

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

**Tuesday, October 21, 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.

1. Minutes of September 16, 2014 Meeting.

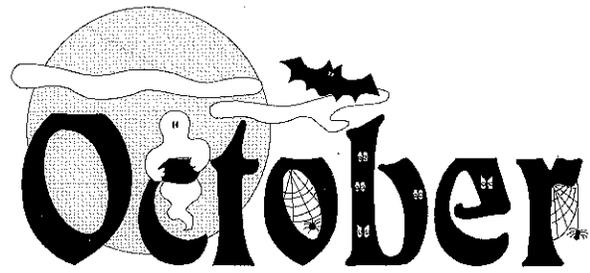
**REGULAR AGENDA**

2. Code Enforcement: Nuisances – Lieutenant Jeff Jolley & Sean Boyle (no attachments)
3. Hearing to Consider Draft Amendments to Gladstone Municipal Code Chapter 17.52 – Signs
4. Work Session: Gladstone Code Review

**BUSINESS FROM THE PLANNING COMMISSION**

**ADJOURN**





## CONSENT AGENDA



GLADSTONE PLANNING COMMISSION MEETING MINUTES - September 16, 2014

Meeting was called to order at 7:00 PM.

**ROLL CALL:**

The following city officials answered roll call: Commissioner Tammy Stempel, Chairperson; Commissioner Kirk Stempel; Commissioner Pat McMahon; Commissioner Kevin Johnson; Commissioner Steve Johnson; Commissioner Michele Kremers.

**ABSENT:** none

**STAFF:**

Jolene Morishita, Assistant City Administrator; Davis Doughman, City Attorney; Clay Glasgow, City Planner;

*Chairperson Stempel read and reviewed the Duties of the Planning Commission.*

**CORRESPONDENCE:**

None

**CONSENT AGENDA:**

1. Minutes of July 15, 2014 and August 19, 2014 Planning Meetings.

*Commissioner Kevin Johnson made the motion to approve the minutes from July and August. Commissioner McMahon seconded the motion. Motion passed unanimously.*

**REGULAR AGENDA:**

2. Election of Planning Commission Vice-chair – With the recent resignation of Kim Sieckman due to his appointment to the City Council, the commission shall elect a vice-chair to serve until 12-31-2015 (no attachments).

Chairperson Stempel announced that the Commission has a concern because they have two (2) commissioners that are also running for City Council. The Commission is postponing the election of the Vice-chairperson until the November Planning Commission Meeting – after the elections. Commissioner Kevin Johnson will act as the tentative Vice-chair until the election. He will chair the Planning Commission meetings in the absence of Chairperson Stempel until then. After a brief discussion, City Attorney Doughman advised the Commission to take a vote, just to get it on the record.

*Commissioner Steve Johnson made a motion to approve Chairperson Stempel's proposal to accept Commissioner Kevin Johnson as the tentative Vice-chair. Commissioner McMahon made the second. Proposal was passed unanimously.*

3. Public Hearing: Z0319-14-M – Partition application, divide subject property at 17940 Oatfield Road into two (2) parcels, one with the existing residence and the second for future residential development.

Chairperson opened the public hearing on the application to divide the 0.39 acre property into two parcels at 7:05 pm, September 16, 2014. She explained that the procedures that they would follow will be (a) Planning Department Report, (b) Applicant Testimony, (c) Proponent Testimony, (d) Opponent Testimony, (e) Applicant Rebuttal, (f) Decision to Continue or Close the Hearing, and (g) Planning Commission Discussion and Decision.

Chairperson Stempel solicited the Commission for anyone who would like to disqualify himself or herself for any personal or financial interest in the matter. She also solicited if any of the Commissioners wished to report any significant ex parte or prehearing contact.

Each of the Commissioners and Chairperson announced that they had visited the site. Commissioner McMahon admitted that he had walked onto the site and talked briefly with Matt's wife.

Chairperson Stempel solicited the public to see if anyone challenged the right of any of the Commissioners to hear the case or to question the jurisdiction of the Planning Commission to hear the action of the Planning Commission (City Council on cheat sheet) in this matter.

Chairperson Stempel read the rights and responsibilities of the applicants according to Oregon Land Use Laws and Land Use Laws Board of Appeals.

- a. **Planning Department Report** - City Planner Glasgow admitting to knowing the applicant, Matthew Greenhite, through his role as the City Planner, as Matthew Greenhite, was previously a Chairperson for the Gladstone Planning Commission and went on to say that it would not affect his recommendations.

City Planner Glasgow described the property and application as presented in the Staff Report. He reported that all of the code criteria for the application had been met except for Subsection 17.50.40(1), Curbs and Driveways (middle of page 3 of the report). He had some reservation about the access of the driveway to the property. The code does not mention minimum driveway widths – only roads and alleyways which is 20 feet. The driveway that will service both properties is 18 feet wide, of which only 16 feet is serviceable because of the vegetation at the edge of the driveway. The fire department would have to park curbside to access the properties. Because of the length of it, we need to look at it as a driveway, rather than a roadway. He said that he is okay with that, since it will only ever serve the two properties. Otherwise, everything is okay except that rather odd access point off the half-cul-de-sac.

Commissioner Kevin Johnson commented that you are not just adding one driveway – you are adding two. City Planner Glasgow replied that it was one driveway serving two parcels. Commissioner Kevin Johnson questioned, so you are closing one driveway to Oatfield, but you are opening two to the cul-de-sac. So the question is, “Do we not have any size width for driveways for a flag lot,

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because that is essentially what we are creating? We have flag lots off of Portland Boulevard – can they be only 15 feet wide?” City Planner Glasgow explained that there are dimensional standards that apply to new lots, and there are automatic variants for flag lots. This will essentially be a flag lot, and it will share the driveway with the house up front. The 20 foot requirement for roads is for emergency purposes – this will not be used by emergency vehicles – the fire department can access it from the street they can reach anything with the hose.

Chairperson Stempel was concerned that there was nothing in the report from the Fire Marshal (Mike Funk) or from Public Works. City Planner Glasgow said that he was surprised also – he was just glad that they got the existing driveway (to Oatfield) closed. Commissioner McMahon asked Matthew Greenhite if the original driveway was closed. Mister Greenhite stated that it was not closed yet, but that it going to be closed. Commissioner McMahon continued to determine that the driveway that serves the duplex of the front building will also dump into the cul-de-sac.

