

**GLADSTONE PLANNING COMMISSION AGENDA
GLADSTONE CITY HALL, 525 PORTLAND AVENUE**

Tuesday, August 19, 2014

**7:00 P.M. CALL TO ORDER
ROLL CALL
FLAG SALUTE**

CONSENT AGENDA

All items listed below are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a commission member or person in the audience requests specific items to be removed from the Consent Agenda for discussion prior to the time the commission votes on the motion to adopt the Consent Agenda.

REGULAR AGENDA

1. Work Session: Gladstone Code Review

BUSINESS FROM THE PLANNING COMMISSION

ADJOURN

GLADSTONE CODE REVIEW
Items Discussed at the July 15, 2014 GPC Meeting
Items for Discussion / Consideration at the August 19, 2014 GPC Meeting

IV Clear Vision Codes

RECOMMENDATION: After much review, it was decided the recommended language from Clay Glasgow was appropriate with the change in the second paragraph, second sentence to be "No site-obscuring structures of plantings exceeding thirty-six (36)..." instead of the stated 30". The majority liked the associated graphic used by the City of Gresham and have asked Clay to produce something similar and insert it into this section. He will come to the next Planning Commission meeting with the final draft for review.

Chapter 8.12 Noise Control

-This topic was not a part of our original list, but was added due to concerns.

RECOMMENDATION: Upon review by the Gladstone Planning Commission, we felt the edits to this ordinance were appropriate. The only concern was brought up by new commission member, Steve Johnson, who had a personal concern regarding Chapter 8.12.050 Prohibited Acts / (2) (b) and the validity of the use of the external speakers and paging systems currently used by the car dealerships and schools. He felt that with today's technology this type of communication should not be necessary. We agreed to accept the edits as written, but have asked the city attorney and planner to look into what other municipalities are doing in regards to this issue. They will present their findings at a future meeting.

V Chapter 8.04 Nuisances

RECOMMENDATION: Upon review we felt the presented edits were appropriate and should be adopted. However, we would like see the following substitution:

1. 8.04.180 Assessment of costs (1)(a), (b) and (c)

RECOMMENDATION: We would like the wording changed

from:

" (1) The City Recorder, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property at notice stating:

- (a) The total cost of abatement including administrative overhead, including, but not limited to, the costs of police services incurred in city abatement of nuisances;
- (b) That the cost as indicated will be assessed to and become a lien against the property Unless paid within 30 days from date of the notice; and
- (c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the City Recorder not more than 10 days from the date of the notice.

To:

"(1) The City Recorder, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property at notice stating:

- (a) The total cost of enforcing this chapter, including but not limited to, administrative overhead, consultant fees, attorney fees and other third-party costs and costs associated with police services;
- (b) That such costs will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice; and
- (c) That if the owner or person in charge of the property objects to such costs, he or she may file a notice of objection with the City Recorder

H

GLADSTONE CODE REVIEW
Items Discussed at the July 15, 2014 GPC Meeting
Items for Discussion / Consideration at the August 19, 2014 GPC Meeting

Chapter 17.06.180 Fence or Hedge, Sight Obscuring

- This section was brought up per the clear vision discussion. The city attorney made a suggestion to add the following section to (3) Fences and Walls intending to include Hedges as part of this chapter....

1. Add section (i) under (3)(a) to read:
"For the purposes of this section, fences and walls include hedges. A hedge consist of natural or artificial vegetation planted or established for the purpose of serving as a boundary, buffer or divider between areas, or for landscaping or privacy."

New Planning Commission member, Steve Johnson, had issue with the inclusion of greenery under a fence or wall limitation. He feels that limiting the height to 36" from the front building line to the property line is inconsistent with what is established practice throughout the city. The commission will spend the next month reviewing this fact and will make a determination at the next meeting.

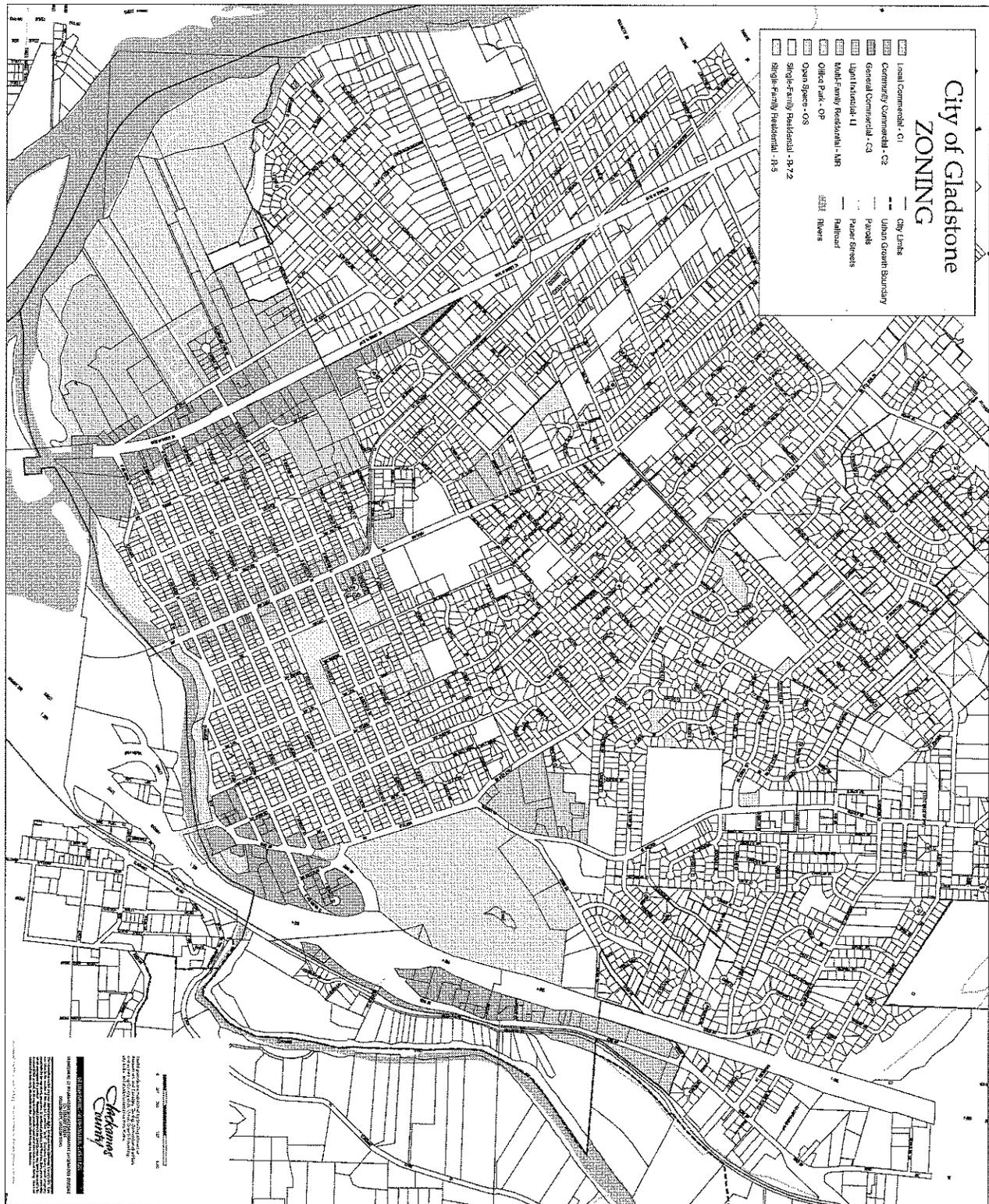
NEXT STEPS:

The next scheduled Code and Ordinance Review work session will cover the following items:

- VI Chapter 8.06 Chronic Nuisances**
-As with Section 8.04, this was the main topic of the work session, so we should address this section for clarification and application.
- VII Division 2 Zoning Districts—Commercial**
-To continued looking at encouraging development, we should start with the commercial zoning districts C1, C2, C3 + OP and L1. Clackamas County is combining some of their commercial and industrial districts to make it easier to navigate. Is this something we should consider since our commercial zones are so small?

