall be deemed terminated if the building, structure, or land ceases for any reason to be occupied by a permitted or legally non-conforming use for a continuous period of one year.
 - C. Any non-conforming use or development dependent upon a building or structure which is substantially damaged or destroyed by any cause to the extent that the cost of repair or restoration of the building or structure would exceed 70 percent of its fair market value shall be deemed terminated.
 - (1) Cost of repair or restoration and the fair market value shall be determined by independent professional appraisal in a form satisfactory to the City. Such determinations of value and cost are appealable to the City Council. Exceptions to this standard may be applied for under the Type II procedure.
 - (2) The Planning Commission may grant additional degrees of reconstruction under a Type II procedure, upon finding that:
 - (a) Conversion to any conforming use will result in a substantial economic loss, and
 - (b) The proposed use will result in greater conformance with the development standards of the zone, or
 - (c) The reconstructed use will be compatible with both non-conforming and conforming uses in the immediate area.
 - D. Rebuilding of structures which have been intentionally destroyed and which contained non-conforming uses is prohibited.

640.060

Non-conforming Uses.

- A. Non-conforming uses may continue to operate. Changes in operations are allowed. However, non-conforming uses in residential zones may not extend their hours of operation into the period of 10 p.m. to 6 am.
- B. A change to another use in the same use category is allowed by right. A change to a use in a different use category which is prohibited by the base zone may be allowed through a non-conforming use review.
- C. Structural expansions shall be limited to the following:

<u>Existing Gross Floor Area</u>	<u>% of Expansion Allowed</u>
Building under 4,000 sq. ft.	25%
Building under 10,000 sq. ft.	20%
Building larger than 10,000 sq. ft.	15%

- D. Non-conforming uses and buildings may expand one time only.
- E. Expansion of the non-conforming use onto another site is prohibited, except in the following situation:
 - (1) The site is abutting the site of the non-conforming use; and
 - (2) The site was in the same ownership as the non-conforming site when it became non-conforming; and
 - (3) The prior zoning regulations on the expansion site would have allowed the use; and
 - (4) The expansion is approved through a non-conforming use review.
- F. The addition of new residential units to a non-conforming residential use is prohibited.

640.070 Non-conforming Residential Densities. Existing dwelling units may continue, may be removed or enlarged, and amenities may be added to the site. There may not be a net increase in the number of dwelling units and the building may not move further out of compliance with the base zone development standards.

640.080 Non-conforming Development. This section is primarily aimed at upgrading non-conforming development elements that affect the appearance and impacts of a site. Non-conforming developments may continue unless specifically limited by Subsection (2) below or other regulations in this Code.

- A. Changes may be made to the site which are in conformance with the base zone development standards.
- B. Development not complying with the following standards must be brought into compliance with the base zone standards to an extent commensurate with the proposed changes.
 - (1) Landscaped setbacks for surface parking and exterior development areas;
 - (2) Interior parking lot landscaping;
 - (3) Landscaping in existing building setbacks;
 - (4) Minimum landscaped area (where land is not used for structures, parking or exterior improvements);
 - (5) Screening; and
 - (6) Paving of surface parking and exterior storage and display areas.

640.090 Sites That Are Non-conforming in Parking Spaces. When a site is non-conforming in the number of required parking spaces and changes to a use or building are made that

increase the number of required parking spaces, only the number of spaces related to the increase need to be provided.

640.100 Procedure. A non-conforming situation is reviewed through a Type II procedure.

640.110 Review Criteria. The request will be approved if the Planning Commission finds that the applicant has shown that all of the following criteria are met:

- A. The non-conforming situation was not created unlawfully.
- B. With mitigation measures, there will be a net decrease in overall detrimental impacts (over the impacts of the previous use or development) on the surrounding area taking into account factors such as:
 - (1) The hours of operation;
 - (2) Vehicle trips to the site and impact on surrounding on-street parking;
 - (3) Noise, vibration, dust, odor, fumes, glare, and smoke;
 - (4) Potential for increased litter; and
 - (5) The amount, location, and nature of any outside displays, storage, or activities; and either (C) or (D) below.
- C. If the non-conforming use is in a residential zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the area. This is based on taking into account factors such as:
 - (1) Building scale, placement, and facade;
 - (2) Parking area placement;
 - (3) Buffering and the potential loss of privacy to abutting residential uses; and
 - (4) Lighting and signs.
- D. If the non-conforming use is in a commercial or industrial zone, and if the changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

VACATIONS

- 650.010 Purpose.** This section states the procedures and review criteria for the vacation of an easement, right-of-way, or plat.
- 650.020 Initiation.** A vacation proposal may be initiated by the City Council or by petition of adjoining and area owners in accordance with ORS 271.080.
- 650.030 Procedure.** Type III procedures as outlined in Section 520 - Quasi-Judicial Process shall be used as supplemented by the provisions of ORS Chapter 271. State law defines the affected area and mandates notice requirements. The City Council shall hear all requests for vacations.
- 650.040 Review Criteria.** A vacation request may be approved if the City Council finds that the applicant has shown that all of the following review criteria are met:
- A. The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan, city transportation or public facility plan.
 - B. The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.
 - C. The requested vacation will not have a negative effect on traffic circulation or emergency service protection.
 - D. The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.
 - E. The public interest, present and future, will be best served by approval of the proposed vacation.
- 650.050 Zoning of Vacated Right-of-Way.** Except as otherwise provided within the vacation ordinance or where the official City zoning map is not clear as to the zoning of vacated right-of-way, the zoning of each parcel of vacated territory shall be the same as the adjoining property to which the ownership of the parcel automatically reverts.
- 650.060 Conditions of Approval.** The City may attach conditions to the approval of a vacation request to ensure that the proposal will conform to the review criteria.

VARIANCES

660.010 Purpose. Variances provide flexibility for unusual situations, while continuing to provide certainty and rapid processing for land use applications. Variances are necessary when the applicant requests a deviation from development standards.

660.020 Procedure. Variance requests shall be reviewed as a Type II procedure.

660.030 Regulations Which May and May Not Be Varied.

- A. Unless listed in Subsection B. below, all regulations in this Code may be modified using the variance process.
- B. Variances are prohibited for the following items:
 - (1) To allow a primary or accessory use that is not allowed by the regulations.
 - (2) As an exception to any restrictions on uses or development which contain the word "prohibited".
 - (3) As an exception to a threshold for a review.
 - (4) As an exception to a definition or classification.
 - (5) As an exception to the procedural steps of a procedure or to change assigned procedures.

660.040 Review Criteria. All variance requests will be approved if the Planning Commission finds that the applicant has shown that A. through E. or F. through H. have been met.

- A. The proposal will be consistent with the desired character of the area; and
- B. If more than one variance is being requested, the cumulative effect of the variances results in a project which is still consistent with the overall purpose of the zone; and
- C. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- D. Any impacts resulting from the variance are mitigated to the extent practical;
- E. The proposal is consistent with the function and designated carrying capacity of City, County and Regional Transportation Plans.

or

- F. Application of the regulation in question would preclude all reasonable economic use of the site.
- G. The requested variance is the minimum necessary to allow use of the site; and
- H. Any impacts resulting from the variance are mitigated to the extent practical.

ZONING AND DEVELOPMENT CODE AMENDMENTS

670.010 Purpose. The Zoning and Development Code is designed to implement the goals and policies of the Comprehensive Plan, which is a reflection of community values and needs. Because these needs and values may change with time and because new techniques for implementing the Plan may be appropriate, this Code must have some mechanism for response to those changes. Amendments to this Code should occur as needed in order to maintain a close relationship between the Zoning and Development Code and the Comprehensive Plan.

670.020 Procedure. Code amendments shall be processed in accordance with the legislative procedure in Sections 560 - Legislative Process.

670.030 Review Criteria. The amendment will be approved if the City Council finds that the applicant has shown that all of the following criteria are met:

- A. The proposed amendment(s) better achieves the goals and policies of the Comprehensive Plan than the existing regulatory language.
- B. The proposed amendments are consistent with the Zoning and Development Code purposes and with the purpose statement for the base zone, special district, additional use regulation, or development regulation for which the amendment is proposed.
- C. Proposals which significantly affect a transportation facility shall assure that allowed uses are consistent with the function, capacity, and level of service of the facility identified in the City, County and Regional Transportation Plans.
- D. The review body shall find that:

The transportation system is capable of supporting the proposed use in addition to the existing uses in the area and will not significantly affect a transportation facility. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

“Significantly” affect the transportation facility means the proposal would:

- 1. As measured at the end of the Wood Village TSP planning period or 15 years, whichever is greater, the proposal would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
- 2. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable; or

3. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable.

If it is determined that a proposed land use significantly affects a transportation facility, the applicant shall assure that the allowed uses are consistent with the function, capacity and level of service of the facility by one of the following methods:

- (a). Alter land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
- (b). Provide measures demonstrating that the use can be consistent with the planned function of the transportation facility, or provide other measures as a condition of development through a development agreement or similar method, specifying when such measures will be provided.

E. Amendments that Affect Transportation Facilities. Except as provided in Subsection F, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Wood Village TSP. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
2. Amending the Wood Village TSP or Comprehensive Plan to provide transportation facilities improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
4. Amending the planned function, capacity or performance standards of the transportation facility; or
5. Providing other measures as a condition for development or through a development agreement or similar funding method, specifying when such measures will be provided.

F. Exceptions. Amendments to the Comprehensive Plan or land use regulation with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the Wood Village TSP or the Regional Transportation Plan, may be approved when all of the following criteria are met:

1. The amendment does not include property located in an interchange areas, as defined under applicable law;
2. The currently planned facilities, improvements or services are not adequate to achieve the standard;
3. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

ZONING MAP AMENDMENTS

680.010 Purpose. This section states the procedures and review criteria necessary to process an amendment to the base zones, special districts, and other map symbols of the Zoning Map. The section differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner.

680.020 Initiation.

- A. Quasi-judicial zoning map amendments may be initiated by the property owner, a representative of the owner, the City Administrator, the Planning Commission, or the City Council.
- B. Legislative zoning map amendments may be initiated by the City Administrator, Planning Commission or City Council. Citizens may request that the Planning Commission initiate a legislative amendment through written communication.
- C. Initiations by a review body are made without prejudice towards the outcome.

680.030 Procedure. Zoning map amendments will be reviewed through a Type III procedure as outlined in Sections 520 - Quasi-Judicial Process or by legislative action as provided for the Sections 560 - Legislative Process.

680.040 Special Notice Requirements. If a zone change request would change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the mobile or manufactured home park at least 20 days before the date of the first hearing on the application. The failure of a tenant to receive a notice which was mailed shall not invalidate any zone change.

The review body shall find that:

The transportation system is capable of supporting the proposed use in addition to the existing uses in the area and will not significantly affect a transportation facility. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

“Significantly” affect the transportation facility means the proposal would:

1. As measured at the end of the Wood Village TSP planning period or 15 years, whichever is greater, the proposal would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
2. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the Regional

Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable; or

3. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable.