Matthew Greenhite (in the background) explained that the 11 foot driveway, which ran almost 150 feet, would be closed and it would open two 16 foot driveways. Commissioner Kevin Johnson acknowledged that the building up front is already on a separate lot.

Commissioner McMahon asked if it was feasible to ever put a driveway off the back of the property to Pam Court if this is an issue. A short discussion ensued. Matthew Greenhite explained that the property back up to Monticello, which is 10 feet higher than the property in question. City Planner Glasgow pointed out that it also backs up to private property between the lot in question and Monticello Road.

Commissioner McMahon asked about sprinkler systems on the property, and if it could be done. Commissioner Kevin Johnson asked if that was a requirement that they had. Chairperson Stempel responded that the sprinkler systems should have been addressed by Mike so we could have required that. City Planner replied that it was something that they often required at the request of the fire district. Commissioner Kevin Johnson asked if it was something that they normally do. Chairperson Stempel said that it was – they have done it in the past.

Commissioner Kirk Stempel pointed out that the house off of Caldwell, called something like Keisha Way, or whatever – we required sprinklers on that house. Chairperson Stempel interjected that she thought they were going to require sprinklers in new lots along the river, too – one of the houses. She said that most of her concerns on based on the information that they should have gotten from Mike about this. She stated that there has been discussion about this, and there should be comments. Her concerns were based on the fire access and what conditions we need to put in place to accommodate that.

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City Attorney Doughman suggest that the option would be to get something from the fire department that says that things are okay as they are, or the alternative is that they are not and sprinklers need to be added, so one thing to consider tonight is to say that sprinklers will be required if the fire department said...

City Planner asked if the condition could be changed and just shortened to "satisfy the requirements of the Gladstone Fire Department." Chairperson Stempel stated that she wanted to make sure that he (Mike) looks at it and that he makes that determination.

City Planner Glasgow interjected that notices were mailed on August 27 to both Scott (Monte, Fire Chief) and Mike. Chairperson Stempel stated that she wanted on the record that "we depend on their feedback, as the Planning Commission, to make these decisions, and when they are not participating in this process, it makes our jobs very, very difficult and it puts liability on our shoulders that should not be there...I want all the information so that we can make the right decisions."

Commissioner McMahan wondered what fire code that he (Mike) is using if he is using some fire code, because they had already discussed this in City Council, and they have a 20 to 25 year-old fire code, so what fire code is he using; and is that applicable? He thinks that they can get a fire engine or stretch hose up there, maybe 100 to 150 feet, so he does not see the fire issue as a terrible as others. Someone in the audience interjected that they could probably get closer to it from Monticello, even though it is 10 or so feet higher to the street. Commissioner McMahan pointed out that they would go directly to the address on Oatfield, but may decide to go up there (Monticello).

Commissioner Kirk Stempel said that his concern was that the corner into the cul-de-sac is a real tight corner right there, and you are going to be limited getting to this point, and that is about it. Commissioner McMahan pointed out that that is the situation in which you would just want to run fire hose in there, and used another, known driveway as an example.

Chairperson Stempel reiterated that she still wants the comments from the fire department. She then asked at what point to we consider the cul-de-sac something more than just a cul-de-sac, since it has about eight or nine addresses on Oatfield feeding off this one little cul-de-sac. At what point do we bump it up to a street or something to where it has a higher level of requirements? She thinks that this many addresses off one small cul-de-sac demands something more robust.

Commissioner Kevin Johnson questioned the number of houses in the cul-de-sac. Someone interjected that some of them were duplexes, so there were actually eight addresses. With the new property, the number of addresses would be nine.

City Planner Glasgow said that, since he did not get feedback from some of the other departments, he ran the proposal by their own traffic people who did not see

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the outlet from Oatfield as a “cul-de-sac.” They liked it because it gives people a chance to slow down after they pull off Oatfield, so they did not have to slow down as much on Oatfield. They said to just look at it as if it wasn’t there – as if this were straight and this was just a bunch of addresses right on Oatfield; that would be more dangerous than just this little bulb out because it gives people a chance to slow down before making their turns into their driveways.

Chairperson Stempel said that another reason that she is questioning this is because all of these residences are going to have Oatfield addresses – and we allow duplexes on Oatfield, and so the lot behind can also be a duplex, because it will have an Oatfield address. City Planner Glasgow answered, potentially.

Chairperson Stempel said that she also has a concern with the traffic because that is already a pretty congested area a couple of times a day for school, and it is pretty heavily traveled by students going back and forth from school from the North and South sides of Oatfield and now you are adding more traffic to the area because of the three or four new residences there. At what point do we red-flag it and say that we need some kind of study to see what kind of impact that is going to have? We just recognized that it is a pretty dangerous intersection just about 200 feet or so and just put up flashing yellow lights for the crosswalk. So obviously, it has been noted that that is a pretty dangerous area.

City Planner Glasgow admitted that it traffic does get busy there a couple of times per day, but there is no LOS (level of service) issues there that would require a study. He determined that with the additional traffic of the new address at nine or ten a day per household from the new address, that it is only a drop in the bucket when compared to the amount of traffic on Oatfield. This does not rise to the level for the need of a traffic study, combining the use with the current LOS.

- b. **Applicant Testimony** – Matthew Greenhite, 17940 Oatfield Road, thanked the commission for hearing his application before the review of the code, then went on to remark about his cul-de-sac, and effective it was to get in and out of his property versus the driveway onto Oatfield. He said that he had been really shocked to find out that it was not really considered a cul-de-sac – that it was actually part of Oatfield Road. He thinks that the city should use more of those kinds of things.

He was concerned that the Commission was lumping the front lot with the property that he is trying to divide, since it is owned by a separate owner, and it has always been approved authorized for a duplex. What he is doing would open up one or two new sites.

City Planner Glasgow asked if there was construction going on the front lot. Mister Greenhite responded yes and admitted that it was part of what led to this, since the front lot was six feet further into his front yard that he knew, so they have no front yard to speak of. This would leave a 9,500 square foot house with

no yard, but it will have two patios and parking for three cars and an RV, and two porches – but no grass to mow. But it does allow for an almost 7,600 square foot lot on the back with most of the driveway occurring on the front lot.