City of Gladstone ZONING

- Local Commercial - C1
- Community Commercial - C2
- General Commercial - C3
- Light Industrial - I1
- Medium Density Residential - MR
- Office Park - OP
- Open Space - OS
- Single-Family Residential - SF-1
- Single-Family Residential - SF-2
- Single-Family Residential - SF-3
- City Link
- Urban Growth Boundary
- Payable
- Power Streets
- Railroad
- Rivers



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Gladstone Municipal Code

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8.06.010 Incorporation of state statute.

Any reference to state statute incorporated into this Chapter refers to the statute in effect on the effective date of this ordinance.

Statutory Reference:

History: Ord. 1337, 2003; Ord. 1393, 2007.

8.06.020 Definitions.

As used in this Chapter, or any Code provision referenced by this Chapter, the following definitions apply:

- (1) "Chief of Police" means the Chief of the Gladstone Police Department or designee.
- (2) "City Administrator" means the City Administrator or designee.
- (3) "Chronic Nuisance Property" means:
 - (a) Property on which 3 (three) or more Nuisance Activities exist or have occurred during any 60 (sixty) day period;
 - (b) Property within 300 (three hundred) feet of which any person associated with the property has engaged in 3 (three) or more Nuisance Activities during any 60 (sixty) day period;
 - (c) Property that, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause of the possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through ORS 475.285 and/or ORS 475.940 through ORS 475.995 has occurred within the previous 30 (thirty) days, and the Chief of Police has determined that the search warrant was based on evidence of continuous or repeated Nuisance Activities at the Property; or;
 - (d) Property on which 6 (six) Nuisance Activities exist or have occurred over a 6 (six) consecutive month period.
 - (4) "Nuisance Activities" are defined as any of the following activities, behaviors or conduct:
 - (a) Harassment, as defined in ORS 166.065;
 - (b) Intimidation, as defined in ORS 166.155 through ORS 166.165;
 - (c) Disorderly conduct, as defined in ORS 166.025;
 - (d) Assault, as defined in ORS 163.160, ORS 163.165, ORS 163.175, or ORS 163.185;
 - (e) Menacing, as defined in ORS 163.190;
 - (f) Sexual abuse, Contributing to the sexual delinquency of a minor, or Sexual misconduct, as defined in ORS 163.415 through 163.445;
 - (g) Noise, as defined in Chapter 8.12 of this Code;
 - (h) Prostitution or related offenses, as defined in ORS 167.007 through ORS 167.017;
 - (i) Alcoholic liquor violations as defined in ORS 471.105 through ORS 471.482;

- (j) Offensive littering as defined in ORS 164.805;
- (k) Criminal trespass as defined in ORS 164.243 through ORS 164.265;
- (l) Theft as defined in ORS 164.015 through ORS 164.140;
- (m) Arson or related offenses as defined in ORS 164.315 through ORS 164.335;
- (n) Delivery, manufacture or possession of a controlled substance, as defined in ORS 475.005, or related offenses, as defined in ORS 167.203 through ORS 167.262 and ORS 475.840 through ORS 475.912;
- (o) Illegal gambling or related offenses, as defined in ORS 167.117, or made punishable by ORS 167.108 through ORS 167.164;
- (p) Criminal mischief as defined in ORS 164.345 through ORS 164.365;
- (q) Unlawful drinking, as defined in GMC 9.08;
- (r) Fire or discharge of a gun or weapon, as defined in Chapter 9.52 of this Code;
- (s) Unlawful use or possession of weapons or firearms, as defined in ORS 166.180 through ORS 166.350;
- (t) Offenses Against Public Peace, as defined in GMC 9.12, GMC 9.18, GMC 9.20, GMC 9.25, GMC 9.26, GMC 9.28, GMC 9.36, GMC 9.40, GMC 9.44, and GMC 9.50;
- (u) Nuisances, as defined in Chapter 8.04 of this Code;
- (v) Fireworks violations as defined in ORS 480.110, 480.120, 480.130, 480.140(1), 480.150, 480.160 and 480.165; and
- (w) Any attempt to commit (as defined in ORS 161.405), and or/conspiracy to commit (as defined in ORS 161.450), any of the above activities, behaviors or conduct.

(5) "Of record" means:

(a) With regard to real property, that an owner's interest is recorded in the public records provided for by Oregon statutes where the owner's interest must be recorded to perfect a lien or security interest or provide constructive notice of the owner's interest; or

(b) With regard to personal property, that an owner's interest is recorded in the public records under any applicable state or federal law where the owner's interest must be recorded to perfect a lien or security interest, or provide constructive notice of the owner's interest.

(6) "Owner" means the person or persons of record having any legal or equitable interest in property.

(7) "Property" means any real property including land and that which is affixed, incidental or appurtenant to land, including but not limited to any premises, room, apartment, house, building or structure or any separate part or portion thereof whether permanent or not.

(8) "Responsible Party" means the Owner of record for the property, or the Owner's manager or agent or other person in control of the property on behalf of the Owner.

Statutory Reference: ORS 221.410

History: Ord. 1337, 2003; Ord. 1393, 2007.

8.06.030 Chronic nuisance property.

(1) The Nuisance Activities listed in Section 8.06.020(4) are hereby declared to be public nuisances of the sort that commonly recur in relation to a given property, thereby requiring the remedies set out in the Chapter.

(2) Any property within the City of Gladstone which becomes Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.

(3) Any person who is a Responsible Party for Property which becomes a Chronic Nuisance property shall

be in violation of this Chapter and subject to its remedies.

Statutory Reference: ORS 221.410

History: Ord. 1337, 2003; Ord. 1393, 2007.

8.06.040 Pre-filing notification procedure.

(1) Except as otherwise noted herein, notwithstanding Subsection 1.08.020(2) of this Code, this section sets out procedures to be used in processing an infraction of this Chapter.

(2) When the Chief of Police or designee receives 2 (two) or more police reports documenting the occurrence of incidents on or within 300 (three hundred) feet of a Property, the Chief of Police or designee shall independently review such reports to determine whether they describe the activities, behaviors or conduct listed under Section 8.06.020(4). Upon such a finding, the Chief of Police or designee shall notify the Responsible Party in writing that the Property is in danger of becoming Chronic Nuisance Property. The notice shall contain the following information:

(a) The street address or a legal description sufficient for identification of the Property.

(b) A statement that the Chief of Police or designee has information that the Property may be a Chronic Nuisance Property, with a concise description of the Nuisance Activities that exist, or that have occurred. The Chief of Police or designee shall offer the Responsible Party an opportunity to propose a course of action that the Chief of Police or designee agrees will abate the Nuisance Activities giving rise to the violation.

(c) Require the Responsible Party to respond to the Chief of Police or designee within 10 (ten) days to discuss self-abating the Nuisance Activities.

(3) When the Chief of Police or designee receives a police report documenting the occurrence of additional Nuisance Activity on or within 300 (three hundred) feet of a Property after notification as provided by Subsection (2); or, in the case of Chronic Nuisance Property as defined in GMC 8.06.020(3)(c) or (d), for which notice under Subsection (2) is not required, the Chief of Police or designee shall notify the Responsible Party in writing that the Property has been determined to be a Chronic Nuisance Property. The notice shall contain the following information:

(a) The street address or a legal description sufficient for identification of the Property.

(b) A statement that the Chief of Police or designee has determined the property to be a Chronic Nuisance Property with a concise description of the Nuisance Activities leading to that determination.

(c) Demand that the Responsible Party respond within 10 (ten) days to the Chief of Police or designee and propose a course of action that the Chief of Police or designee agrees should abate the occurrence of nuisance incidents.