If it is determined that a proposed land use significantly affects a transportation facility, the applicant shall assure that the allowed uses are consistent with the function, capacity and level of service of the facility by one of the following methods:

- (a). Alter land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
- (b). Provide measures demonstrating that the use can be consistent with the planned function of the transportation facility, or provide other measures as a condition of development through a development agreement or similar method, specifying when such measures will be provided.

680.050

Review Criteria. Zoning map amendments will be approved if the Planning Commission finds that the applicant has shown that all of the following criteria are met:

- A. The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for in accordance with Sections 610 - Comprehensive Plan Amendments.
- B. Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation. Proposals that significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service identified in the City, County and Regional Transportation Plans.
- C. Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.
- D. Any unique natural features or special areas involved such as floodplain, slopes, significant natural vegetation, will not be jeopardized as a result of the proposed rezoning.
- E. The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

F. The review body shall find that:

The transportation system is capable of supporting the proposed use in addition to the existing uses in the area and will not significantly affect a transportation facility. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

“Significantly” affect the transportation facility means the proposal would:

1. As measured at the end of the Wood Village TSP planning period or 15 years, whichever is greater, the proposal would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
2. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable; or
3. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable.

If it is determined that a proposed land use significantly affects a transportation facility, the applicant shall assure that the allowed uses are consistent with the function, capacity and level of service of the facility by one of the following methods:

- (a). Alter land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
- (b). Provide measures demonstrating that the use can be consistent with the planned function of the transportation facility, or provide other measures as a condition of development through a development agreement or similar method, specifying when such measures will be provided.

680.060

Corrections to the Official Zoning Map. The City Administrator may initiate a review following the Type II procedure for the types of corrections to the Official Zoning Map listed below:

- A. A map line that was intended to follow a topographical feature but does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks and drainage ditches.

- B. The line on the map does not match the legal description or map shown or references in the ordinance which applied the designation.
- C. There is a discrepancy between maps and there is a clear legislative intent for where the line should be.
- D. It can be clearly shown that a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar type items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.

680.070

Zoning Upon Annexation. Upon Annexation, the zoning of annexed property shall be determined as a legislative process. The Planning Commission shall determine which City zone most closely matches the zoning which existed before annexation and apply that zone, unless a change of zoning is desired to better fulfill the goals and objectives of the Comprehensive Plan.

**SECTION 700
GENERAL TERMS**

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INTRODUCTION TO THE USE CATEGORIES

710.010 Purpose. This section classifies land uses and activities into use categories on the basis of common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods and services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan.

710.020 Category Titles. The names of the use categories start with capital letters throughout the Zoning Code.

710.030 Classification of Uses

A. Consideration.

(1) Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in Subsection B. below. Accessory uses are addressed in Subsection C. below.

(2) The following items are considered to determine what use category the use is in; and whether the activities constitute primary uses or accessory uses:

- the description of the activity(ies) in relationship to the characteristics of each use category;
- the relative amount of site or floor space and equipment devoted to the activity;
- relative amounts of sales from each activity;
- the customer type for each activity;
- the number of employees in each activity;
- hours of operation;
- building and site arrangement;
- vehicles used with the activity;
- the relative number of vehicle trips generated by the activity;
- signs;
- how the use advertises itself; and
- whether the activity would be likely to be found independent of the other activities on the site.

B. Developments with Multiple Primary Uses. When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a café would be classified in the Retail Sales and Service category because all the

primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

- C. **Accessory Uses.** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.
- D. **Use of Examples.** The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the list are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

710.040

Determination of Use Category. The determination as to the appropriate use category in which a proposal belongs is made by the City Administrator. This decision is not a land use decision but is subject to the provisions of ORS 227.175(11). All use category determinations shall be entered into a registry which is open to the public and includes the following information:

- the street address or other easily understood geographic reference to the subject property;
- the date of the decision; and
- a description of the decision made.

At the option of the applicant the City shall provide notice and hearing through a Type II review as described in Section 520.100 and through 520.130.

A determination of use category decision may be appealed to the Land Use Board of Appeals subject to the appeal period described in ORS 197.830(4)(b). A determination of use category which is reviewed in a Type II process can be appealed to the Land Use Board of Appeals within 21 days of the date of the Notice of Decision. No appeal to the Wood Village City Council is allowed.

**SECTION 710.100 – 500
USE CATEGORIES**

RESIDENTIAL USES CATEGORY

710.100 HOUSEHOLD LIVING

- A. **Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit or a structure by a household. The average length of stay is 90 days or longer. (See Exceptions).
- B. **Accessory Uses.** Accessory uses commonly found include: recreational activities, raising of household pets, hobbies and parking of occupants' vehicles. Home occupations are an accessory use subject to additional regulations.
- C. **Examples.** Uses include living in houses; duplexes; apartments; manufactured homes; condominiums; retirement centers.
- D. **Exceptions.**
 - (1) Lodging in a dwelling where the average stay is 90 days or less is not Residential Living. (See Retail Sales and Service category for hotels and motels. See Community Service category for drug and alcohol treatment programs, post and alternative incarceration programs, and alternative to prosecution programs).
 - (2) Detached radio and television antennas and towers are a conditional accessory use subject to conditional use review.

710.110 GROUP LIVING

- A. **Characteristics.** Group living is characterized by the residential occupancy of a structure by a group of 6 or more people who do not meet the definition of Household Living. The average length of stay is 90 days or longer. Uses where people stay, on average, less than 90 days are not considered residential. They are considered to be a form of transient lodging (see exceptions). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site.
- B. **Accessory Uses.** Accessory uses commonly found are recreational facilities, parking for autos for the occupants and staff, and parking of vehicles for the facility.
- C. **Examples.** Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; group homes for the physically disabled, mentally retarded, or emotionally disturbed.

D. **Exceptions.**

- (1) Lodging where the average length of stay is less than 90 days is not Group Living (See Retail Sales and Service Category for Hotels and Motels. See Community Service Category for drug and alcohol treatment programs, post and alternative incarcerations programs and alternative to prosecution program).
- (2) Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

COMMERCIAL USE CATEGORIES.

710.200 COMMERCIAL RECREATION

- A. **Characteristics.** Commercial Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They may take place in a number of structures which are arranged together in an outdoor setting.
- B. **Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
- C. **Examples.** Examples include amusement parks, theme parks, gaming, water parks, spas, golf driving ranges, miniature golf facilities, zoos and marinas.
- D. **Exceptions.**
 - (1) Golf courses are classified as Parks and Open Space.
 - (2) Uses which draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

710.210 QUICK VEHICLE SERVICING

- A. **Characteristics.** Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (see Definitions.) Full-serve and mini-serve gas stations are always classified as the primary use Quick Vehicle Servicing, rather than an accessory use, even when they are in conjunction with other uses.
- B. **Accessory Uses.** Accessory uses may include auto repair and tire sales.

- C. **Example.** Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, quick lubrication and tune-up services, and Department of Environmental Quality vehicle emission test sites.
- D. **Exceptions.**
 - (1) Truck stops are classified as Industrial Service.
 - (2) Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

710.220 MAJOR EVENT ENTERTAINMENT

- A. **Characteristics.** Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
- B. **Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.
- C. **Examples.** Examples include stadiums, sports arenas, coliseums, race tracks (horse, dog, etc.), auditoriums, exhibition and meeting areas, and fairgrounds.
- D. **Exceptions.**
 - (1) Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales and Service.
 - (2) Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
 - (3) Theaters, including drive-in theaters, are classified as Retail Sales and Service.
 - (4) Automobile racing tracks are prohibited.

710.230 OFFICE

- A. **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
- B. **Accessory Uses.** Accessory uses may include cafeterias, health facilities, parking or other amenities primarily for the use of the employees of the firm or building.

- C. **Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; and blood-collection facilities.
- D. **Exceptions.**
- (1) Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
 - (2) Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

710.240

RETAIL SALES AND SERVICE

- A. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- B. **Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repacking of goods for on-site sale, and parking.
- C. **Examples.** Examples include uses from the four subgroups listed below:
- (1) **Product-oriented:** Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, videos, and food sales.
 - (2) **Personal Service-oriented:** Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; quick photo finishing; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; and animal grooming.
 - (3) **Entertainment-oriented:** Restaurants, cafes, delicatessens, taverns and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, and motels.

- (4) **Repair-oriented:** Repair of TV's, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. Exceptions.

- (1) Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
- (2) Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.
- (3) Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
- (4) Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
- (5) Hotels, restaurants, and other services which are part of a truck stop are considered an accessory to the truck stop which is classified as Industrial Service.

710.250 SELF-SERVICE STORAGE

- A. **Characteristics.** Self-Service Storage uses provide storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
- B. **Accessory Uses.** Accessory Uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered an accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered an accessory to a Self-Service Storage use.
- C. **Examples.** Examples include single story and multi-story facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
- D. **Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is the Warehouse and Freight Movement category.

710.260 VEHICLE REPAIR

- A. **Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational

vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

- B. **Accessory Uses.** Accessory uses may include offices, sales of parts, and vehicle storage.
- C. **Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. **Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

INDUSTRIAL USE CATEGORIES

710.300 INDUSTRIAL SERVICE

- A. **Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. **Accessory Activities.** Accessory activities may include office, parking, storage, and rail spur or lead lines.
- C. **Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of specific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories, laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. **Exceptions.**
 - (1) Contractors and others who perform services off-site are included in the Office category, if major equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
 - (2) Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.

MANUFACTURING AND PRODUCTION

- A. **Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms and consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. **Accessory Activities.** Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, repair facilities, truck fleets, and caretaker's quarters.
- C. **Examples.** Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; meat packing; weaving or production of textiles or apparel; lumber mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including mobile homes; and the production of energy.
- D. **Exceptions.**
- (1) Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.
 - (2) Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
 - (3) Slaughter houses, animal feed lots, animal dipping, animal rendering and pulp & paper mills are prohibited.

WAREHOUSE AND FREIGHT MOVEMENT

- A. **Characteristics.** Warehouse and Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- B. **Accessory Uses.** Accessory uses may include office, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

- C. **Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns and light rail barns; parcel services; major post office; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.
- D. **Exceptions.**
 - (1) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
 - (2) Miniwarehouses are classified as Self-Service Storage uses.

710.330 WASTE RELATED

- A. **Characteristics.** Waste Related uses are characterized by uses that receive solid or liquid waste from others for disposal on the site or for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste related uses also include uses which receive hazardous wastes from others and which are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.
- B. **Accessory Uses.** Accessory Uses may include recycling of materials, offices, and repackaging and transshipment of by-products.
- C. **Examples.** Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.
- D. **Exceptions.** Disposal of dirt, concrete, asphalt, and similar non-decomposable materials is considered a fill.