He pointed out that he had put a red line on the drawing and some post that he had sprayed with fluorescent red paint. Currently the driveway and apron narrow down to about 12 feet, so that will have to be widened to 16 feet, as will the driveway around the house as part of the proposal. The previous driveway had been large enough to park his truck with a 12 foot trailer, but it would not be large enough to bring a large ladder truck in there – that with the 11 foot drive and a 14 foot upper drive.

He believes that everyone in the fire department knows that they would have better luck servicing this from up above anyway. You probably would service it by bringing a truck part of the way up the 15 foot drive, than run a hose up the drive to the property. He had talked to Mike (fire department) before the meeting and suggested that maybe that is why Mike is not present (that and he did not want to be present for the code review). So he had talked with both Mike and Scott (Public Works) ahead of time, knowing from his time on the Planning Commission that that is where he might have problems in the application.

Commissioner Steve Johnson asked what he intended to do with the other piece of property. Mister Greenhite said that he was not quite sure about that. He had sold that property three times, and found out that without the front lot, he did not have access to his back lot because he did not have easement through the front lot, which he had sold. The last time he sold it, he found out that the driveway came into his front yard by six feet more than what he thought, so he had no front yard. With the previous driveway layout up the 11 foot drive, it required a turnaround; now it does not require the turnaround. He gave a brief history of the lot and access problems which he had in the past.

Commissioner Steve Johnson clarified that the driving force behind this was to gain access to the property and commented that the history helps.

City Planner Glasgow asked Mister Greenhite if he had noticed the proposal condition number 9, that the structure on the proposed parcel 2B would have to be removed prior to recording the final plat. The reason behind that is that if the parcel is divided while the structure still exists, there would be a parcel of land that has a building on it that is not a house. Mister Greenhite pointed people have tried to put garages on lots without houses, but this is a pre-existing building. City Planner Glasgow pointed out that it is an accessory to a preexisting house. If he did not remove it, then it would be an accessory building with its own piece of ground, and by definition, accessory needs primary; he just wanted to draw attention to that. He advised that the way around that would be to get building permits prior to submitting the plat, then you still would not have the primary

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building, but it is on its way and could remain so as long as the building permits were kept active.

- c. **Proponent Testimony** – none.
- d. **Opponent Testimony** – none.
- e. **Applicant Rebuttal** – no one present.
- f. **Decision to Continue or Close the Public Hearing** -  
*Commissioner Kevin Johnson move to close the public hearing. Commissioner Kirk Stempel seconded. Motion to close the public hearing passed unanimously.*
- g. **Planning Commission Discussion and Decision** -

Chairperson Stempel solicited for discussion or a motion.

*Commissioner McMahon made a motion to approve file number Z0319-14-M and would like to have the residential sprinkle system stricken until we know more conclusively what codes are being used to make it mandatory, or what they are working under. City Planner Glasgow says that the way he has it now is that all development shall satisfy the requirements of the Gladstone Fire Department – he would accept that. Chairperson Stempel clarified, “to get rid of ‘to include residential sprinkler system.’” City Planner Glasgow responded, “Yes.”*

*Commissioner Kevin Johnson seconded. Proposal was passed unanimously.*

4. Regular Work Session, Gladstone Code Review:

Chairperson Stempel suggested that it be postponed because Jolene was not feeling well. Commissioner had one quick question regarding the having sent out anything regarding the external speaker systems. Chairperson Stempel said that she had not sent it. Commissioner Kevin Johnson asked if they received anything on the Portland Avenue design stuff. Chairperson Stempel said that she would get that to Tami to forward to everybody.

Commissioner Kirk Stempel asked why they did not see anything on the Toyota remodel. City Planner replied that it was appearing to be more than was presented. Basically what he had seen when they came in to talk was a simple façade change, and that the total change in square footage was less than 100 square feet. They are planning to enclose that space underneath the roof as you go into service bays on the South side of the building, and they are adding an elevator. The rest of it was simple corporate façade changes, changing to new colors and the logos. On paper, it looked like nothing. It was a minor change in footprint, and they were going to cover that little drive area, but that was even a small change. It looked completely minor, so he had told them that no design review would be required. He is curious about what it is going to look like when they get done.

Commissioner Stempel said that he would like to see a “Stop Work Order” and have them come in. It looks like major changes are taking place. City Planner Glasgow said that he would contact Toyota, and he will get clarification on this. The Commission will hear from him before the next meeting.

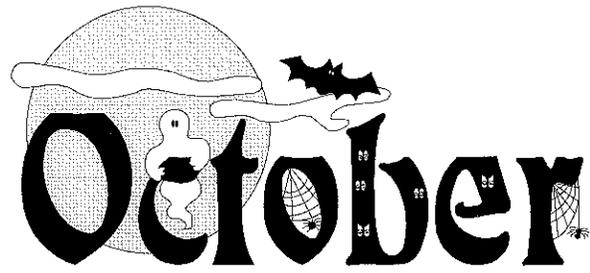
**Adjourn:**

*Commissioner Kevin Johnson motioned that the meeting be adjourned. Commissioner Steve Johnson seconded. Meeting was adjourned at 7:40 p.m.*

Minutes approved by the Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_, Tamara Stempel, Chair