(d) Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the Responsible Party at the address of the Property determined to be a Chronic Nuisance Property, or such other place which is likely to give the Responsible Party notice of the Chief of Police's or designee's determination. Responsible Parties for a given Property shall be presumed from the following:

(i) The Owner of record or the Owner's agent, as shown on the tax rolls of Clackamas County;

(ii) The resident of the property, as shown in City water billing records.

(e) The Chief of Police or designee shall prepare an affidavit of mailing for any mailing of notice required under this subsection.

(4) If the Responsible Party fails to respond as required by Subsection (3), the Chief of Police or designee may refer the matter to the City Attorney. Prior to referring the matter to the City Attorney, the notice required by Subsection (3) shall also be posted at the Property for 10 (ten) days during which the Responsible Party may

respond.

(5) If the Responsible Party responds as required by Subsection (3) and agrees to abate activities, behaviors or conduct listed under Section 8.06.020(4) giving rise to the violation, the Chief of Police or designee may postpone referring the matter to the City Attorney. If an agreed course of action under Subsections (3) or (4) does not result in the abatement of the Nuisance Activities within 60 (sixty) days after written notice, or, if no agreement concerning abatement is reached within 60 (sixty) days after written notice, the Chief of Police or designee may refer the matter to the City Attorney.

(6) When a Responsible Party makes a response to the Chief of Police or designee as required by Subsections (2) or (3), any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any Nuisance Activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence that is otherwise admissible or offered for any other purpose.

(7) The failure of any Responsible Party to receive notice as provided by Subsections (2) or (3) shall not invalidate or otherwise affect the proceedings under this Chapter.

Statutory Reference: ORS 221.410

History: Ord. 1337, 2003; Ord. 1393, 2007.

8.06.050 Commencement of actions—Summons and complaint.

(1) A uniform infraction summons and complaint, containing the following parts, may be served upon any Responsible Party for a Chronic Nuisance Property, citing that party into Municipal Court.

(a) The summons;

(b) The complaint; and

(c) A description of the alleged occurrences leading to violation of this Chapter, stating the times and places of those occurrences.

(2) The uniform infraction summons shall contain the following information:

(a) The file number;

(b) The name and address of each respondent;

(c) The infraction with which the respondent is charged;

(d) The date, time, and place at which the hearing on the infraction is to take place;

(e) An explanation of the respondent’s obligation to appear at this hearing, and that failure to appear may result in a default judgment being taken against the respondent;

(f) An explanation of the respondent’s right to a hearing, right to representation by counsel at personal expense, right to cross examine adverse witnesses, and right to compulsory process for the production of witnesses;

(g) Notice that the cost of the hearing, including witness fees, may be charged to the respondent if the final order of the Court finds that the Property is a Chronic Nuisance Property.

(3) The uniform infraction complaint shall contain the following information:

(a) The date, time, and place the alleged infractions occurred;

(b) The date on which the complaint was issued;

(c) A legal description of the Property affected;

(d) An allegation that the Owners of record for the Property have been notified of the facts giving rise to the Chronic Nuisance Property determination at least ten (10) days prior to the filing of the action with the Court; and

(e) A notice to the respondent that a civil complaint has been filed with the Municipal Court.

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(4) Service of the summons and complaint shall be accomplished as described in GMC 1.08.055 of this Code. In addition to the affidavit described in Subsection (3) of that section, a return receipt of certified mailing which indicates delivery of the summons and complaint to the respondent's last known address, or a certified mailing which has been returned by the Post Office "unclaimed," shall also create a rebuttable presumption that the respondent had the required notice.

(5) The hearing for determination as to whether an infraction has been committed shall take place in the manner described in GMC 1.08.070.

(6) Subject to the limitations of GMC 1.08.055(3), a default judgment may be entered against a respondent who fails to appear at the scheduled hearing. Upon such judgment, the Court may prescribe the remedies described in this Chapter.

Statutory Reference: ORS 221.410

History: Ord. 1337, 2003; Ord. 1393, 2007.

8.06.060 Remedies.

(1) Upon finding that the respondent has violated this Chapter, the Court may:

- (a) Require that the Chronic Nuisance Property be closed and secured against all use and occupancy for a period of not less than 30 (thirty), but not more than 180 (one hundred and eighty), days; and/or
- (b) Assess a civil penalty not to exceed \$500 (five hundred dollars); and/or
- (c) Employ any other remedy deemed by the Court to be appropriate to abate the nuisance.

(2) In lieu of closure of the Property pursuant to Subsection (1), the respondent may file a bond acceptable to the Court. Such bond shall be in an amount set by the Court not to exceed the value of the Property closed as determined by the Court, and shall be conditioned upon the non-recurrence of any of the activities, behaviors or conduct listed at Section 8.06.020(5) of this Code for a period of 1 (one) year after the judgment. Acceptance of the bond described herein is further subject to the Court's satisfaction of the respondent's good faith commitment to abatement of the nuisance.

Statutory Reference: ORS 221.410

History: Ord. 1337, 2003; Ord. 1393, 2007.

8.06.070 Defenses—Mitigation of civil penalty.

(1) It is a defense to an action brought pursuant to this Chapter that the Responsible Party at the time in question could not, in the exercise of reasonable care or diligence, determine that the Property was eligible under this Chapter to be a Chronic Nuisance Property, or could not, in spite of the exercise of reasonable care and diligence, control the activities, behaviors or conduct leading to the finding that the Property is a Chronic Nuisance Property. However, it is no defense under this subsection that the Responsible Party was not at the Property at the time of the activities, behaviors or conduct leading to the chronic nuisance situation.

(2) In implementing the remedies described in this Chapter, the Court may consider any of the following factors, as they may be appropriate, and shall cite those found applicable:

- (a) The actions taken by the Owner(s) to mitigate or correct the problem at the Property;
- (b) The financial condition of the Owner;
- (c) Whether the problem at the Property was repeated or continuous;
- (d) The magnitude or gravity of the problem;

- (e) The cooperativeness of the Owner(s) with the City in remedying the problem;
- (f) The cost to the City of investigating and correcting or attempting to correct the condition;
- (g) Any other factor deemed by the Court to be relevant.

Statutory Reference: ORS 221.410

History: Ord. 1337, 2003; Ord. 1393, 2007.

8.06.080 Closure during pendency of action—Emergency closures.

In addition to any other remedy available to the City under this Chapter, in the event that the Chief of Police or designee finds that a property constitutes an immediate threat to the public safety and welfare, the City may apply to any Court of competent jurisdiction for such interim relief as is deemed by the City Administrator or designee to be appropriate. In such event, the notification and commencement of action procedures set forth in Section 8.06.040 and 8.06.050 need not be complied with, provided that the procedures of Oregon Rules of Civil Procedure 79(B) are followed with regard to all persons entitled to service under this Chapter.

Statutory Reference: ORS 221.410

History: Ord. 1393, 2007.

8.06.090 Enforcement of closure order—Costs—Civil penalty.

(1) The Court may authorize the City to physically secure the Property against use or occupancy in the event that the Owner(s) fail to do so within the time specified by the Court.

(2) The Court may assess on the Owner the following costs incurred by the City in effecting a closure of the Property:

- (a) Costs incurred in actually physically securing the Property against use;
- (b) Administrative costs and attorneys fees in bringing the action for violation of this Chapter.

(3) The City Administrator may, within 14 days of written decision by the Court, submit a signed and detailed statement of costs to the Court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, a copy of the statement, including a legal description of the Property, shall be forwarded to the Office of the City Finance Director who thereafter shall enter the same in the City’s lien docket.

(4) Persons assessed the costs of closure and/or civil penalty pursuant to this Chapter shall be jointly and severally liable for the payment thereof to the City.

Statutory Reference: ORS 221.410

History: Ord. 1393, 2007.