710.340 WHOLESALE SALES

- A. **Characteristics.** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on the site or delivered to the customer.
- B. **Accessory Uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

- C. **Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.
- D. **Exceptions.**
 - (1) Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
 - (2) Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

710.350 LIGHT INDUSTRIAL

- A. **Characteristics.** Light Industrial uses involve the manufacturing, processing, assembling, packaging and treatment of products that have been previously prepared from raw materials. Because they are located in close proximity to commercial and residential uses, they are characterized by an absence of objectionable external features. Uses are clean and employee intensive industrial uses that have limited off-site impacts in terms of noise, odor, hazardous substances, glare, lights, vibration, smoke or dust. Products are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site.
- B. **Accessory Uses.** Accessory activities may include office, parking, interior storage and truck fleets.
- C. **Examples.** Examples include research services; business support services; assembly of electrical appliances, electronic instruments and devices, including the manufacturing of small parts such as coils, condensers and transformers; photographic film processing, photoengraving, photocopying and photostatting; woodworking, including cabinet makers; weaving or production of textiles or apparel; production of artwork and toys; signmaking; packaging and processing.
- D. **Exceptions.**
 - (1) Manufacturing of goods to be sold primarily on-site to the general public are classified as Retail Sales and Service.
 - (2) Manufacturing and processing of goods which have off-site impacts incompatible with commercial and residential uses are classified as manufacturing and production.

INSTITUTIONAL USE CATEGORIES

710.400 BASIC UTILITIES

- A. **Characteristics.** Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided.
- B. **Examples.** Examples include water and sewer pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; telephone exchanges; mass transit stops or turnarounds and park-and-ride facilities for mass transit.
- C. **Exceptions.**
 - (1) Services where people are generally present, such as fire stations and police stations, are classified as Community Services.
 - (2) Utility offices where employees or customers are generally present are classified as Offices.
 - (3) Bus and light rail barns are classified as Warehouse and Freight Movement.
 - (4) Regional power lines and utility pipelines are classified as Rail Lines and Utility Corridors.

710.410 COLLEGES

- A. **Characteristics.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.
- B. **Accessory Uses.** Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.
- C. **Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- D. **Exceptions.** Business and trade schools are classified as Retail Sales and Service.

710.420

COMMUNITY SERVICES

- A. **Characteristics.** Community Services are uses of a public, non-profit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use can also provide special counseling, education, training or supervision on a residential or outpatient basis of a public, nonprofit or charitable nature.
- B. **Accessory Uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; and athletic facilities.
- C. **Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, fire stations, ambulance stations, drug and alcohol treatment centers, social service facilities for post or alternative incarceration or for alternative to prosecution programs, vocational training for the physically or mentally disabled, crematoriums, columbariums, and mausoleums.
- D. **Exceptions.**
 - (1) Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service. Commercial museums (such as a wax museum) are in Retail Sales and Service.
 - (2) Parks are in Park and Open Areas.
 - (3) Social service agencies that primarily engage in providing on-site food or overnight shelter beds are classified as Essential Service Providers.

710.430

DAYCARE

- A. **Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. **Accessory Uses.** Accessory uses include offices, play areas, and parking.
- C. **Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. **Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or babysitters. Daycare use also does not include care

given by a "family daycare" provider as defined by ORS 418.805 if the care is given to 12 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider's home.

710.440 ESSENTIAL SERVICE PROVIDER

- A. **Characteristics.** Essential Service Provider uses (ESP's) are primarily engaged in providing on-site food or shelter beds, for free or at significantly below market rates.
- B. **Accessory Uses.** Accessory uses include offices, counseling, and facilities for recreation, restrooms, bathing, and washing of clothes.
- C. **Examples.** Examples include temporary or permanent emergency shelters, night time shelters, rescue missions, soup kitchens, and surplus food-distribution centers.
- D. **Exceptions.**
 - (1) Uses or functions run by or for an ESP use, but where there is no direct ESP service provided, are not in this category. Examples are administrative office, retail outlets, daytime drop-in centers, and counseling and vocational training facilities.
 - (2) Uses which provide food on-site as an accessory use are not included if the service is provided less than 5 days a week. For example, a church that provides a free or low cost meal once a week would not be classified as an ESP use.

710.450 MEDICAL CENTERS

- A. **Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. **Accessory Uses.** Accessory Uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
- C. **Examples.** Examples include hospitals and medical complexes that include hospitals.
- D. **Exceptions.**
 - (1) Uses that provide extensive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the

program, are classified in the Residential Living or Community Service Categories.

- (2) Medical clinics that provide care where patients are not kept overnight are classified as Office.
- (3) Urgency medical care clinics are classified as Retail Sales and Service.

710.460 **PARKS AND OPEN AREAS**

- A. **Characteristics.** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. These lands tend to have few structures.
- B. **Accessory Uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, and parking.
- C. **Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, nature preserves, and land used for grazing that is not part of a farm or ranch.

710.470 **RELIGIOUS INSTITUTIONS**

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. **Accessory Uses.** Accessory uses include Sunday School facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for Residential Living where the average length of stay is less than 90 days.
- C. **Examples.** Examples include churches, temples, synagogues, and mosques.

710.480 **SCHOOLS**

- A. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. **Accessory Uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, and before or after-school daycare.
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.

D. **Exceptions.**

- (1) Preschools are classified as Daycare uses.
- (2) Business and trade schools are classified as Retail Sales and Service.

OTHER USE CATEGORIES

710.510 DETENTION FACILITIES

- A. **Characteristics.** Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under supervision by sworn officers, except when on an approved leave.
- B. **Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing activities.
- C. **Examples.** Examples include prisons, jails, probation centers, and juvenile detention homes.
- D. **Exceptions.** Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers are classified as Residential Living, if the average stay is 90 days or longer and as Community Service if less than 90 days. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are also classified as Residential Living or Community Service depending on the length of stay.

710.520 MINING

- A. **Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. **Accessory Uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined mineral.
- C. **Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

710.530 RADIO AND TELEVISION BROADCAST FACILITIES

- A. **Characteristics.** Radio and Television Broadcast Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100

KHz to 300 GHz and operating as a discrete unit to produce a signal or message for commercial purposes. Towers may be self supporting, guyed, or mounted on poles or buildings.

- B. **Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. **Examples.** Examples include broadcast towers, communication towers, cellular telephone towers, and point-to-point microwave towers.
- D. **Exceptions.**
 - (1) Receive-only antenna are not included in this category.
 - (2) Radio and television studios are classified in the Office category.

710.540

RAIL LINES AND UTILITY CORRIDORS

- A. **Characteristics.** This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.
- B. **Examples.** Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.
- C. **Exceptions.**
 - (1) Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
 - (2) Rail lines and utility corridors that are located within motor vehicle right-of-way are not included.
 - (3) Light rail lines are not included.
 - (4) Railroad yards.

DEFINITIONS

- 720.010 Defining Words.** Words used in this Code have their normal dictionary meaning unless they are listed in 720.030 - Definitions. Words listed in 720.030 - Definitions have the specific meaning stated, unless the context clearly indicates another meaning.
- 720.020 Use of Terms.** Information about the use of terms is stated in Section 100.060 - Interpretation.
- 720.030 Definitions.** The definitions of words with specific meaning in the zoning code are as follows:

ACCESSORY DWELLING UNIT (ADU). A habitable living unit that provides the basic requirements for shelter, heating, cooking and sanitation, in compliance with the Uniform Building Code.

ACCESSORY STRUCTURE. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures may be attached or detached from the primary structure. Examples of accessory structures include: garages, decks, fences, trellises, flag poles, stairways, heat pumps, small-scale residential energy equipment serving only the residents on the site, awnings, and other structures. See also Primary Structure.

ACCESSORY USE. A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

ALTERNATIVE OR POST INCARCERATION FACILITY. A residential use where the residents are on probation or parole.

APPLICANT. A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner such as a builder, developer, optional purchaser, consultant, or architect.

ATTACHED STRUCTURE. Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a breezeway. Structures connected by an "I" beam or similar connections are not considered attached.

BUILDABLE LAND. Lands in urban and urbanized areas available for development.

BUILDING. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

BUILDING COVERAGE. The area that is covered by buildings or other roofed structures, including eaves.

BUILDING LINE. A building limit fixed at a specific distance from the front, rear or side boundaries of a lot beyond which a structure cannot lawfully extend, except as provided for in this ordinance.

CITY. The City of Wood Village, Oregon.

CITY ADMINISTRATOR. The appointed chief administrative officer of the City who is generally responsible for the administration of all City ordinances.

COMPREHENSIVE PLAN. The current adopted Comprehensive Plan of the City of Wood Village.

COUNCIL. The City Council of Wood Village, Oregon.

DAYS. Calendar days, unless specifically stated as working days.

DESIRED CHARACTER. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

DEVELOPMENT RELATED DEFINITIONS

- **ALTERATION.** A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:
 - Changes to the facade of a building;
 - Changes to the interior of a building;
 - Increases or decreases in floor area of a building;
 - Changes to other structures on the site, or the development of new structures;
 - Changes to exterior improvements;
 - Changes to landscaping; and
 - Changes in the topography of the site.

See also Structural alteration of a sign, under Sign-Related Definitions.

- **DEVELOP.** To construct or alter a structure or to make a physical change to the land including excavations and fills.
- **DEVELOPMENT.** All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.
- **EXTERIOR ALTERATION.** A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:
 - Changes to the facade of a building;
 - Increases or decreases in floor area that result in changes to the exterior of a building;
 - Changes to other structures on the site, or the development of new structures;
 - Changes to exterior improvements;

- Changes to landscaping; and
 - Changes in the topography of the site.
- **EXTERIOR IMPROVEMENTS.** All improvements except buildings or other roofed structures. Exterior improvements include surface parking and load areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetation landscaping, natural geologic forms, or unimproved land. See also Development.
 - **NEW DEVELOPMENT.** Development of a site that was previously unimproved or that has had previously existing buildings demolished.
 - **STRUCTURE.** Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetation landscaping materials.

DISABLED PERSON. For the purposes of this Code, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in the Americans with Disabilities Act of 1991 and state law.

DRIVEWAYS. The area that provides vehicular access to a site. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb site. A driveway begins at the property line and extends into the site. Driveway does not include parking, maneuvering, or circulation areas in parking areas.

DUPLEX. See Residential Structure Types.

EMPLOYMENT RELATED DEFINITIONS

- **COMPETITIVE SHORT TERM SUPPLY OF LAND:** means the short term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.
- **INDUSTRIAL USE:** means employment activities generating income from the production, handling, or distribution of goods. Industrial uses include but are not limited to: manufacturing, assembly, fabrication, processing, storage, logistics, importation and transshipment, research and development. Industrial uses may have external impacts on surrounding uses and may cluster in traditional areas where they are segregated from other non industrial activities.
- **OTHER EMPLOYMENT USE:** Means all non industrial employment activities including the widest range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serve the medical, educational, social service, recreation and security needs of the community typically in large buildings or multi-purpose building campuses.
- **VACANT LAND -** means lot or parcel that is either:

- Equal to or larger than one half-acre not currently containing permanent building or improvements; or,
- Equal to or larger than five acres where less than one-half acre is occupied by permanent buildings or improvements.

EXCAVATING OR FILLING. The removal, placement, or replacement of earth, concrete, asphalt, and similar non-decomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

EXTERIOR ALTERATION. See **Development-Related Definitions**.