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## REGULAR AGENDA





Beery Elsner  
& Hammond LLP

## MEMORANDUM

TO: Chair Tamara Stempel  
Gladstone Planning Commissioners

FROM: David Doughman, City Attorney's Office **DFD**

SUBJECT: Amendments to Sign Code in Response to Booster Proposal

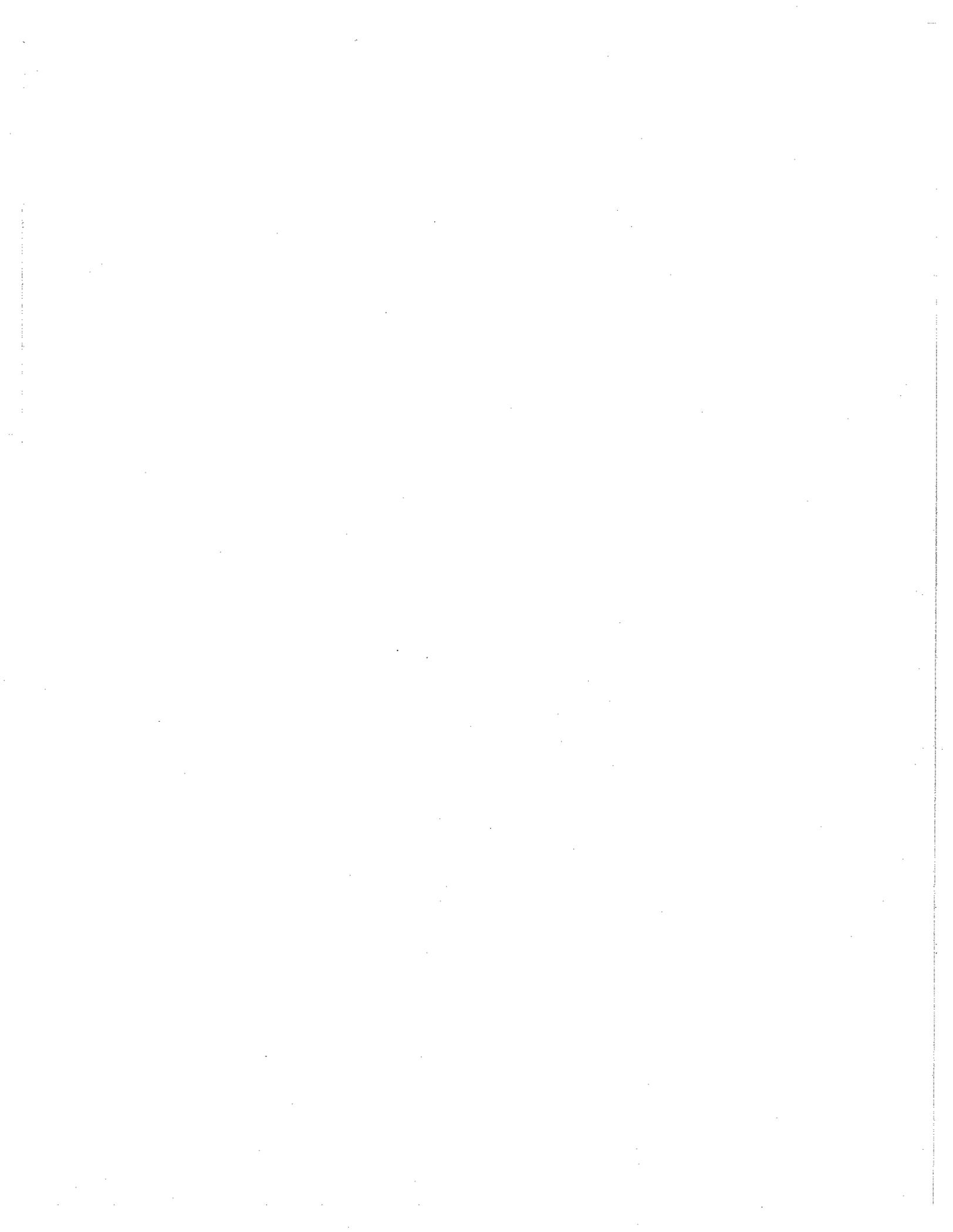
DATE: October 14, 2014

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At its October 21 meeting, the Gladstone Planning Commission will consider draft changes to the city's sign code at GMC Chapter 17.52. The changes respond to council and commission direction to allow certain types of signs to be placed onto PGE poles along Portland Avenue. Specifically, the amendments will permit the city, on behalf of the Gladstone Booster Club, to place signs on the poles encouraging support for the high school's athletic teams.

To accomplish this, the commission will consider changes to GMC sections 17.52.50 and 17.52.060. I considered a number of other revisions before settling on this approach. The intent is for the code to not limit the size, location, number or duration of such signs but for the code to otherwise apply to the signs (i.e. standards regarding height above the right-of-way, illumination standards, etc. would continue to apply). Of course, the commission may choose to recommend a different approach.

RECOMMENDATION: review the draft amendments and forward a recommendation for approval to the city council.



**17.52.010 Purpose.**

(1) This chapter's provisions are intended to maintain a safe and pleasing environment for Gladstone by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs. More specifically, this chapter intends to achieve the following objectives:

(a) To insure that the design, construction, installation and maintenance of signs does not compromise public safety;

(b) To promote positive conditions for meeting sign user's needs while ensuring that nuisances are avoided to nearby properties;

(c) To support the desired character and development patterns of the City; and

(d) To allow for a reasonable amount of signs while preventing signs from dominating the visual appearance of any area of the City.

**17.52.020 Applicability.**

(1) While the provisions of this chapter regulate the size, height, number, location, type, structure, design, lighting, and maintenance of signs, they are not intended to restrict, limit or control a sign's content, to the extent prohibited by law.

(2) Unless otherwise stated or limited herein, this chapter regulates all related elements of a sign, including a sign's face or display area, structure, supports, braces, guys and anchors.

(3) The provisions of this chapter are in addition to any other relevant provisions under state or federal law.

(4) For the Office Park (OP) zoning district, where the standards of this chapter conflict with the sign standards in the OP district, the standards of the OP district will apply.

**17.52.030 Conformance.**

No sign may be placed, constructed, erected, displayed or modified unless it conforms to this chapter's regulations. This chapter is structured to grant permission to erect specified types of signs under specific standards, and does not allow for the erection of a sign not specifically permitted herein.

**17.52.040 General provisions.**

(1) Permit required. Unless exempted under this chapter, a permit is required to place, construct, erect, display or modify a sign.

(2) Review process. The city administrator or his designee will review applications for sign permits for compliance with this chapter unless otherwise stated in this chapter. The city administrator's decision will be rendered in accordance with GMC 17.94 and may be appealed in accordance with GMC 17.92.

(3) Structural code compliance. A sign must comply with the applicable provisions of the State of Oregon Structural Specialty Code and any related or similar provisions adopted by the City, unless such compliance is modified by this chapter.

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(4) Sign clearance. A minimum clearance of eight (8) feet above sidewalks and fifteen (15) feet above driveways must be provided under a freestanding sign.

(5) Vision and sight consideration. A sign must be situated in a manner so as not to adversely affect public safety. Compliance with the City's regulations regarding clear vision is required.

(6) Blanketing. A sign must not be situated in a manner that results in the blanketing or obfuscation of an existing sign on an adjacent property.

(7) Illuminated signs and electric elements.