8.06.100 Tenant relocation costs.

A tenant, as defined by ORS 90.100(41), of Chronic Nuisance Property may be entitled to reasonable relocation costs if, without actual notice, the tenant moved into the Property after the Owner or Owner’s agent received notice of an action brought pursuant to this Chapter. Any allowable costs will be determined by the City, and shall be a liability upon the Owner of the Chronic Nuisance Property.

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Statutory Reference: ORS 221.410

History: Ord. 1393, 2007.

8.06.110 Attorney fees.

In any action brought pursuant to this Chapter, the Court may, in its discretion, award reasonable attorneys fees to the prevailing party.

Statutory Reference: ORS 221.410

History: Ord. 1393, 2007.

8.06.120 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is held to be invalid for any reason, the remainder of the Chapter, or the application of its provisions to other persons or circumstances, shall not in any way be affected.

Statutory Reference: ORS 221.410

History: Ord. 1393, 2007.

8.06.130 Nonexclusive remedy.

The remedy described in this Chapter shall not be the exclusive remedy of the City for the activities, behaviors or conduct described in Section 8.06.020(5).

Statutory Reference: ORS 221.410

History: Ord. 1393, 2007.

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Gladstone Municipal Code

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[DIVISION II. ZONING DISTRICTS](#)**Chapter 17.16 C-1—LOCAL COMMERCIAL DISTRICT**

17.16.010 Purpose.

The purpose of this district is to implement the Comprehensive Plan and to provide for the location of small businesses or services in proximity to residences in order to provide for personal service needs of the local area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.16.020 Uses allowed outright.

In a C-1 zoning district, the following uses and their accessory uses are allowed outright:

- (1) Personal and business services such as barber or beauty shop, tailoring shop, sales agency, photography studio, small appliance repair and sales including radio, television and electronics;
- (2) Business or professional office;
- (3) Health services clinics;
- (4) Day care centers;

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.16.030 Residential accessory uses.

Accessory uses allowed in a residential zoning district shall be allowed in connection with single-family, two-family and multi-family dwellings in this zoning district. Such accessory uses shall comply with the standards applicable to accessory uses allowed in the R-7.2 zoning district.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1323 §1, 2002.

17.16.040 Conditional uses allowed.

In a C-1 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (conditional uses):

- (1) Laundry or dry cleaning.
- (2) Laundromat.
- (3) Small grocery store or variety store.
- (4) Community service facilities such as a fire station, library, community center, park, utility facility or

meeting hall and governmental offices.

- (5) Nursing homes and homes for the aged.
- (6) Dwellings subject to GMC Subsections 17.10.050 (1) through (4).
- (7) Foster homes.
- (8) Recreation vehicle park, subject to GMC Section 17.62.100 (recreation vehicle park).
- (9) Business activities conducted in conjunction with a use allowed outright under GMC Section 17.16.020 (uses allowed outright), not conducted wholly within an enclosed building and not specifically provided for under GMC Subsections 17.16.050 (1) through (3).
- (10) Uses operating between 12:00 a.m. and 5:00 a.m.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1198 §1(B), 1994; Ord. 1289 §1, 2000; Ord. 1323 §1, 2002; Ord. 1341, 2003.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.16.050 Limitations on use.

All business activities, including service, repair, processing, storage and merchandise display shall be conducted wholly within an enclosed building except for the following:

- (1) Drive-through windows accessory to a use allowed outright;
- (2) Outdoor play areas accessory to a day care center;
- (3) Display of merchandise along the outside of the walls of a building provided such display does not extend more than three feet (3') from the walls and does not obstruct required pedestrian or bicycle access, emergency access or off-street parking areas; and
- (4) Activities approved in conjunction with a conditional use allowed under GMC Section 17.16.040 (conditional uses allowed).
- (5) The use of portable storage containers as defined in Chapter 5.22.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1392 § 5, 2007.

17.16.060 Dimensional standards.

Except as provided in GMC Chapter 17.38 (planned unit development), Chapter 17.72 (variances) and Chapter 17.76 (exceptions), the following dimensional standards shall apply in a C-1 zoning district:

- (1) Front Setbacks. There shall be no minimum front setback requirement except when a front lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum front setback shall be twenty feet (20').
- (2) Rear Setbacks. There shall be no minimum rear setback requirement except when a rear lot line abuts a residential zoning district, in which case the minimum rear setback shall be fifteen feet (15').
- (3) Side Setbacks. There shall be no minimum side setback requirement except when a side lot line abuts a residential zoning district, in which case the minimum side setback shall be fifteen feet (15').
- (4) Street Side Setbacks. There shall be no minimum street side setback requirement except when a street side lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum street side setback shall be twenty feet (20').

- (5) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines.
- (6) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area.
- (7) Building Height. The maximum building height shall be thirty-five feet (35'). Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard.
- (8) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be ten feet (10').
- (9) Fences and Walls. The following standards shall apply to fences and walls of all types whether open, solid, wood, metal, masonry or other material:
- (a) When located between the front lot line and the front building line, fences and walls shall not exceed three feet (3') in height.
- (b) Fences and walls not subject to Subsection (9)(a) of this Section shall not exceed six feet (6') in height.
- (c) An exception may be granted to the maximum fence or wall height standards pursuant to review of an application for conditional use; alteration, expansion or change of use of a nonconforming use; or design review and when an exception is found necessary to provide adequate screening for the use.
- (d) Fences and walls shall comply with GMC Chapter 17.54 (clear vision).
- (10) Portable Storage Container Setbacks. When a lot line abuts a residential district, a setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990; Ord. 1323 §1, 2002.

17.16.070 Exceptions in case of large scale development.

The standards and requirements of the regulations of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, or a large scale shopping center, providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

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[DIVISION II. ZONING DISTRICTS](#)**Chapter 17.18 C-2—COMMUNITY COMMERCIAL DISTRICT**

17.18.010 Purpose.

The purpose of a C-2 district is to implement the comprehensive plan and to provide for the establishment of a community shopping center serving most of the occasional retail and specialty shopping needs of area residents and thus service a much larger area and a much larger population than is served by the C-1, local commercial district.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.18.020 Uses allowed outright.

In a C-2 zoning district, the following uses and their accessory uses are allowed outright:

- (1) Retail trade establishment, except when listed as a conditional use.
- (2) Business, governmental or professional office.
- (3) Medical clinic.
- (4) Financial institution.
- (5) Personal and business service establishments such as a barber shop, tailoring shop, printing shop, laundry or dry cleaning, sales agency, or photography studio, except as listed as a conditional use.
- (6) Eating or drinking establishment.
- (7) Hotel or motel.
- (8) Small appliance repair including radio, television and electronics repair.
- (9) Community service facility such as a fire station, library, community center, park, utility facility or meeting hall.
- (10) Mixed use development.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1289 § 1, 2000; Ord. 1323 §1, 2002.

17.18.030 Residential accessory uses.

Accessory uses allowed in a residential zoning district shall be allowed in connection with single-family, two-family and multi-family dwellings in this zoning district. Such accessory use shall comply with the standards applicable to accessory uses allowed in the R-5 zoning district.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1323 §1, 2002.

17.18.040 Conditional uses allowed.

In a C-2 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (conditional uses):

- (1) Automobile service station.
- (2) Dwelling subject to GMC Subsections 17.12.050 (1) through (5) except that the minimum lot area for a two-family dwelling shall be five thousand square feet.
- (3) Funeral home.
- (4) Small scale amusement or recreational facility such as a billiard or pool hall.
- (5) School and associated buildings, structures and facilities.
- (6) A use listed as a permitted outright use but not meeting the limitations of GMC Section 17.18.050 (limitations on use).
- (7) Planned unit development (PUD).
- (8) Foster homes.
- (9) Day care center.
- (10) Recreation vehicle park, subject to GMC Section 17.62.100 (recreation vehicle park).
- (11) Business activities conducted in conjunction with a use allowed outright under GMC Section 17.18.020 (uses allowed outright), not conducted wholly within an enclosed building and not specifically provided for under GMC Subsections 17.18.050(1) through (3).
- (12) Uses operating between 12:00 a.m. and 5:00 a.m.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord.1131 §2 (Part), 1990; Ord. 1198 §1(C), 1994; Ord. 1289 §1, 2000; Ord. 1323 §1, 2002; Ord. 1341, 2003.