EXTERIOR IMPROVEMENTS. See **Development-Related Definitions**.

EXTERIOR DISPLAY. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Examples of uses that often have exterior display are car and boat sales, and plant nurseries. Exterior display does not include goods that area being stored or parked outside. It does not include damaged vehicles, vehicles or equipment being services, bulk goods and materials, and other similar products. See Exterior Work Activities and Exterior Storage.

EXTERIOR STORAGE. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; and other similar items. Examples are lumber yards, tool and equipment rental, bark chip and gravel sales, and the storage of goods used in manufacturing. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are included as exterior storage. The storage of motor vehicles which do not have any missing parts or damage that is visible from the outside of the vehicle is considered parking rather than exterior storage. The storage of motor vehicles that have minor dents or other minor defects in the body is also considered parking rather than storage if the motor vehicle is in working order. (See Exterior Display and Exterior Work Activities).

EXTERIOR WORK ACTIVITIES. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. (See Exterior Display and Exterior Storage).

FLOOR AREA. The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area includes the area devoted to structured parking that is above ground level. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of-way;
- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

FRONTAGE. That portion of a lot abutting on a street; i.e., the front lot line. On corner or through lots the frontage may be designated by the owner but it should be consistent with the orientation of the other lots and improvements on the same side of the street.

GAMING. Means any and all establishments that offer legalized gambling authorized where any one of the following characteristics applies:

- The establishment is referred as a “Gaming establishment”, or makes any reference to legalized gambling by signage, advertisement or by name; and/or:
- Five or more gambling machines are on premises; and/or
- A card table is on the premises.

GARAGES. A covered structure intended to provide shelter for passenger vehicles that is accessory to a use in these structure types: houses, attached houses, duplexes, or mobile homes. It includes carports. A garage may be attached or detached from another structure.

GRADE. The degree of rise or descent of a sloping surface.

GRADE. (Adjacent Ground Elevation) The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building between the building and a line 5 feet from the building.

GRADE, FINISHED. The final or finish elevation of the ground surface after the development.

GRADE, NATURAL. The elevation of the ground surface in its natural state, before manmade alterations.

GRADING. Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

GROUP LIVING STRUCTURE. See Residential Structure Types.

HOME OCCUPATION. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site.

HOUSE. See Residential Structure Type.

HOUSEHOLD.

1. One or more persons related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit; or

2. One or more handicapped individuals as defined in the federal Fair Housing Act, or persons associated with such handicapped individuals, living together as a single housekeeping unit; or
3. A group of not more than 5 persons who are not related, or handicapped or associated with a handicapped individual, as defined above, living together as a single housekeeping unit.

INTENSITY. The amount or magnitude of a use on a site or allowed in a zone. Generally, it is measured by floor area. It may also be measured by such things as number of employees, amount of production, trip generation; or hours of operation. See also Density.

KENNEL. Any location where 5 or more dogs or cats aged 6 months or older, are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores are not classified as kennels.

LAND DIVISION. A lot or parcel of land created through the process of dividing land.

LAND USE APPROVAL. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

LARGE SCALE RETAIL. For purposes of the Community Retail requirement of Section 235.275, "large scale retail uses" are those single retail uses containing 60,000 or more square feet of gross leasable area.

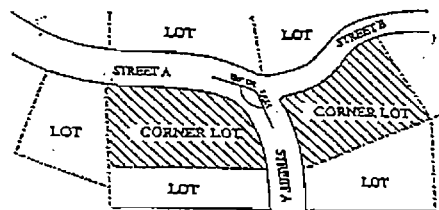
LEGISLATIVE ACTION. Any action which would result in a change in City policy including but not limited to: change to the comprehensive plan text; change to the comprehensive plan map which involves a number of parcels of land; change to the text of an implementing ordinance; change to the zoning map which involves a number of parcels of land; change to any land use plan or map which represents a change in City land use policy.

LOADING AREA. The area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

LOT. A lot is a legally defined piece of land that is the result of subdividing or partitioning land. This definition includes the State definition of both lot, (result of subdividing), and parcel (result of partitioning). See also, Ownership and Site.

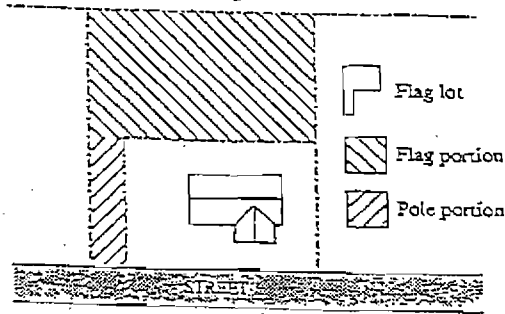
CORNER LOT. A lot has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 710-1.

Figure 710-1
Corner Lots



FLAG LOTS. A lot located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the street and is generally used for an access drive. There are two distinct parts to a flag lot; the flay which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot results from the division of a large lot with the required area and depth for two lots, but which has insufficient width to locate both lots on the street frontage. See Figure 710-2.

Figure 710-2
Flag Lot



THROUGH LOT. A lot that has frontage on two parallel or approximately parallel streets.

LOT AREA. The total horizontal area enclosed within the lot lines of a lot.

LOT COVERAGE. The area covered by primary and accessory buildings. Lot coverage shall be expressed as percentage of the total lot area.

LOT DEPTH, AVERAGE. The average distance from the narrowest frontage to the lot line opposite.

LOT LINES. The property lines along the edge of a lot or site.

FRONT LOT LINES. A lot line that abuts a street. On a corner lot, the front line is the shortest of the lot lines which abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figure 710-3.

Figure 710-3
Front & Side Lot Lines

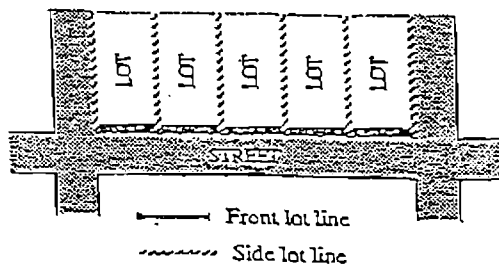
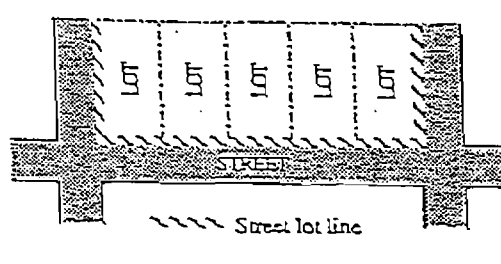
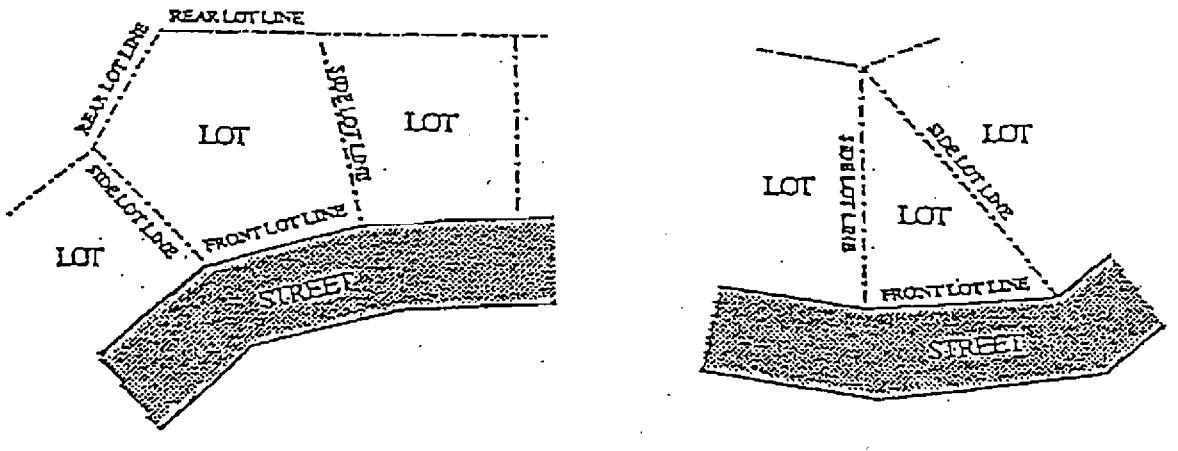


Figure 710-4
Street Lot Lines



REAR LOT LINE. A lot line is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregular shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figure 710-5.

Figure 710-5
Lot Lines on Irregular Lots



SIDE LOT LINE. A lot line that is neither a front or rear lot line. On a corner, the longer lot line which abuts a street, is a side lot line. See Figure 710-3.

STREET LOT LINE. Any lot lines that abut a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures 710-3 and 710-4.

LOT OF RECORD. A lot or parcel of land for which the deed, or other instrument dividing the land, is recorder with the appropriate county recorder.

LOT WIDTH. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT WIDTH, AVERAGE. The average horizontal distance between the side lot lines.

MANUFACTURED HOME. See Residential Structure Types.

MANUFACTURED HOME PARK. A lot, tract, or parcel with four (4) or more spaces within five-hundred (500) feet of one another available for rent or lease for the siting of manufactured homes.

MANUFACTURED HOME SPACE. A plot of land within a manufactured home park designed to accommodate one (1) manufactured home, on a rental or lease basis.

MITIGATE. To rectify, repair, or compensate for impacts which result from other actions.

MOTOR HOME. See Recreational Vehicle, under Vehicle Types.

MOTOR VEHICLE. See Vehicle Types.

MULTI-DWELLING STRUCTURE. See Residential Structure Types

NEW DEVELOPMENT. See New Development Definitions.

NONCONFORMING DEVELOPMENT. An element of a development, such as a setback, height, or parking area that was crated in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed amount of floor area, as long as the development does not include an amount of floor area that is specifically prohibited by the current development standards.

NONCONFORMING RESIDENTIAL DENSITY. A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone.

NONCONFORMING SITUATION. A Nonconforming Residential Density, Nonconforming Development, or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Residential Density, Nonconforming Development, and Nonconforming Use.

NONCONFORMING USE. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of the floor area of the use is now prohibited in the zone.

NONDISCRETIONARY REVIEWS. A non-discretionary review is one where compliance with the regulations can be determined based on objective standards. Decisions are made ministerially; they do not required a public hearing or notice. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether the proposed building meets all setbacks, height and parking requirements.

OPERATOR. A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development.

OWNER. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

OWNERSHIP. An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way. See Figure 910-11. See also, Lot and Size.

PARKING AREA. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, and Vehicle Areas.

PARKING SPACE. A space designed to provide standing area for a motor vehicle.

PASSENGER VEHICLE. See Vehicle Types.

PAVED AREA. An uncovered hard surfaced area or an area covered with a perforated hard surface (such as "Grasscrete"), that is able to withstand vehicular traffic or other heavy impact uses. Graveled areas are not paved areas.

PERSON. Any person, partnership, association, or corporation.