(a) A sign illuminated in any manner must shield, deflect or otherwise prevent the light illuminating the sign from shining into or onto a neighboring property or impair the vision of any vehicle operator;

(b) No sign or illuminating device associated with a sign may have blinking, flashing or fluttering lights, except as otherwise allowed under this chapter;

(c) No sign or illuminating device associated with a sign may be used in a manner that may be confused with or construed to be traffic signals, traffic control devices, or lights on emergency vehicles;

(d) Except as otherwise provided in this chapter, an illuminated sign cannot be located closer than twenty-five (25) feet to a lot in a residential zoning district;

(e) The light intensity of an illuminated sign or illuminating device associated with a sign must conform to the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

(f) A sign containing any electrical components or elements, or illuminated by electrical lighting must be approved under the National Electric Code, as modified by Oregon's regulations, and any related or similar provisions adopted by the City.

(g) An illuminated sign or illuminating device associated with a sign requiring an electric power source must use an Oregon-approved power outlet.

(h) As used in this chapter:

(A) A "directly" illuminated sign means a sign with exposed lighting or neon tubes on the sign's face, and includes a sign where the message or image is created by light projected onto a surface.

(B) An "indirectly" illuminated sign means a sign with light source that that is separate from the sign face and is directed to shine onto the sign.

(C) An "internally" illuminated sign means a sign where the light source is not exposed and is concealed within the sign.

(8) Moving signs. Except as otherwise allowed under this chapter, a sign must remain in a static state, and cannot be designed to rotate, flutter or appear to move.

(9) Maintenance and hazards.

(a) A sign must be in good repair and maintained in a neat, attractive and safe condition, and no sign may be used or situated in a manner that creates a hazard to the public.

(b) Failure to use a sign's copy area for a period of more than twelve (12) consecutive months will constitute a discontinuance of the sign's use and may be declared a nuisance by the City.

(10) Nonconforming signs. A sign that lawfully exists at the time this chapter or any amendment thereto becomes effective, but does not conform to this chapter's standards, may only be altered if:

(a) The alteration does not increase a sign's nonconformity with this chapter's standards; and

(b) The alteration is reviewed under this chapter.

(c) Nonconforming government owned or maintained signs may be altered to the extent of their existing nonconformity notwithstanding this chapter's standards.

(11) Setbacks.

(a) Unless otherwise stated herein, the minimum setback for a sign with a sign face of twenty-four (24) square feet or less in area is one-half of the minimum setback required in the zoning district in which the sign is located. If no setback exists, the sign must be located in an area that ensures it does not compromise public safety, as determined by the city administrator or designee.

(b) Unless otherwise stated herein, the minimum setback for a sign with a sign face greater than twenty-four (24) square feet in area is the same as the minimum setback required in the zoning district in which the sign is located. If no setback exists, the sign must be located in an area that ensures it does not compromise public safety, as determined by the city administrator or designee.

(12) Area Calculation.

(a) Unless otherwise stated herein, the sign face area limitations established by this chapter will apply on a per-side basis. Every sign is limited to a maximum of two (2) sides.

(b) Sides may be of no greater area than that necessary to provide a frame or support structure to the sign face.

(c) For signs that are allowed a maximum area of twenty-four (24) square feet or more:

(A) Sides cannot exceed the maximum area standard by more than one (1) foot in width, unless the applicant demonstrates to the city administrator's satisfaction that a greater width is necessary to provide adequate support for the sign faces; and

(B) Two (2) support poles may be excluded from the area calculation provided that the caliper of any pole does not exceed one (1) foot, unless the applicant demonstrates to the city administrator's satisfaction that a greater caliper is necessary to provide adequate support for the sign.

(d) For signs required to have a maximum area of less than twenty-four (24) square feet:

(A) Sides cannot exceed the maximum area standard by more than six (6) inches in width, unless the applicant demonstrates to the city administrator's satisfaction that a greater width is necessary to provide adequate support for the sign faces; and

(B) One (1) support pole may be excluded from the area calculation provided that the caliper of any pole does not exceed six (6) inches, unless the applicant demonstrates to the city administrator's satisfaction that a greater caliper is necessary to provide adequate support for the sign.

(e) Support structures excluded from the area calculation may only contain copy or graphics to the extent that such markings are placed on the support structures by the structures' manufacturer.

(f) Requests to allow sides to exceed the maximum widths or to allow support poles to exceed the maximum calipers established herein will be reviewed pursuant to the GMC's design review standards. In no event may a side exceed a maximum width by more than two (2) feet, or may a caliper be larger than two (2) feet.

(13) Definitions.

(a) "Electronic message center sign" is a sign whose informational content can be changed or altered by electronic means and whose message is typically delivered through the use of LED lights.

(b) "Freestanding sign" is a ground or pole mounted sign not attached to a building, but does not include a portable A-frame sign.

(c) "On-building sign" is a sign attached to any part of a building.

(d) "Portable A-frame sign" or "A-frame" is a sign with two (2) sides, the frame or support structure of which is hinged or connected at the top of the sign in such a manner that the sign is easily moved and erected.

(e) "Temporary sign" is a sign that historically advertised events of a limited duration, such as political campaigns, real estate sales, special sales, etc. As opposed to other signs permitted under this chapter, temporary signs cannot be displayed permanently. For this chapter's purposes, a temporary sign may be a freestanding or on-building sign, but cannot be an A-frame sign.

17.52.050 Exemptions.

(1) The following signs do not require a sign permit, but must otherwise conform to this chapter's standards except as otherwise stated below:

(a) A sign with a sign face area of two (2) square feet or less;

(b) Government owned or maintained signs in the public right-of-way;

(c) A sign in an open space district;

(d) Temporary signs;

(e) A-frame signs in residential districts.

(f) Government owned or maintained signs in the public right-of-way are not subject to this chapter's limitations on sign size, number, or location and they may permanent or temporary at the discretion of the owner notwithstanding this chapter's standards governing temporary signs.