17.18.050 Limitations on use.

All business activities, including service, repair, processing, storage and merchandise display shall be conducted wholly within an enclosed building except for the following:

- (1) Drive-through windows accessory to a use allowed outright;
- (2) Outdoor play areas accessory to a community service facility;
- (3) Display of merchandise along the outside of the walls of a building provided such display does not extend more than three feet (3') from the walls and does not obstruct required pedestrian or bicycle access, emergency access or off-street parking areas; and
- (4) Activities approved in conjunction with a conditional use allowed under GMC Section 17.18.040 (conditional uses allowed).
- (5) The following limitations apply to developments along Portland Avenue:
 - (a) All development shall provide ground floor windows along Portland Avenue. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances or display windows. Required windows may have a sill no more than 4 feet above grade. Where interior floor levels prohibit such placement, the sill may be raised to allow it to be no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
 - (b) All buildings shall have their primary entrances face Portland Avenue. Primary entrance is defined as the

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principal entry through which people enter the building. A building may have more than one primary entry, as defined in the Uniform Building Code.

- (6) The use of Portable Storage Containers as defined in Chapter 5.22.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990; Ord. 1323 §1, 2002; Ord. 1392 §6, 2008, Ord. 1404, 2008.

17.18.060 Dimensional standards.

Except as provided in GMC Chapter 17.38 (planned unit development), Chapter 17.72 (variances), and Chapter 17.76 (exceptions), the following dimensional standards shall apply in a C-2 zoning district:

(1) Setbacks. There shall be no minimum setback requirements, except a maximum setback of five feet (5') shall be maintained along Portland Avenue frontages.

(2) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines. An exception to the minimum setback standard for off-street parking shall be made for existing parking when the use complies with GMC Section 17.18.070 (off-street parking standards).

(3) Building Height. The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:

(a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor;

(b) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;

(c) Maximum building height may be increased if the city fire department reports that it possesses sufficient fire-fighting capability to provide emergency response to a structure of the height proposed.

(4) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be ten feet (10').

(5) Density. Residential density shall not exceed that allowed in the R-5 zoning district.

(6) Hotels and Motels:

(a) The minimum lot area shall be five hundred (500) square feet per dwelling unit;

(b) The minimum frontage shall be one hundred feet (100').

(7) Fences and Walls. The following standards shall apply to fences and walls of all types whether open, solid, wood, metal, masonry or other material.

(a) When located between the front lot line and the front building line, fences and walls shall not exceed three feet (3') in height.

(b) Fences and walls not subject to Subsection (7)(a) of this Section shall not exceed six feet (6') in height.

(c) An exception may be granted to the maximum fence or wall height standards pursuant to review of an application for conditional use; alteration, expansion or change of use of a nonconforming use; or design review and when an exception is found necessary to provide adequate screening for the use.

(d) Fences and walls shall comply with GMC Chapter 17.54 (clear vision).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990; Ord. 1140 §1, 1991; Ord. 1323 §1, 2002, Ord. 1404, 2008.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.18.070 Off-street parking standards.

(1) Where one commercial use allowed outright is substituted for another in an existing building and the building is not expanded by more than ten percent (10%) of the floor area used for commercial purposes on January 1, 1980, no more off-street parking shall be required than was possessed by the previous commercial use. Where successive expansions of a building are proposed, the total area of all expansions shall not exceed the ten-percent (10%) standard.

(2) When an existing residence in the C-2 zoning district along Portland Avenue is converted to commercial or mixed use development, additional off-street parking shall not be required, subject to the following standards:

(a) The new commercial use shall not exceed a "B" occupancy rating as described in the Oregon Structural Specialty Code or its successor and shall be identified in GMC Section 17.18.020 (2), (5) or (8);

(b) Signs shall be on-building and indirectly illuminated;

(c) The use shall generate low traffic volumes and require minimal off-street parking; and

(d) Structures and landscaping shall retain a residential appearance.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990; Ord. 1323 §1, 2002.

17.18.080 Exceptions in case of large scale development.

The standards and requirements of the regulations of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, or a large scale shopping center, providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990.

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[DIVISION II. ZONING DISTRICTS](#)**Chapter 17.20 C-3—GENERAL COMMERCIAL DISTRICT**

17.20.010 Purpose.

The purpose of a C-3 district is to implement the comprehensive plan and to provide for general types of business and service establishments which would not likely be compatible with the uses permitted in C-1 and C-2, local and community commercial districts, and which would likely be detrimental to the adjoining residential areas unless effectively controlled.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.20.020 Uses allowed outright.

In a C-3 zoning district, the following uses and their accessory uses are allowed outright. Outside or open storage shall be an allowed accessory use.

- (1) Automobile service station, car wash or repair garage, body and fender paint shop, sales of new and used vehicles.
- (2) Business, governmental or professional office.
- (3) Community service facility such as a fire station, library, community center, park, utility facility, meeting hall or transit facility.
- (4) Eating or drinking establishment.
- (5) Financial institutions.
- (6) Funeral home.
- (7) Hotel or motel.
- (8) Medical clinic.
- (9) Personal and business service establishment such as a barber shop, tailoring shop, printing shop, laundry and dry cleaning, sales agency or photography studio.
- (10) Recreation vehicles sales, services, rental.
- (11) Recycling center.
- (12) Retail trade.
- (13) Roller rink, bowling alley, motion picture theater or similar extensive commercial amusement or recreational facility.
- (14) School and associated buildings, structures and facilities.
- (15) Small appliance repair including radio, television and electronics repair.
- (16) Small parts wholesaling or retailing.
- (17) Veterinary clinic or small animal hospital, but not including a kennel or a cattery.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1270 §1, 1998; Ord. 1323 §1, 2002.

17.20.030 Residential accessory uses.

(1) Accessory uses allowed in a residential zoning district shall be allowed in connection with single-family, two-family and multi-family dwellings in this zoning district.

(2) Such accessory uses shall comply with the standards applicable to accessory uses allowed in the MR zoning district.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990; Ord. 1323 §1, 2002.

17.20.040 Conditional uses allowed.

In a C-3 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (conditional uses):

- (1) Planned unit development (PUD).
- (2) Wholesale distribution outlet, including warehousing.
- (3) Dwellings, subject to GMC Subsections 17.14.050(1) through (5).
- (4) Foster homes.
- (5) Day care center.
- (6) Off-street parking and storage of truck tractors and/or semi-trailers, subject to GMC Chapter 17.48 (off-street parking and loading) and Section 17.62.120 (off-street parking and storage of truck tractors and / or trailers).
- (7) Light manufacturing as an accessory use to a use allowed outright, subject to GMC Section 17.62.130 (light manufacturing).
- (8) Recreation vehicle park, subject to GMC Section 17.62.100 (recreation vehicle park).
- (9) Indoor mini-storage.
- (10) Uses operating between 12:00 a.m. and 5:00 a.m.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1198 §1(D), 1994; Ord. 1257 §1, 1998; Ord. 1289 §1, 2000; Ord. 1291 §1 (Part), 2000; Ord. 1323 §1, 2002; Ord. 1341, 2003.

17.20.045 Screening.

The following screening standards shall apply:

(1) Off-street parking and loading areas and business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a residential zoning district and from abutting unimproved public street rights-of-way where property on the opposite side of the unimproved right-of-way is in a residential zoning district.

(2) Business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a C-1 or C-2 zoning district and from abutting unimproved public street rights-of-way where property on the

opposite side of the unimproved right-of-way is in a C-1 or C-2 zoning district.