PLANNED UNIT DEVELOPMENT. A type of development that is based on a comprehensive design that addresses the entire complex of land, structures, and uses as a single project. The design plan for the project functions as a substitute for the general site development regulations of the zoning on the site.

PRIMARY STRUCTURE. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

PRIMARY USE. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

PROJECT. An existing or proposed development.

RAIL RIGHT-OF-WAY. See Transportation-Related Definitions.

RECREATIONAL VEHICLE. See Vehicle Types.

RECREATIONAL VEHICLE PARK. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Mobile Home Park.

RESIDENTIAL FACILITY. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition for Residential Facility.

RESIDENTIAL HOME. A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

RESIDENTIAL STRUCTURE TYPES

ATTACHED HOUSE. A dwelling unit, located on its own lot that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceiling with other dwelling units. An attached house is also called a rowhouse or a common-wall house.

DUPLEX. A structure that contains two primary dwelling units on one lot. These units may share common walls or common floor/ceilings.

DWELLING UNIT. A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

GROUP LIVING STRUCTURE. A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses.

HOUSE. A detached dwelling unit located on its own lot.

MANUFACTURED HOME. A structure transportable in one or more sections, intended for permanent occupancy as a dwelling. All manufactured homes located in the City after the effective date of this Code shall meet or exceed the standards of the US Department of Housing and Urban Development, and shall have been constructed after June 15, 1976.

MULTI-DWELLING STRUCTURE. A structure that contains three or more dwelling units that share common walls or floor/ceiling with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.

REVIEW BODY. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Planning Commission and the City Council.

RIGHT-OF-WAY. See Transportation-Related Definitions.

SETBACK. The minimum distance required between a specified object such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from. See Section 730 Measurements, for measurement information.

- **Front Setback.** A setback that is measured from a front lot line.
- **Rear Setback.** A setback that is measured from a rear lot line.
- **Side Setback.** A setback that is measured from a side lot line.

SIGN RELATED DEFINITIONS

BILLBOARDS. Signs advertising merchandise or services other than those available for sale on the premises.

BUSINESS SIGNS. Sign which directs attention to a business, commodity, industry or service or other activity which is sold, offered or conducted on the premises upon which such sign is located, or to which it is affixed.

DISPLAY. The surface made available by the sign structure for the mounting of material to carry the advertising or other message, trademark or emblem.

DOUBLE-FACED SIGN. Sign with advertising on two (2) surfaces or plain back-to-back.

FACE OF BUILDING. The wall of the building fronting on the street, excluding any appurtenances such as projecting columns, fins, pilasters, canopies, marquees, showcases or decorations, but including the parapet wall.

FINISH GROUND LEVEL (GRADE). The average elevation of the ground adjoining the structure or building upon which the sign is erected.

FREE-STANDING SIGN. Sign which is supported by one or more uprights or braces which are fastened to or embedded in the ground or a foundation in the ground; fence signs are considered in this category.

GUIDE OR DIRECTIONAL SIGNS. Signs and sign structures which serve as directional guides to recognized areas of regional importance and patronage, including:

- 1) Recreational and entertainment centers of recognized regional significance.
- 2) Regional shopping centers maintaining a minimum of 100 parking spaces in the immediate vicinity.
- 3) Major sports stadium, entertainment centers or convention centers having a seating capacity in excess of 1,000 persons.
- 4) Recognized historical landmarks.

HEIGHT OF SIGN. The height of a sign shall be measured from the finished ground level, excluding mounds, berms and the like to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

LOCATION. A lot or premise or building wall or any place whatsoever upon which a sign is erected, constructed and/or maintained. See also City Zoning Ordinance.

MARQUEE OR READER BOARD (CHANGEABLE COPY) SIGN. A sign which is characterized by changeable copy, whether free-standing or wall sign or whether the sign projects from and/or is supported by a building.

MULTI-FACE SIGN. A multi-face sign is one with more than one (1) section or module.

NAMEPLATES. Signs identifying the name, occupation and/or profession of the occupant of the premises.

PARCEL, TRACT OR LOT. For the purpose of determining sign requirements shall mean any parcel, tract or lot of real property under separate ownership or lease of at least fifteen (15) years duration from any other parcel, tract or lot having street or highway frontage or in the event of an arterial street or freeway within two hundred (200) feet thereof.

PROJECTING SIGN. A sign which projects to within any public right-of-way except a wall sign as herein defined.

REAL ESTATE SIGN. Any sign or sign structure relating to the sale, lease or other disposition of real property.

ROOF LINE. The edge of the roof or the top of the parapet whichever forms the top line of a building silhouette; where a building has several roof levels, the roof line shall be the one belonging to that portion of the wall on which the sign is located.

ROOF SIGN. A sign located and/or maintained upon the roof of any building.

ROTATING OR REVOLVING SIGNS. A sign, all or a portion of which moves in some manner.

SIZE (SIGN). The size of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter or border shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire area of the sign computing the area of the parallelogram or a triangle. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign.

STRUCTURE. The supports, uprights, bracing, guy rods or lines, cables or framework of a sign or outdoor display.

TEMPORARY SIGN. Any advertising display or sign which shall appear or be located upon a particular parcel, tract or lot of real property for no more than sixty (60) days.

WALL SIGN. A sign fixed to the exterior wall of any building and which projects not more than sixteen (16) inches from the building wall but does not project above the parapet or eaves of the building.

SITE. An ownership except as follows:

- If a proposed development includes more than one ownership, then all the ownerships are included as the site.

- If a proposed development includes only a portion of an ownership, and if the proposal is for new development, then the site is the portion of the ownership that is proposed for development.
- If there is existing development on an ownership, then the entire ownership is included as the site. An exception is when the proposed development is separated from the existing development by landscaping, screening, setback, or buffering measures, as would be required if the proposed development was on a separate ownership. In this case, the site is the portion of the ownership that is proposed for development.

See also, Lot and Ownership.

STREET. See Transportation-Related Definitions.

STRUCTURE. See Development-Related Definitions.

SUBDIVISION AND LAND PARTITION RELATED

BUILDING LINE: A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.

CROSSWALK: A right-of-way across a block to facilitate pedestrian access to adjacent streets and properties.

DEED RESTRICTIONS: A covenant or contract constituting a burden in the use of private property for the benefit of property owners in the same subdivision, adjacent property owners, the public or the City of Wood Village, and designed to mitigate or protect against adverse impacts of a development or use to ensure compliance with the Comprehensive Plan.

EASEMENT: The grant of the legal right to use a strip of land for specific purposes.

PARCEL: A unit of land that is created by a partitioning of land.

PARTITION LAND: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving intrastate or interstate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of this Code. Partitioned land does not include a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan or ORS 215.213 (2) (q) to (s) and 215.283 (2) (p) to (r).

PARTITION PLAT: Partition plat includes a final map and other writing containing all the description, locations, specifications, provisions and information concerning a major or minor partition.

PEDESTRIAN WAY: A right-of-way for pedestrian traffic.

PLANNING COMMISSION: The Planning Commission of the City of Wood Village.

PLAT: The final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

SIDEWALK: A pedestrian walkway with permanent surfacing.

STREET: A public or private way that is created to provide ingress or egress for persons on foot, in vehicles, or otherwise, to one or more lots, parcels, areas or tracts of land and including the term "road", "highway", "lane", "avenue", "alley", "boulevard", "parkway", or similar designations.

- (a) **Alley:** A narrow street generally through a block used primarily for vehicular service access to the back or side of properties otherwise abutting another street.
- (b) **Arterial:** A street used primarily for through traffic.
- (c) **Collector:** A street used to some extent for through traffic but primarily for access to abutting properties.
- (d) **Cul-de-sac (dead-end street):** A short street having one end open to traffic and being terminated by a vehicle turn-around.
- (e) **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- (f) **Marginal Access Street:** A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
- (g) **Minor Street:** A street intended primarily for access to abutting properties.

SUBDIVIDER: An individual firm or group who undertakes the subdivision of a lot, tract or parcel of land for the purpose of transfer of ownership or development, and including changes in street or lot lines.

SUBDIVIDE LAND: To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVISION: Either an act of subdividing land or an area or tract of land subdivided as defined in this Code.

THROUGH LOT. See Lot, under Parcel Types.

TRANSPORTATION-RELATED DEFINITIONS

FREEWAY (EXPRESSWAY) (THRU-WAY): Such streets, highways or roads of the City of Wood Village as approved by appropriate State Agency.

RAIL RIGHT-OF-WAY. A public or private right-of-way, for the purpose of allowing rail travel.

RIGHT-OF-WAY. A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

ROADWAY. The portion of a street that is improved for motor vehicular travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

STREET. A public or private right-of-way that is intended for motor vehicle travel or for motor vehicle access to abutting property. Street includes all the area within the right-of-way, such as roadways, parking strips, and sidewalks. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset highway including their ramps.

VEHICLE AREAS. All the area on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

VEHICLE TYPES.

MOTOR VEHICLE. Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power. See also Passenger Vehicle, Recreational Vehicle and Truck.

PASSENGER VEHICLE. A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed with on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration, in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle and Truck.

RECREATIONAL VEHICLE. A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- **MOTOR HOME.** Motor home includes motorized vehicles designed for human occupancy on a intermittent basis. A camper is considered a motor home

when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.

- **ACCESSORY RECREATIONAL VEHICLE.** Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use such as off-road vehicles, dune buggies, and recreational boats.

TRUCK. A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration, in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Trucks are divided into three categories by size as stated below. See also Passenger Vehicle, and Recreational Vehicle.

- **LIGHT TRUCK.** Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
- **MEDIUM TRUCK.** Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
- **HEAVY TRUCK.** Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

UTILITY TRAILER. A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet in length are considered industrial vehicles and are regulated as heavy trucks.

WASTE RELATED

DEMOLITION LANDFILL. A land disposal site for receiving, sorting and disposing only land clearing debris, including vegetation and dirt, building construction and demolition debris and inert materials, and similar substances.

HOUSEHOLD HAZARDOUS WASTE DEPOT. A facility for receiving, sorting, processing and temporarily storing household hazardous waste and for preparing that waste for safe transport to facilities authorized to receive, process, or dispose of such materials pursuant to federal or state law.

LIMITED PURPOSE LANDFILL. A land disposal site for the receiving, sorting and disposing of solid waste material, including but not limited to asbestos, treated petroleum contaminated soil, construction, land clearing and demolition debris, wood, treated sludge from

industrial processes, or other special waste material other than unseparated municipal solid waste.

RESOURCE RECOVERY FACILITY. A facility for receiving, temporarily storing and processing solid waste to obtain useful material or energy.

MIXED CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY. A facility that receives, temporarily stores, processes, and recovers recyclable material from mixed construction and demolition debris for reuse, sale, or further processing.

SOLID WASTE COMPOSTING FACILITY. A facility that receives, temporarily stores and processes solid waste by decomposing the organic portions of the waste by biological means to produce useful products including, but not limited to, compost, mulch and soil amendments.