(2) This chapter does not regulate the following signs:

(a) Dispensers, such as beverage, newspaper and recycling machines;

(b) A sign required by local, state or federal law or regulation, such as but not limited to building and address numbers, street signs, and public notices;

(c) A sign not oriented towards or intended to be legible from a right-of-way, private road or other private property, unless otherwise regulated herein;

**17.52.060 Prohibited signs.**

(1) This section is provided for the benefit of sign applicants and for the administration of this chapter. However, this section must be read consistently with GMC 17.52.030. As such, because a specific type of sign is not listed as prohibited does not mean that it is allowed. The following is a non-exclusive list of signs that are prohibited in the City:

(a) A sign that obstructs the vision clearance of a right-of-way or driveway intersection;

(b) A sign affixed to or placed on a roof, or an on-building sign extending above the roofline of the building on which it is located;

(c) A sign that obstructs ingress or egress through a door, window, fire escape, standpipe or any similar facility required or designated for safety or emergency use;

(d) A sign in the public right of way, other than government owned or ~~managed~~ maintained signs, unless otherwise specifically allowed herein.

(e) Strobe lights.

(f) A sign affixed to or placed upon a tree.

(g) A sign affixed to a utility pole, unless the owner of the pole approves of the sign in writing and the sign is otherwise specifically allowed herein.

**17.52.070 Signs in commercial and industrial districts.**

(1) Freestanding signs. Freestanding signs are allowed in commercial and industrial zones.

(a) Number. One (1) freestanding sign is allowed for a development or complex, even when more than one tax lot or ownership is included in the development. A second freestanding sign is permitted in the following cases:

(A) If the development has a public vehicular access point on each of two (2) or more streets, and two (2) freestanding signs are desired, each must be located at access points on different streets; or

(B) The development has more than three hundred (300) feet of continuous frontage on a major arterial. In this instance, the combined sign face area of the two freestanding signs cannot exceed the area allowed under GMC 17.52.070(1)(c)(B).

(C) Regardless of whether a development qualifies under 1(a)(A) and 1(a)(B) above, no more than two (2) freestanding signs will be permitted.

(b) Height.

(A) Pole signs: The maximum height of a freestanding pole sign is twenty (20) feet from the ground.

(B) Monument signs: The maximum height of a monument sign is five (5) feet from the ground.

(c) Area. The maximum sign face area for a freestanding sign is forty (40) square feet. The maximum sign face area for a freestanding sign may be exceeded only in the following instances:

(A) The applicant demonstrates that an increased sign face area is warranted due to one or more of the following factors. Under this subsection, the maximum sign face area cannot exceed sixty (60) square feet.

(i) The development upon which the sign will be placed is significantly larger than other developments in the City;

(ii) The sign will be constructed of wood, brick or stone, or a combination of the same, and illuminated indirectly;

(iii) An electronic message sign or other changeable text copy sign will be included, as permitted by this chapter.

(B) The property has frontage on a major arterial, in which case the sign face area may be one-half (1/2) of a square foot per lineal foot of major arterial frontage. Regardless of total frontage, the maximum sign face area under this subsection cannot exceed two hundred (200) square feet.

(d) Illumination. A freestanding sign may be internally or indirectly illuminated consistent with this chapter's standards regarding the illumination of signs.

(2) On-building signs. On building signs are allowed in commercial and industrial zones.

(a) Number. The maximum on-building sign face area may be distributed among any number of signs.

(b) Area. The maximum on-building sign area is calculated as follows:

(A) If no freestanding sign exists for a development, the maximum on-building sign face area for each tenant of that development is one and one-half (1½) square feet per lineal foot of the tenant's primary building wall.

(B) If a freestanding sign exists for a development, the maximum on-building sign face area for each tenant of that development is one (1) square foot per lineal foot of the tenant's primary building wall.

(C) Each tenant is allowed a minimum of thirty-two (32) square feet of on-building sign face area.

(D) No individual on-building sign may exceed two hundred (200) square feet in sign face area.

(c) Wall graphics. The use of external walls for graphics, artwork or other displays shall be subject to this chapter's limitations for on-building signs.

(d) Illumination. An on-building sign may be internally or indirectly illuminated consistent with this chapter's standards regarding the illumination of signs.

(e) Alternative to on-building sign. A monument sign within a development is permitted as an alternative to an on-building sign provided the monument sign:

(A) Is located in front of the building with which it is associated;

(B) Does not exceed twelve (12) square feet in total area;

(C) Does not exceed five (5) feet in height; and

(D) Uses materials and colors that are the same, or substantially the same, as those used on the building associated with the sign.

(E) A monument sign meeting the standards of this subsection is permitted in addition to any freestanding sign otherwise permitted by this chapter.

(3) Changeable Copy Signs. Electronic message center signs or manually changeable copy signs (a.k.a. "readerboards"), may be incorporated into a freestanding or on-building sign subject to the following provisions.

(a) Number. Only one (1) such sign is allowed in a development.

(b) Area. Such a sign will be included in the maximum area allowed for a freestanding or on-building sign.

(A) An electronic message center sign cannot comprise more than thirty percent (30%) of the sign's area of which it is a part.

(B) A manually changeable copy sign cannot comprise more than eighty percent (80%) of the sign's area of which it is a part.

(c) Design. A changeable copy sign must be integrated into the design of the freestanding or on-building sign of which it is a part.

(d) Duration. If an electronic message center sign displays a segmented message, the entire message must be completed within ten (10) seconds.

(e) Integration required. A changeable copy sign will only be permitted if it is part of a freestanding or on-building sign. This subsection does not allow for such signs to be displayed independent of a freestanding or on-building sign.

(4) Portable A-frame signs. Portable A-frame signs are allowed in commercial and industrial zones.

(a) Number. One (1) A-frame sign is allowed per business. If no business exists on a parcel of property, then one (1) A-frame sign is allowed for that property. If a business or property, as relevant, uses an A-frame sign, then a temporary sign under 17.52.100 cannot be erected.

(b) Location. An A-frame sign must be located within a property's setback, or within another commercially or industrially zoned business's setback, except as provided below.

(A) If the sign is located on another commercially or industrially zoned property, the sign owner must obtain written consent from the business's owner, or from the property's owner if no business exists on the property. As only one (1) A-frame sign is allowed per business or property, as relevant, this consent must also explicitly waive the owner's right to an additional A-frame sign.

(B) For properties without setbacks, or for properties that directly abut a sidewalk, the sign cannot impede pedestrian access along the business's frontage. A sign placed on or near a sidewalk must allow for at least five (5) feet of unobstructed sidewalk width.