(3) Storage, with the exception of merchandise display, outside of a wholly enclosed building shall be screened from abutting improved public street rights-of-way. Off-street parking and loading areas for customer vehicles, employee vehicles and vehicles for sale are not required to be screened from improved public street rights-of-way. However, off-street parking and loading areas for other types of vehicle storage (e.g. towed vehicles, recreational vehicles being stored as a service) shall be screened from abutting improved public street rights-of-way.

(4) Required screening shall be accomplished by building placement, a landscaped earth berm or a sight-obscuring fence or hedge.

(5) Required screening shall be reviewed pursuant to GMC Chapter 17.80 (design review). When design review is not required, screening shall be reviewed by the City Administrator or designee.

(6) Required screening shall be a minimum of six feet (6') high. With the exception of equipment and vehicles, stored merchandise and materials shall not exceed the height of required screening. Stored equipment and vehicles may exceed the height of the required screening provided such equipment and vehicles are not stacked on top of one another.

(7) Required screening shall be sited so that it does not conflict with GMC Chapter 17.54 (clear vision). In locations where perimeter landscaping adjacent to a street is required as a condition of land use approval, required screening shall be located behind such landscaping.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1270 §2, 1998; Ord. 1323 §1, 2002; Ord. 1323 §1, 2002.

17.20.050 Dimensional standards.

Except as provided in GMC Chapters 17.38 (planned unit development), Chapter 17.72 (variances) and Chapter 17.76 (exceptions), the following dimensional standards shall apply in a C-3 zoning district:

(1) Front Setbacks. There shall be no minimum front setback requirement except when a front lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum front setback shall be twenty feet (20').

(2) Street Side Setbacks. There shall be no minimum street side setback requirement except when a street side lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum street side setback shall be twenty feet (20').

(3) Side and Rear Setbacks. There shall be no minimum side or rear setback requirements.

(4) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines.

(5) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area.

(6) Building Height. The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:

(a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor; vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;

(b) Maximum building height may be increased if the city fire department reports that it possesses sufficient fire-fighting capability to provide emergency response to a structure of the height proposed.

(7) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be ten feet (10').

(8) Hotels and Motels:

(a) The minimum lot area shall be five hundred (500) square feet per dwelling unit;

(b) The minimum frontage shall be one hundred feet (100').

(9) Portable Storage Container Setbacks. When a lot line abuts a residential district, a setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1140§2, 1991; Ord. 1323 §1, 2002; Ord. 1392 § 7, 2007.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.20.060 Exceptions in case of large scale development.

The standards and requirements of the regulations of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, or a large scale shopping center, providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990. Ord. 1392 § 8, 2007.

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[DIVISION II. ZONING DISTRICTS](#)**Chapter 17.22 OP—OFFICE PARK DISTRICT**

17.22.010 Purpose.

This section is adopted to implement the policies of the Comprehensive Plan for industrial areas for high technology and other clean, light industry, research facilities, and office uses needing sites with high aesthetic standards. The provisions of this section are intended to:

- (1) Establish and maintain high aesthetic standards and preserve the natural beauty of the district.
- (2) Assure that improvements are appropriately related to their sites, and to surrounding developments.
- (3) Enhance the value of sites and developments located within each office park district.
- (4) Implement the policies and objectives of the city's comprehensive plan.
- (5) Encourage originality, flexibility, and innovation in site planning and development, including architecture, landscaping and graphic design.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.22.020 Primary uses.

(1) Uses. The following uses may be established when they satisfy the purposes of this district, and performance standards under subsections (2) to (8) of this section:

(a) Research. Research offices and laboratories, including testing facilities, provided such testing complies with the operational impact standards set forth under subsection (8) of this section;

(b) Business and professional offices;

(c) Manufacturing uses. Any manufacturing or assembly use, except primary processing of raw materials;

(d) Retail and service uses listed as uses permitted outright in the C-2, community commercial, zoning district;

(2) Site Plan and Design. Structures, circulation, parking, loading, and landscaping shall be designed to:

(a) Avoid undue disturbance of significant vegetation, slopes and lakes;

(b) Incorporate and use significant natural features to enhance the quality of the development and preserve the visual character of the site;

(c) Project a positive image as viewed from both inside and outside the site; and

(d) Minimize the impact of truck loading and maneuvering areas.

(3) Building Types and Designs. The use shall occupy only the types of buildings described below:

(a) Buildings. Architect-designed buildings which have the following characteristics:

(A) Are designed for the specific site to accomplish the objectives under subsection (2) of this section;

(B) Provide for natural light penetration into work areas using windows, skylights, atriums, courtyards, etc.;

(C) Have distinctive public entrances into the building;

(D) Use high-image exterior materials and finishes such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco;

(E) Do not use metal siding material, except as approved by the design review committee for specific high-image materials, or for canopies, awnings, screening for roof-mounted fixtures, or other architectural features;

(F) Generally provide limited area (not exceeding twenty percent (20%) of the floor area) devoted exclusively to storage, except those uses requiring additional storage area for materials and finished products assembled within the same building, or uses providing storage and retrieval of records or information, and similar uses;

(G) Are designed to accommodate either a number of tenants in one structure, or a single tenant having various space needs, such as office, research, assembly and storage.

(4) Outdoor Storage / Process Areas. No outdoor storage of materials or products is allowed. No outdoor processes shall be employed in the operation of the business. Waste and recycle receptacles shall be maintained within enclosed structures.

(5) Display Areas. All display areas shall be located within an office, multi-use of flex-space building. No outdoor display areas are allowed in this district.

(6) Transportation Requirements. The use provides appropriate access to a road of at least a collector classification. In addition, the following provisions apply:

(a) Parking. The use satisfies the parking requirements under GMC Chapter 17.48 (off-street parking and loading), and parking area landscaping requirements under GMC Chapter 17.46 (landscaping). All parking requirements shall be satisfied on-site, except as provided for shared parking. On-street parking shall not be allowed in this district;

(b) Loading Areas. Loading areas shall be located to the side or rear of the buildings unless topography, natural features, or other requirements of this section dictate front yard loading bays. Loading dock areas shall be recessed, screened, or otherwise designed to buffer this use from adjacent properties and roads.

(7) Landscaping. A minimum of twenty percent (20%) of the developed "site area," as defined under GMC Section 17.22.060, shall be used for landscaping, satisfying the requirements under GMC Chapter 17.46 (landscaping). Typical landscaping in this district shall:

(a) Include a variety of plant materials;

(b) Highlight public access points to buildings;

(c) Buffer loading and utility areas;

(d) Break up large parking areas;

(e) Complement building design and materials;

(f) Incorporate significant trees and other natural features into the site as much as possible;

(g) Include street trees along periphery and internal circulation roads except where significant trees already exist;

(h) Provide for maintenance of all areas within the site area, including areas for future development.

(8) Operational Impacts:

(a) The operation of the use shall not produce noise, odors, fumes, gases, or vibration which exceed the standards of the Department of Environmental Quality (DEQ);

(b) No hazardous materials in quantities classified under Group H, Division 1 or Division 2 Occupancies under the Uniform Building Code shall be stored or used on the premises, except as specifically approved as a conditional use under GMC Section 17.22.040 (conditional uses);

(c) Any use which generates, releases, stores, or deposits hazardous substances, as defined by CERCLA, 42

USC Chapter 9601 (14), pollutants or contaminants as defined in CERCLA, 12 USC Chapter 9604 (a) (2), or hazardous wastes as defined by RCRA, 42 USC Chapter 6903 (5) ("Hazardous Substance") shall be allowed only under a conditional use under GMC Section 17.22.040 (conditional uses).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1281 §1, 1998; Ord. 1306 §1, 2001.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.22.030 Accessory uses.