MONOFILL. A land disposal site for receiving, sorting and disposing only one type of solid waste material or class of solid waste materials for burial, such as a facility that accepts only asbestos.

MUNICIPAL SOLID WASTE DEPOT. A facility where sealed containers are received, stored up to 72 hours, staged, and/or transferred from one mode of transportation to another.

SMALL SCALE SPECIALIZED INCINERATOR. A facility that receives, processes, temporarily stores, and burns a solid waste product as an accessory use to a permitted use, including incinerators for disposal of infectious wastes as part of a medical facility, but not including mass burn solid waste incinerators, refuse-derived fuel technologies, human or animal remains crematorium, or any energy recovery process that burns unseparated municipal solid waste.

SOLID WASTE FACILITY. Any facility or use defined in Section 1 of this attachment.

SOLID WASTE TRANSFER STATION. A facility that receives, processes, temporarily stores and prepares solid waste for transport to a final disposal site, with or without material recovery prior to transfer.

TREATMENT AND STORAGE FACILITY. A facility subject to regulation under the Resource Conservation and Recovery Act, 42 USC §§ 6901-6987, for receiving, sorting, treating, and/or temporarily storing hazardous waste, and for processing such waste for safe transport to facilities authorized to receive, treat, dispose of such materials pursuant to federal or state law. Treatment and storage facilities do not include facilities for on-site disposal of hazardous waste.

WOOD WASTE RECYCLING FACILITY. A facility that receives, temporarily stores and processes untreated wood, which does not contain pressure treated or preservative treated wood, in the form of scrap lumber, timbers, or natural wood debris, including logs, limbs, and tree trunks, for reuse, recycling or energy recovery into products such as hogged fuel, fuel pellets, or fireplace logs.

YARD DEBRIS DEPOT. A facility that receives yard debris for temporary storage, awaiting transport to a processing facility.

YARD DEBRIS PROCESSING FACILITY. A facility that receives, temporarily stores and processes yard debris into a soil amendment, mulch or other useful product through grinding and/or controlled biological decomposition

YARDS. A required open space, on a lot, such space being unoccupied and unobstructed by any structure or portion of a structure, from the ground to the sky, except for permitted projecting building features and accessory structures when in conformance with this Code. Each yard shall be measured by striking a line parallel to the corresponding lot line the distance required by the setback standard of the base zone.

ZONE. Refers to land use regulatory zones (Districts) under the Zoning Ordinance of the City of Wood Village.

MEASUREMENTS

730.010 **Purpose.** This Section explains how measurements are made in the zoning code.

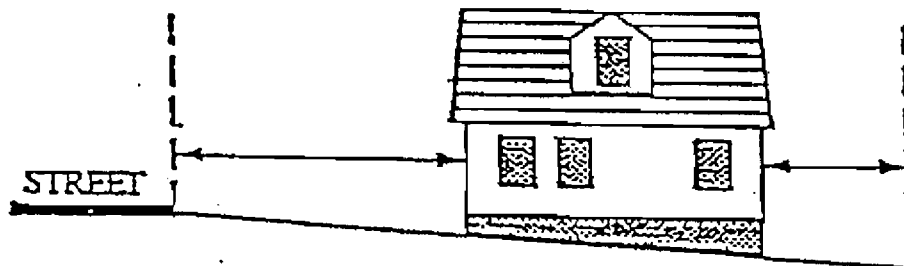
730.020 **Fractions.** When calculations result in fractions the results will be rounded as follows:

- A. **Minimum Requirements.** When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50 foot strip, the result of 1.67 is rounded up to 2 required trees.
- B. **Maximum Limits.** When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower number. For example, if a maximum limit of one dwelling unit for every 8,000 square feet is applied to an 18,000 square foot site, the resulting fraction of 2.25 is rounded down to 2 allowed dwelling units.

730.030 **Measuring Distances.**

- A. **Distances are measured horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. See Figure 730-1.

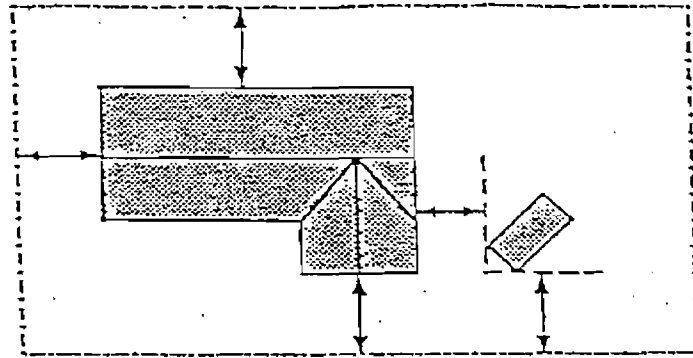
Figure 730-1
Horizontal Measurement



Distances are always measured horizontally.

- B. **Measurements are shortest distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects. See figure 730-2. Exceptions are stated in Subsection C, D and E.

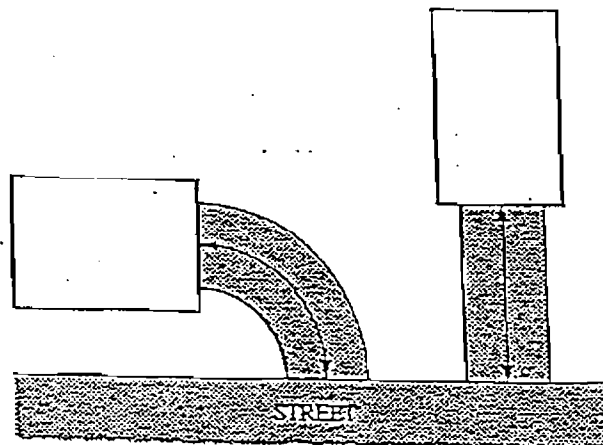
Figure 730-2
Closest Distance



Measurement is taken from the shortest
Distance between the points.

- C. **Measurements of vehicle travel areas.** Measurements of a minimum travel distance for vehicles, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane. See Figure 730-3.

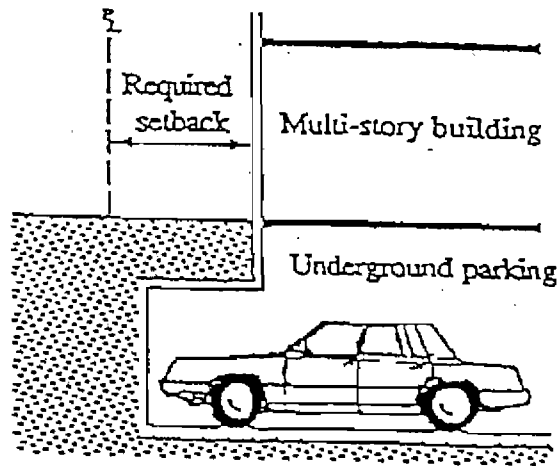
Figure 730-3
Measuring Vehicle Travel Areas



Measure down the middle of the travel area.

- D. **Measurements involving a structure.** Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, and bay windows up to 12 feet in length, are not included in the measurement. Other items, such as covered porches and entrances, are included in the measurement. See figure 730-2 above, and the base zone sections.
- E. **Underground structures.** Structures or portions of structures that are entirely underground are not included in measuring required distances. See Figure 730-4.

Figure 730-4
Underground Structures



Measurements do not include underground structures

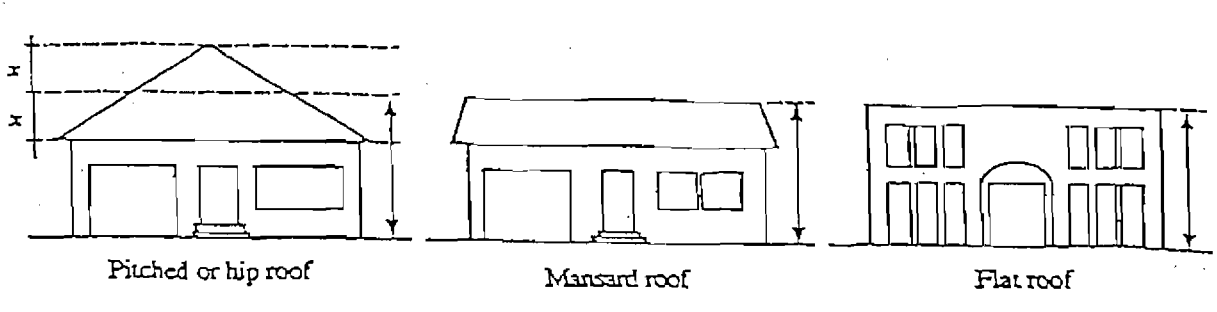
730.040 **Measuring distances on maps.** Zone boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a property line or topographic feature, such as the top of slope, middle of stream, 25 feet from top of bank, or 30 feet from the property line. When zone boundaries are shown crossing properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the Official Zoning Maps, using the center of the zoning line.

730.050 **Measuring Height.**

- A. **Measuring building height.** Height of buildings is generally measured as provided in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State). The height of buildings is the vertical distance above the base point described in paragraphs 1 or 2 below. The base point used is the method that yields the greater height of the building. For a flat roof, the measurement is made to the top of the parapet, or if there is no parapet, to the highest point of the roof. The measurement is made to the deck line of the mansard roof, or to the average height of the highest gable of the pitched or hipped roof that has a roof pitch of 12 in 12 or less. For pitched or hipped roofs

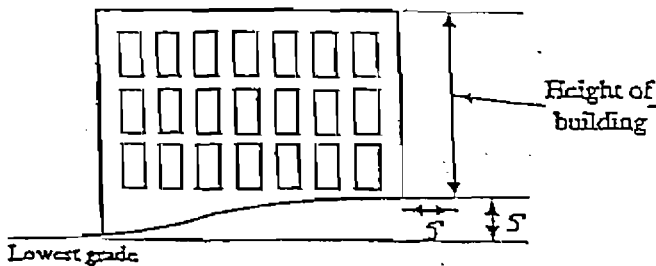
with a pitch steeper than 12 in 12, the measurement is to the highest point. For other roof shapes such as domed, vaulted, or pyramidal shapes, the measurement is to the highest point. See Figure 730-5. The height of a stepped or terraced building is the maximum height of any segment of the building.

Figure 730-5
Measuring Height – Roof Types



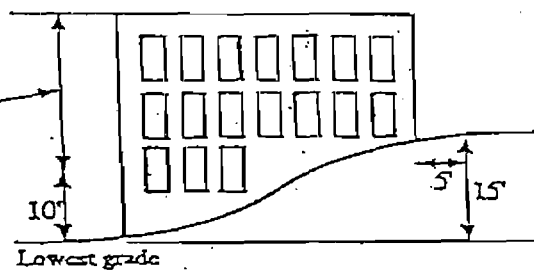
- (1) **Base Point 1.** Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5 foot distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade. See Figure 730-6.
- (2) **Base Point 2.** Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described in paragraph 1. above, is more than 10 feet above the lowest grade. See Figure 730-7.