(C) An A-frame sign cannot be placed within a roadway, or in medians, traffic islands or any other area within a roadway. Any sign so placed constitutes a safety hazard any may be removed by the City.

(c) Height. The maximum height of an A-frame sign is four (4) feet.

(d) Area. The maximum sign face area for an A-frame sign is six (6) square feet per side.

(e) Duration. A-frame signs may be displayed permanently, and may be displayed when a business is closed.

(f) Business license. After initial issuance of a permit for an A-frame sign, the permit will be renewed contemporaneously with business license renewal on an annual basis.

(A) The city administrator or designee will provide a permit form to be completed by and issued to the sign's owner prior to the owner's use of an A-frame sign. The form will include an acknowledgement by the sign's owner of the City's rules regarding A-frame signs, describe the precise location of the sign, and include other information necessary to ensure compliance with the City's sign code.

(B) If an A-frame sign owner's business license expires or is otherwise rendered invalid, the owner's use of its A-frame sign is prohibited until a new business license is issued.

(C) A business cannot obtain more than one (1) business license in order to have more than one (1) A-frame sign.

(5) Other signs in commercial and industrial districts. Signs under this subsection are allowed within commercial and industrial zones. Signs allowed under this subsection are in addition to other signs permitted under this chapter.

(a) Internal Sign.

(A) Location. An internal sign must be directed at visitors who have entered a given development, and not be directed to traffic passing by the development. To that end, the minimum setback for an internal sign is two (2) times the minimum setback required in the zoning district in which the internal sign is located, or at another location that ensures the sign is only directed at visitors of a development, as determined by the city administrator or designee. An internal sign traditionally identifies tenants or destinations within a development and directs traffic to such tenants or destinations.

(B) Area. The maximum area allowed for an internal sign is forty (40) square feet.

(C) Number. A development may have no more than four (4) internal signs, and the total aggregate area for all such signs cannot exceed forty (40) square feet.

(D) Height. An internal sign cannot exceed five (5) feet in height.

(E) Sight distance. An internal sign cannot obscure sight distance for on-site traffic.

(b) External Sign.

(A) Location. As opposed to an internal sign, an external sign may only be directed at traffic passing by or leaving a development. To that end, the setback for an external sign is one-half (1/2) of the minimum setback required in the zoning district in which the external sign is located, or at another location that ensures the sign is

only directed at traffic passing by or leaving a development, as determined by the city administrator or designee. An external sign traditionally directs traffic to or from a given development.

- (B) Area. The maximum area allowed for an external sign is three (3) square feet.
- (C) Number. A development may have two (2) external signs per frontage.
- (D) Height. An external sign cannot exceed four (4) feet in height.
- (E) Clear vision. An external sign must comply with all corner vision and clear vision requirements.

**17.52.080 Signs in open space districts.**

- (1) Signs in open space districts are limited to government owned or maintained signs.
- (2) Number. One (1) sign is allowed for each parcel or lot zoned open space.
- (3) Height. The maximum height of a sign in an open space district is six (6) feet.
- (4) Area. The maximum area of a sign in an open space district is forty (40) square feet.
- (5) Illumination. A sign in an open space district may be internally or indirectly illuminated consistent with this chapter's standards regarding the illumination of signs.

**17.52.090 Signs in residential zoning districts.**

- (1) Number. One (1) permanent sign is allowed for each parcel or lot zoned residential.
- (2) Type. The sign must be located inside the dwelling, located flat against the dwelling or located no further than four (4) feet from a residence's footprint.
- (3) Area. The maximum area of a permanent sign in a residential district is two (2) square feet.
- (4) Multifamily or residential subdivision standards.
  - (a) Area. The maximum area of a multifamily or subdivision sign is thirty-two (32) square feet.
  - (b) Number and type. One (1) freestanding sign is allowed for a subdivision development or a multifamily complex, even if more than one (1) tax lot or ownership is included in the development, except as follows:
    - (A) If a development has more than one (1) access point, one (1) additional sign may be located at a major public access point located on a different public road.
    - (B) In the case of (A) above, neither sign may exceed thirty-two (32) square feet in area.
    - (C) Individual properties within a subdivision are allowed a sign in accordance with subsections (1) through (3), above.
  - (c) Height. The maximum height of a multifamily or subdivision sign is five (5) feet.

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(5) Commercial and institutional use standards. The following standards apply to commercial uses approved as conditional uses in residential zones and to institutional uses that are nonconforming uses or that are approved as conditional uses in residential zones.

(a) Number. Only one (1) sign is allowed for a development or complex, even if more than one (1) tax lot or ownership is included in the development, except as follows:

(A) If a development has more than one (1) access point, one (1) additional sign may be located at a major public access point located on a different public road.

(b) Type. The sign may be freestanding or on-building.

(c) Area. The maximum sign face area is thirty-two (32) square feet.

(d) Height. The maximum height for a freestanding sign is five (5) feet, except for changeable copy signs, as provided below.

(e) Setbacks. A freestanding sign must comply with the minimum side and rear setbacks of the zoning district in which it is located. A freestanding sign may be located within the required front and street side setback areas.

(f) Changeable copy signs. In addition to the sign allowed under 17.52.090(5)(a), a church or school may have one (1) freestanding or on-building changeable copy sign.

(A) Such a sign may be internally or indirectly illuminated, but cannot be an electronic message center sign.

(B) Such a sign's maximum sign face area is thirty-two (32) square feet.

(g) Other standards. Signs approved under this subsection are not subject to 17.52.040(7)(d).

(6) Portable A-frame standards.

(a) Number. One (1) A-frame sign is allowed per lot or parcel.

(b) Location. An A-frame sign must be located within a property's setback. If the person responsible for the sign wants to locate the sign on another residentially zoned property, that person must obtain written consent from the owner of the property upon which the sign is to be placed.

(c) Height. The maximum height of an A-frame sign is four (4) feet.

(d) Area. The maximum sign face area for an A-frame sign is six (6) square feet.

(e) Duration. A-frame signs in residential districts are only allowed to be displayed as follows:

(A) From dusk on Fridays to dusk on Sundays; and

(B) From 10:00 a.m. to 2:00 p.m. on one weekday between Monday and Thursday.

**17.52.100 Temporary signs.**

(1) Temporary signs are allowed in addition to any permanent sign permitted under this chapter, except as otherwise stated below.