The following shall be allowed as accessory uses in the office park district:

- (1) **Incidental Uses.** Structures and uses customarily accessory and incidental to a primary use, such as:
 - (a) Temporary buildings for uses incidental to construction work which will be removed upon completion or abandonment of the construction work;
 - (b) Street furniture and bus shelters;
 - (c) Solar collection apparatus meeting all the dimensional and development standards of this district;
 - (d) Satellite dishes, provided such use is buffered from periphery and internal circulation roads;
 - (e) Utility carrier cabinets;
 - (f) Cafeterias, employee lounges, and indoor recreation areas and facilities;
 - (g) Outdoor recreational facilities for employees, such as tennis courts, jogging and exercise courses, playing fields, and similar uses;
 - (h) Signs identifying the developer, contractor, or real estate agency responsible for leasing or selling land or buildings within the project, which shall be removed upon sale or lease of the premises advertised;
 - (i) Parking and loading structures and areas provided in conjunction with a primary use, subject to the provisions of GMC Sections 17.22.020(6), 17.48.030 (standards for developments subject to design review) and 17.48.040 (design requirements for permanent off-street parking and loading areas);
 - (j) Indoor areas for display and sale of products manufactured by the same business occupying the premises, provided that the floor area of such display area constitutes no more than twenty percent of the floor area of the primary use.
- (2) **Warehouse Structures.** Within a planned office park site area occupying at least ten acres, separate warehouse or storage structures in conjunction with a primary use may be developed concurrently with or after the primary use, provided that:
 - (a) The warehouse structure is located on a site with easy access to periphery roads where impacts on other uses may be minimized, and such use satisfies the loading area requirements under GMC Subsection 17.22.020(6) (b);
 - (b) Such structures are compatible with the primary use structure(s) on the site in the use of materials and design.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.22.040 Conditional uses.

- 1-24 (1) **Criteria.** Conditional uses may be established in an office park district subject to review and action on the

specific proposal, pursuant to GMC Chapter 17.70 (conditional uses). Approval shall not be granted unless the proposal satisfies the following criteria:

- (a) The use will have minimal adverse impact on the development of primary uses on abutting properties and the surrounding area, considering location, size, design and operating characteristics of the use;
- (b) The use will not create offensive odor, dust, smoke, fumes, noise, glare, heat, vibrations, or truck traffic which are incompatible with primary uses allowed in this district;
- (c) The use will be located on a site occupied by a primary use, and/or in a structure which is compatible with the character and scale of uses allowed within the district;
- (d) The use will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

(2) Uses. The following uses are allowed subject to the above conditions:

- (a) Heliports;
- (b) Uses which satisfy the provisions under GMC Section 17.22.020(1), but require the storage or use of potentially hazardous materials in quantities classified under Group H, Division 1 or Division 2 Occupancies under the Uniform Building Code, or involve hazardous substances as defined by CERCLA or RCRA or otherwise exceed the requirements of GMC Section 17.22.020(8);
- (c) Day care centers;
- (d) Business or vocational schools and college or university extension facilities;
- (e) Utility substations necessary to serve the surrounding area, without maintenance shops.
- (f) Senior housing center, provided that the use is adjacent to a perimeter access road and across the road from a different zoning district and provided that the use shall occupy no more than fifteen percent (15%) of the OP site as it exists on the effective date of this amendment.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1306 §2, 2001.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.22.050 Prohibited and nonconforming uses.

(1) Prohibited Uses. The following uses shall be prohibited in an OP zoning district:

- (a) Uses that do not comply with the physical and operational requirements specified under GMC Section 17.22.020 (primary uses) shall be prohibited, except as specifically provided under GMC Section 17.22.040 (conditional uses);
- (b) Separate warehouse and distribution structures and activities, except as allowed as an accessory use under GMC Subsection 17.22.030(2);
- (c) Motor freight terminal;
- (d) Auto or truck storage or repair.

(2) Nonconforming Uses:

- (a) Structures that are part of a nonconforming use may be allowed to remodel or expand subject to GMC Chapter 17.76 (exceptions).
- (b) Any change in the use of an existing structure from a nonconforming use to a primary, accessory or conditional use allowed in an OP zoning district shall be subject to all requirements for new developments.
- (c) Lot Divisions and Setbacks:
 - (A) A new lot created for a structure that is part of a nonconforming use shall have no minimum lot size;

(B) Structures that are part of a nonconforming use shall satisfy the OP zoning district setback requirements from new lot lines.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1323 §1, 2002.

17.22.060 Dimensional standards.

(1) Purpose. The purpose of these requirements and limitations are to:

(a) Assure that developments have a positive image and attractive appearance from within the site, and from public roads and adjacent properties;

(b) Encourage the retention of large sites and their development in a coordinated aesthetic, and efficient manner;

(c) Ensure that the minimum operational requirements of the development are provided on-site;

(d) Establish the maximum limits of development;

(e) Provide for the safety and welfare of property within and adjacent to the site.

(2) Site Area Requirements. A “site area” for purposes of this section shall be the total land area to be developed as a unit prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:

(a) A single tax lot, or two or more contiguous tax lots under the same ownership;

(b) Two or more contiguous tax lots under separate ownership, provided that:

(A) All individual property owners are members of a group formed for the purposes of developing the properties as a single planned development, and

(B) All individual tax lot ownerships are converted into development shares, or other satisfactory arrangement, allowing all lots to be combined into one lot prior to issuance of any building permit for the project.

(3) Site Area Standards. The following standards shall apply to office park districts.

(a) Site area. Developments shall require a minimum site area of five acres.

(b) Site area partitions and subdivisions. Design review approval of the overall development plan for the site area, including circulation, parking, landscaping, and proposed building elevations, shall be required prior to the approval of any partition or subdivisions of a site area existing at the time of application of this district to the property.

(4) Setback Requirements. For purposes of this section, a “perimeter access road,” shall be any state, county, or public road which provides access to the site area, and an “internal circulation road” shall be any public or private roadway which provides direct access to more than one use, building, or parcel within a site area but not including connecting driveways within or between parking areas.

(a) Perimeter Access Road Setbacks. A minimum thirty-foot (30') setback shall be maintained between structures in a development and any perimeter access road, except:

(A) An additional five feet (5') of setback shall be added for each five feet (5'), or portion thereof, of building height over thirty-five feet (35');

(B) No structure shall be erected closer than fifty-five feet (55') from the center line of a perimeter access road.

(b) Perimeter Side and Rear Yard Setbacks. A twenty-foot (20') setback shall be provided between any structure and a side or rear perimeter line;

(c) Internal Site Setbacks. A twenty-foot (20') setback shall be provided between buildings within a site area,

and between any building and an internal circulation road.

(d) **Corner Lots.** A structure located on the corner of two roads shall observe the minimum setback requirement for both roads, as prescribed in this section;

(e) **Perimeter Landscaping.** Within the perimeter setback, a landscaped strip at least twenty feet (20') wide shall be provided.

(f) A setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

(5) **Minimum Street Frontage.** A site area shall have a minimum of one hundred feet (100') of frontage on a state, county, or public perimeter access road.

(6) **Building Height.** The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:

(a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor;

(b) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;

(c) Maximum building height may be increased if the city fire department reports that it possesses sufficient fire-fighting capability to provide emergency response to a structure of the height proposed.

(7) **Exceptions to General Requirements.** The requirements of this section may be modified when such modification is consistent with GMC Subsection 17.22.060(1) and GMC Chapter 17.72 (variances).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1140 §3, 1991; Ord. 1323 §1, 2002; Ord. 1392 § 8, 2007.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.22.070 Development standards.

All development within an OP zoning district shall be subject to the development standards of GMC Section 17.22.020. In addition, the following standards shall apply:

(1) **Master Plan.** All developments within the office park district shall be reviewed and developed under a master plan which addresses the performance standards of this section and GMC Chapter 17.80 (design review).

(2) **Specific Area Plans or Standards.** Development shall comply with the requirements or provisions of any special design, circulation, community plan, or standards adopted by the City Council for the area.