Figure 730-6
Measuring Height – Base Point 1



When highest grade is 10 feet or less above the lowest grade, the base point is the elevation of the highest adjoining sidewalk or grade within a 5-foot horizontal distance.

Figure 730-7
Measuring Height – Base Point 2

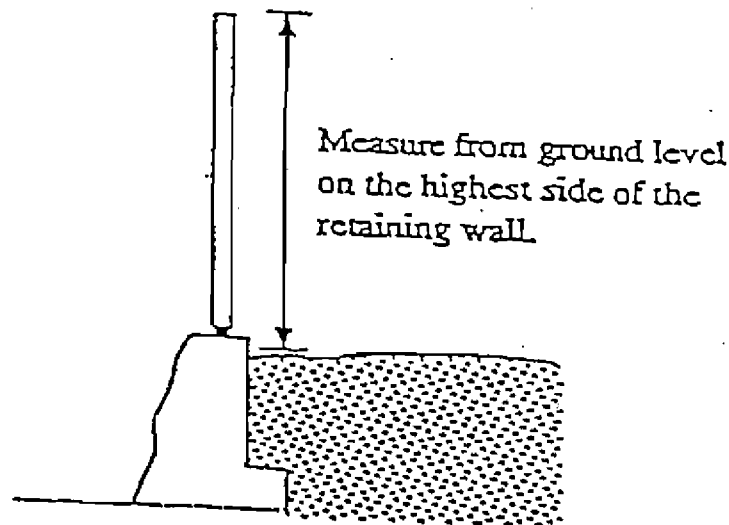


When highest grade is more than 10 feet above the lowest grade, the base point is the elevation 10 feet above the lowest grade.

B. **Measuring height of other structures.** The height of other structures such as flag poles and fences is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zone by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided below.

(1) **Measuring height of retaining walls and fences.** Retaining walls and fences on top of retaining walls are measured from the ground level on the higher side of the retaining wall. See Figure 730-8.

Figure 730-8
Measuring Height – Retaining Walls



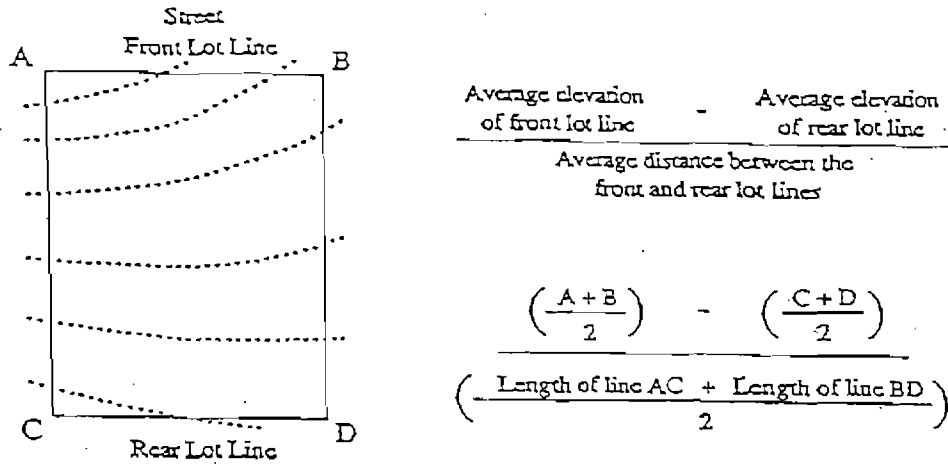
(2) **Measuring height of decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail or if the rail walls are more than 50 percent open, and from the ground to the top of the rails for all other situations.

730.060

Determining Average Slope.

A. **Average slope used.** When calculating the slope of a lot, an average slope is used based on the elevations at the corners of the lot. The average slope of a lot is calculated by subtracting the average elevation of the uphill lot line and the average elevation of the downhill lot line and dividing the sum by the average distance between the two lot lines. The average elevation of the uphill and downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 730-9.

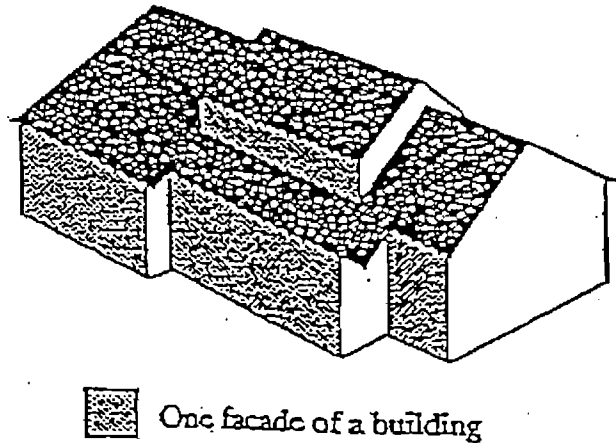
Figure 730-9
Calculating Average Slope



730.070

Determining the Area of the Façade of a Building. The area of a specific façade of a building is determined by adding the square footage of surface area of each section of wall visible from that perspective. For buildings with more than one wall along one façade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area. See Figure 730-10.

Figure 730-10
Façade of a Building



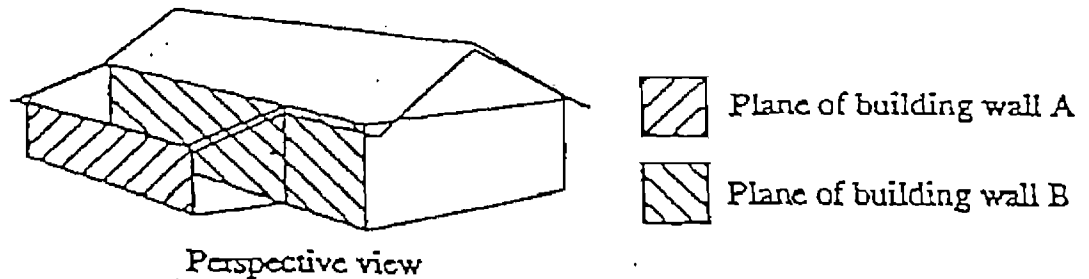
730.080

Determining the Plane of a Building Wall. The purpose of this measurement system is to provide a way to calculate varying amounts of bulk on a particular side of a structure. The plane of a building wall is a plane that extends from the ground to the top of each wall of a structure. A structure with more than one wall along one façade (for example, room jutting out from the main structure or a structure where each floor is set back from the floor below) will have a different plane for each of the walls. The area of

the plane is determined by calculating the area of the plane from the ground to the top of the wall. The plane does not include roof area.

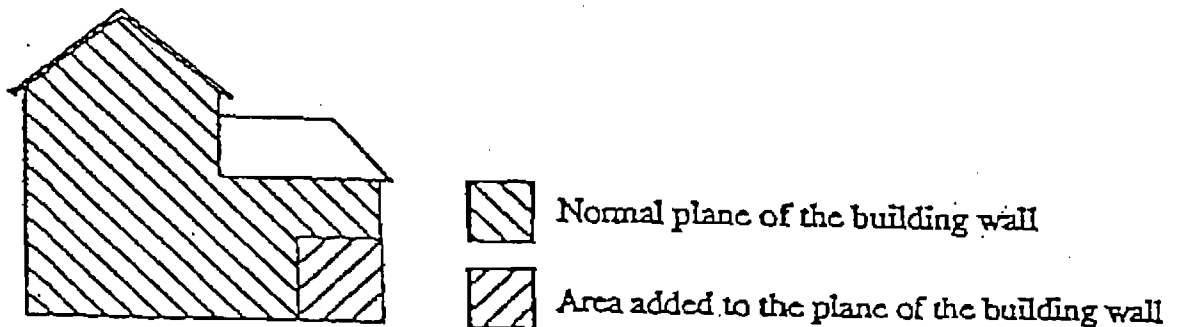
In situations where there is more than one wall along one façade, the bulk of the closer walls cover the bulk of walls that are further back. In these situations, the wall is measured by extending the plane of the wall to the area that is behind a closer wall. See Figure 730-11. [There are special measurement rules for situations where the plane of the building wall is wider than portions of the wall below]. See Figure 730-12 below.

Figure 730-11
Plane of a Building Wall



Where the plane of the building wall contains portions that are wider than areas of the wall that are below it, the calculation of area is made using the wider dimension and extending the plane to the open area below. See Figure 730-12.

Figure 730-12
Additions to the Plane of a Building Wall



730.090

Measuring Lot Width and Depths. Lot widths and depths are measured from the midpoints of opposite lot lines. See Figures 730-13 and 730-14.

Figure 730-13
Measuring Lot Width

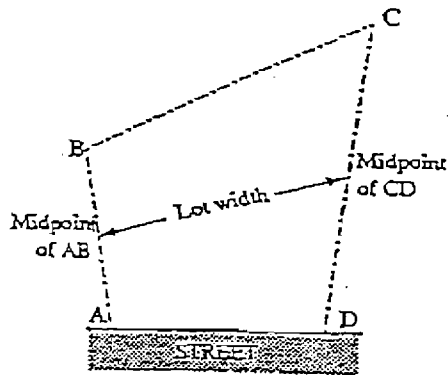
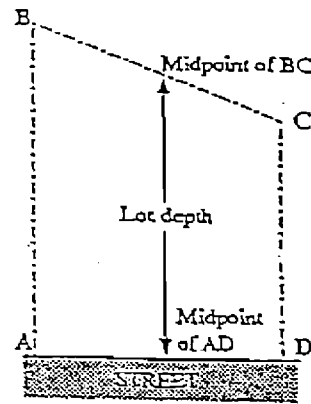


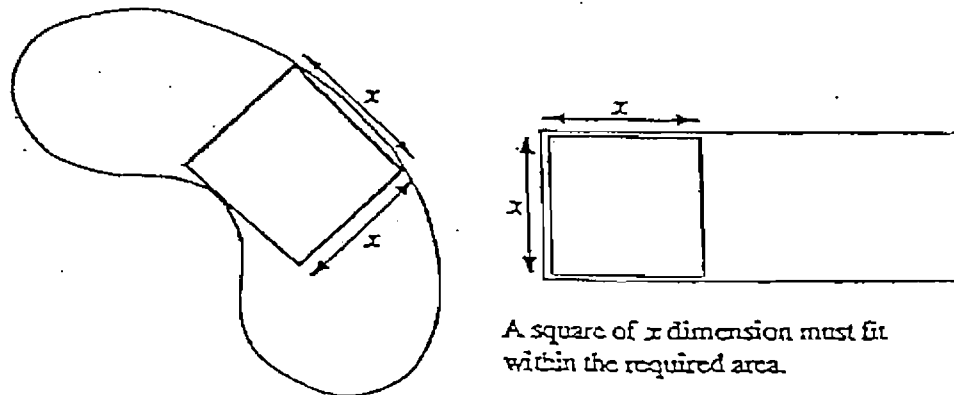
Figure 730-14
Measuring Lot Depth



730.100

Measuring Areas with Squares of Specified Dimensions. Required areas (for example, required outdoor areas in residential zones) must be of a sufficient size and configuration so that a square measuring x by x can be placed totally within the required area. The dimensions of the square are stated in the base zone and additional regulations sections. See Figure 730-15.

Figure 730-15
Using Squares with Specified Dimensions

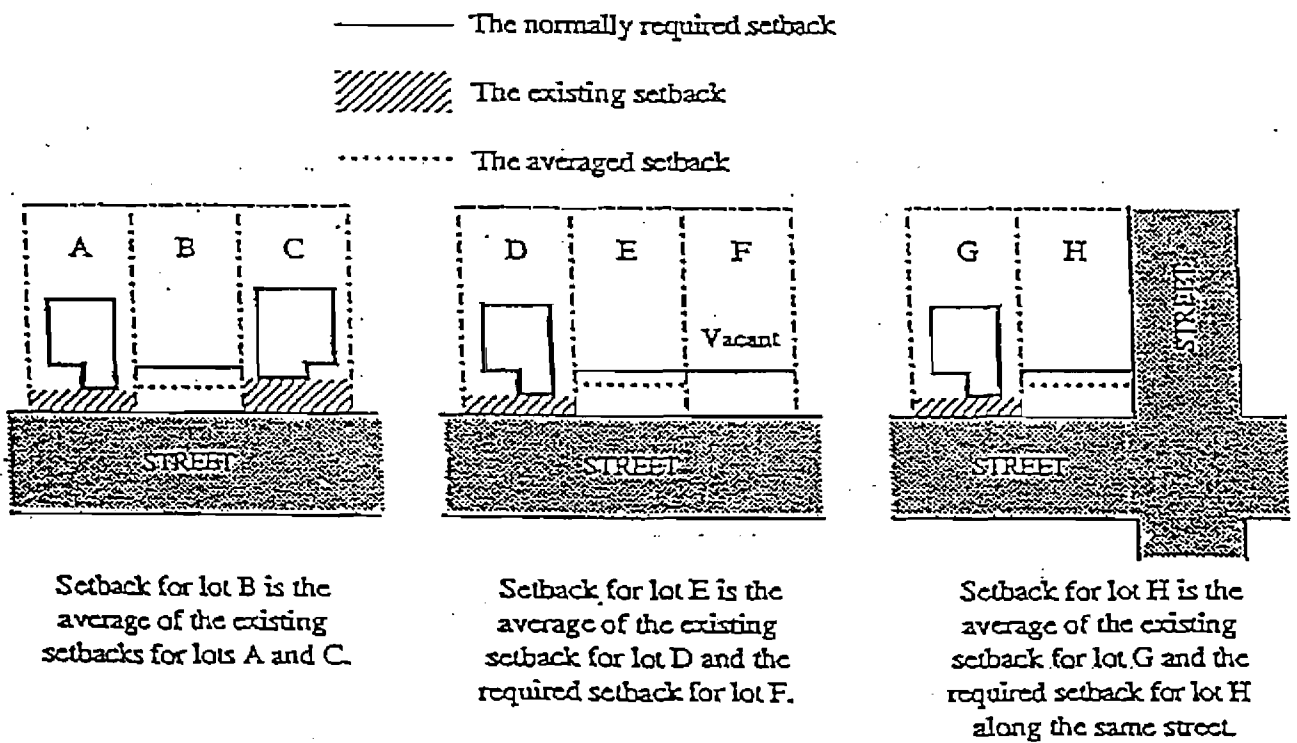


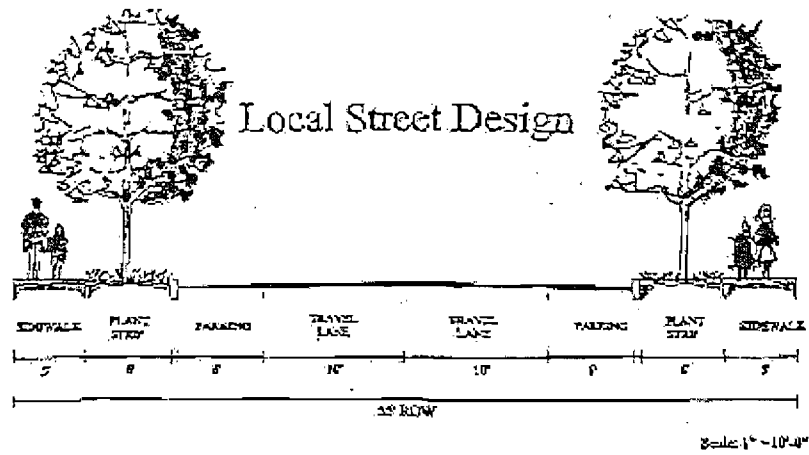
A square of x dimension must fit within the required area.

Setback Averaging. Certain regulations allow for setbacks to be averaged. In these situations the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 730-16. The following rules apply in calculating the average:

- A. The setbacks used for the calculations must be the same type of setback that is being averaged. For example, only front setbacks can be used to average a front setback.
- B. Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used.
- C. When an abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the non-vacant lot and the required setback for the zone.

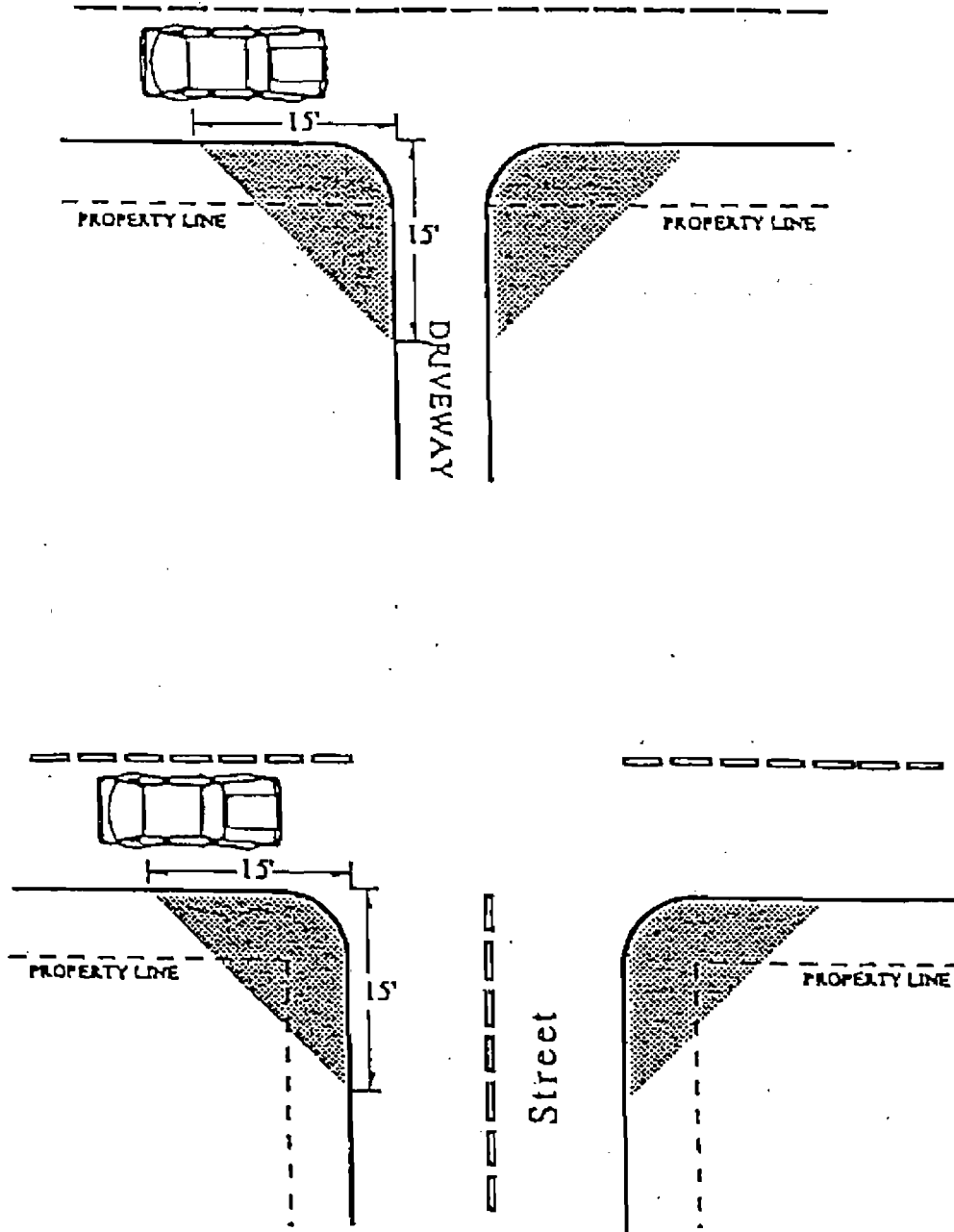
Figure 730-16
Setback Averaging





730.130

Clear Vision/Site Distance. No signs, structures or vegetation in excess of three (3) feet in height shall be placed in "vision clearance areas", as shown below. The minimum vision clearance area may be increased by the Public Works Director upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).



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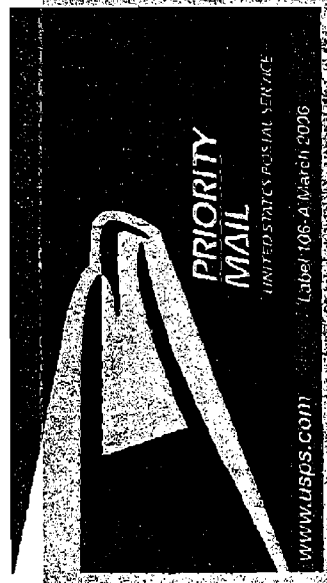
1006

97301

THE CITY OF WOOD VILLAGE
2055 NE 238TH DRIVE
WOOD VILLAGE OR 97060

TO

**Attention: Plan Amendment
Specialist
Department of Land
Conservation and Development
635 Capitol Street NE, Suite 150
Salem OR 97301-2540**

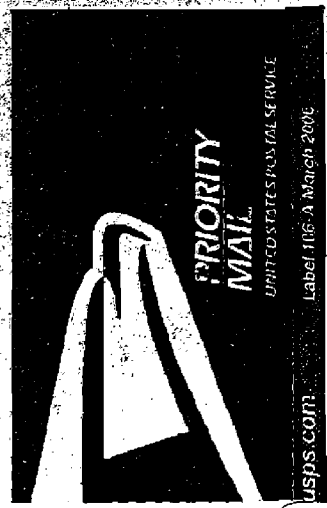


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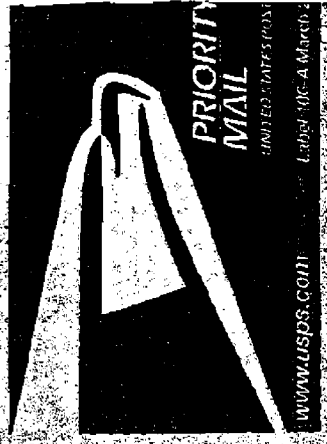


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