(3) **Fences.** Street perimeter fences or walls and guard posts shall meet a minimum setback of thirty feet (30') and shall be of a material, color, and design complementary to the development and to adjoining properties and public access roads.

(4) **Signs.** The master plan for the development shall include all proposed signs. In addition to the standards of GMC Chapter 17.52 (signs), the following sign provisions shall apply. Where the standards of GMC Chapter 17.52 (signs) conflict with the sign standards of this chapter, the standards of this chapter shall apply.

(a) **Freestanding Identification Signs.** One sign oriented toward off-site traffic may be provided at each public access point from a public street. Such signs shall comply with the following requirements:

(A) Shall not exceed fifty (50) square feet in area;

(B) Shall not exceed eight feet (8') in height;

(C) Shall use materials and design elements that are complementary to those used in the development;

(D) May be internally or indirectly illuminated;

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(E) Shall not be required to maintain a setback from any property line except where such property line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum setback shall be fifteen feet (15'). In no case shall a setback be required from any property line abutting Interstate 205.

(b) Directories. Signs that identify multiple tenants, buildings or uses within a development and direct on-site vehicular or pedestrian traffic to such tenants, buildings or uses shall be allowed. In contrast to signs regulated by GMC Subsection 17.22.070(4)(a), directories shall clearly be oriented toward on-site vehicular or pedestrian traffic. The maximum area allowed for a directory oriented primarily toward on-site vehicle circulation shall be fifty (50) square feet. The maximum area allowed for a directory oriented primarily toward pedestrian circulation shall be twenty-four (24) square feet. The maximum area for a directory may be increased if, through review pursuant to GMC Chapter 17.80 (design review), it is found that the increase is necessary due to the number of tenants, buildings or uses to be identified.

(c) Monument Signs. A monument sign to identify an individual building in a development shall be allowed provided such sign shall:

- (A) Be located in front of the building being identified;
- (B) Not exceed sixteen (16) square feet in area;
- (C) Not exceed five feet (5') in height;

(D) Use materials and colors that are the same, or substantially the same, as those used on the building identified by the sign.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1140 §3, 1991; Ord. 1323 §1, 2002; Ord. 1392 § 8, 2007.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

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[DIVISION II. ZONING DISTRICTS](#)**Chapter 17.24 LI—LIGHT INDUSTRIAL DISTRICT**

Note

*** Prior history:**17.24.050 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 § 1, 2002.**17.24.010 Purpose.**

The purpose of a LI district is to implement the Comprehensive Plan and to provide for sufficient amounts of land for types of manufacturing or other industries which, because of their character, can be permitted in relative proximity to residential and commercial districts.

Statutory Reference: ORS Ch. 197, Ch. 227**History:** Ord. 1131 §2, 1990.**17.24.020 Uses allowed outright.**

In an LI zoning district, the following uses and their accessory uses are allowed outright. Outside or open storage shall be an allowed accessory use.

- (1) Automobile service station.
- (2) Community service facility such as a fire station, library, community center, park, utility facility.
- (3) Contractors or building material storage yard.
- (4) Dwelling for caretaker or night watchman on the property.
- (5) Freight depot or terminal.
- (6) Heavy equipment outlet.
- (7) Ice or cold storage plant.
- (8) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries and food and beverage products except sauerkraut, vinegar or pickles.
- (9) Manufacture, compounding, processing, packaging or treatment of articles or merchandise from such previously prepared materials as bone, cellophane, canvas, cloth, cork, feathers, leather, paper, plastics, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.
- (10) Manufacture of pottery and small ceramic products from previously pulverized clay, stone, marble or granite monuments, and the manufacture of products from previously prepared glass.
- (11) Manufacture of scientific and precision instruments, medical and dental equipment, musical equipment.
- (12) Truck service, sales, storage and repair.
- (13) Uses permitted outright in C-3 district.

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- (14) Welding, sheet metal or machine shop, including electroplating.
- (15) Wholesale distribution outlet, including warehousing and storage.
- (16) Recreational vehicles and boat storage.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1271 §1, 1998; Ord. 1323 §1, 2002.

17.24.030 Residential accessory uses.

Accessory uses allowed in a residential zoning district shall be allowed in connection with single-family, two-family and multi-family dwellings in this zoning district. Such accessory uses shall comply with the standards applicable to accessory uses allowed in the MR zoning district.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1323 §1, 2002.

17.24.040 Conditional uses allowed.

In an LI zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (conditional uses):

- (1) Planned unit development (PUD).
- (2) Dwellings, subject to GMC Subsections 17.14.050(1) through (5).
- (3) Recreation vehicle park, subject to GMC Section 17.62.100 (recreation vehicle park).
- (4) Indoor mini-storage.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1198§1(E), 1994; Ord. 1258 §1, 1998; Ord. 1289 §1, 2000; Ord. 1291 §1, 2000; Ord. 1323 §1, 2002.

17.24.045 Screening.

The following screening standards shall apply:

(1) Off-street parking and loading areas and business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a residential zoning district and from abutting unimproved public street rights-of-way where property on the opposite side of the unimproved right-of-way is in a residential zoning district.

(2) Business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a C-1 or C-2 zoning district and from abutting unimproved public street rights-of-way where property on the opposite side of the unimproved right-of-way is in a C-1 or C-2 zoning district.

(3) Storage, with the exception of merchandise display, outside of a wholly enclosed building shall be screened from abutting improved public street rights-of-way. Off-street parking and loading areas for customer vehicles, employee vehicles and vehicles for sale are not required to be screened from improved public street rights-of-way. However, off-street parking and loading areas for other types of vehicle storage (e.g. towed vehicles, recreational vehicles being stored as a service) shall be screened from abutting improved public street

rights-of-way.

(4) Required screening shall be accomplished by building placement, a landscaped earth berm or a sight-obscuring fence or hedge.

(5) Required screening shall be reviewed pursuant to GMC Chapter 17.80 (design review). When design review is not required, screening shall be reviewed by the City Administrator or designee.

(6) Required screening shall be a minimum of six feet (6') high. With the exception of equipment and vehicles, stored merchandise and materials shall not exceed the height of required screening. Stored equipment and vehicles may exceed the height of the required screening provided such equipment and vehicles are not stacked on top of one another.

(7) Required screening shall be sited so that it does not conflict with GMC Chapter 17.54 (clear vision). In locations where perimeter landscaping adjacent to a street is required as a condition of land use approval, required screening shall be located behind such landscaping.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1271 §2, 1998; Ord. 1323 §1 (Part), 2002.

17.24.060 Dimensional standards.

Except as provided in GMC Chapter 17.38 (planned unit development), Chapter 17.72 (variances) and Chapter 17.76 (exceptions), the following dimensional standards shall apply in an LI zoning district:

(1) Building Height. The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:

(a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor;

(b) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;

(c) Maximum building height may be increased if the city fire department reports that it possesses sufficient fire-fighting capability to provide emergency response to a structure of the height proposed.

(2) Side Setbacks. There shall be no minimum side setback requirement except when a side lot line abuts a residential zoning district, in which case the minimum side setback shall be twenty feet (20').

(3) Rear Setbacks. There shall be no minimum rear setback requirement except when a rear lot line abuts a residential zoning district, in which case the minimum rear setback shall be twenty feet (20').

(4) Front and Street Side Setbacks. There shall be no minimum front or street side setback requirements.

(5) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area.

(6) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines.

(7) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be ten feet (10').

(8) Portable Storage Container Setbacks. When a lot line abuts a residential district, a setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

Statutory Reference: ORS Ch. 197, Ch. 227

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History: Ord. 1131 §2, 1990; Ord. 1140 §4, 1991; Ord. 1323 §1, 2002; Ord. 1392 § 9, 2007.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.24.070 Exceptions in case of large scale development.

The standards and requirements of the regulations of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, or large industrial area development providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determine there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants and other legal provisions as will assure conformity to and achievement of the plan.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

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