(2) Number. One (1) freestanding or on-building temporary sign is allowed per lot or parcel, except as otherwise stated below.

(3) Height. The maximum height of a freestanding temporary sign is six (6) feet. No on-building temporary sign may extend above the roofline of the building on which it is located.

(4) Area.

(a) The maximum area of a temporary sign in a commercial or industrial zone is thirty-two (32) square feet.

(b) The maximum area of a temporary sign in a residential zone is sixteen (16) square feet.

(A) A residentially zoned lot or parcel may have two (2) temporary signs, so long as the total combined area of the two signs does not exceed sixteen (16) square feet.

(5) Anchoring. Temporary signs must be situated in a manner that prevents the sign from being blown from its location, while allowing the prompt removal of the sign.

(6) Duration. A temporary sign may only be displayed for one hundred and eighty (180) days total in any calendar year for each lot or parcel, or only until the event associated with the sign has ended, whichever is earlier.

(7) Setbacks. The minimum setbacks for a temporary sign shall be one-half of the minimum setback requirements of the zoning district in which the sign is located. If no setback exists, the sign must be located in an area that ensures it does not compromise public safety, as determined by the city administrator or designee.

(8) Additional temporary sign standards for commercial and industrial districts.

(a) Temporary signs may be displayed during hours of operation only.

(b) No temporary sign is allowed for any development or complex that has a changeable copy sign incorporated into a permanent sign.



# **WORK SESSION**



City of **GLADSTONE**



September 26, 2014

To Whom It May Concern:

The Gladstone Planning Commission is reviewing codes and ordinances related to nuisances and noise control. The Planning Commission has received feedback from individuals concerned with the use of outdoor paging systems, which are in close proximity to the City's residential zones. For your reference, attached are copies of the applicable codes under Chapter 8.12 Noise Control, specifically 8.12.050 Prohibited Acts and 8.12.060 Maximum Permissible Sound Levels.

On October 21, 2014 at 7:00 pm in the Gladstone City Hall second floor council chambers, outdoor paging systems will be one of the topics discussed by the Planning Commission. The Commission would welcome your feedback regarding the necessity of such outdoor paging systems and would also be interested in hearing how possible alternatives to outdoor paging systems are/could be utilized.

To allow Commissioners ample time to review all feedback, prior to the Planning Meeting, comments need to be received, in writing, by **October 14**. Comments may be mailed to City Hall at 525 Portland Avenue or emailed to [Morishita@ci.gladstone.or.us](mailto:Morishita@ci.gladstone.or.us).

Thank you in advance your input.

Sincerely,

Tammy Stempel  
Chair, Gladstone Planning Commission

**City Hall**  
525 Portland Avenue  
Gladstone, OR 97027  
(503) 656-5223  
FAX: (503) 650-8938  
E-Mail: (last name)@  
ci.gladstone.or.us

**Municipal Court**  
525 Portland Avenue  
Gladstone, OR 97027  
(503) 656-5224 ext. 1  
E-Mail: municourt@  
ci.gladstone.or.us

**Police Department**  
535 Portland Avenue  
Gladstone, OR 97027  
(503) 656-4253  
E-Mail: (last name)@  
ci.gladstone.or.us

**Fire Department**  
555 Portland Avenue  
Gladstone, OR 97027  
(503) 557-2776  
E-Mail: (last name)@  
ci.gladstone.or.us

**Public Library**  
135 E. Dartmouth  
Gladstone, OR 97027  
(503) 656-2411  
FAX: (503) 655-2438

**Senior Center**  
1050 Portland Avenue  
Gladstone, OR 97027  
(503) 655-7701  
FAX: (503) 650-4840

**City Shop**  
18595 Portland Avenue  
Gladstone, OR 97027  
(503) 656-7957  
FAX: (503) 722-9078

Noise Control/Outdoor Paging  
Letter Mailed  
09-26-2014

Affordable Classics Inc  
PO Box 68251  
Oak Grove, OR 97268

Airstream Adventures NW  
19360 McLoughlin Blvd  
Gladstone, OR 97027

Auto Town Buick GMC Inc.  
19495 McLoughlin Blvd  
Gladstone, OR 97027

All Cars Auto Sales LLC  
20105 McLoughlin Blvd.  
Gladstone, OR 97027

Armstrong Buick  
20000 McLoughlin Blvd.  
Gladstone, OR 97027

Cars\*R\*Us  
PO Box 68170  
Milwaukie, OR 97268

Gary Worth Inc.  
PO Box 429  
Gladstone, OR 97027

Gladstone Nissan  
19505 McLoughlin Blvd.  
Gladstone, OR 97027

Harley Davidson of Ptl'd, Inc.  
870 E. Berkeley  
Gladstone, OR 97027

Mazda of Gladstone  
PO Box 68329  
Portland, OR 97268

Pioneer Auto Wholesale  
500 W. Clarendon  
Gladstone, OR 97027

Reece Auto Sales  
19850 McLoughlin Blvd.  
Gladstone, OR 97027

Scott Ski & Motor Co.  
PO Box 99  
Gladstone, OR 97027

Gladstone Auto LLC  
dba: Toyota of Gladstone  
PO Box 68329  
Portland, OR 97268

Town & Country Honda  
19400 McLoughlin Blvd  
Gladstone, OR 97027

Ron Tonkin Dodge/Kia  
PO Box 219  
Gladstone, OR 97027

Gladstone High School  
18800 Portland Ave  
Gladstone, OR 97027

Gladstone Center for Children  
& Families  
18905 Portland Ave  
Gladstone, OR 97027

Gladstone YMCA  
17395 Webster Road  
Gladstone, OR 97027

Kraxberger Middle School  
17777 Webster Road  
Gladstone, OR 97027

Grace Christian School  
6460 Glen Echo Avenue  
Gladstone, OR 97027

St. Stephens Pre-School  
290 W. Gloucester  
Gladstone, OR 97027

Rivergate Adventist School  
1505 Rivergate School Rd  
Gladstone, OR 97027

Gladstone School District  
17789 Webster Road  
Gladstone, OR 97027

John Wetten Elementary  
250 E. Exeter  
Gladstone, OR 97027

**GLADSTONE CODE REVIEW**  
**Items Discussed at the August 19, 2014 GPC Meeting**  
**Items for Discussion / Consideration at the September 16, 2014 GPC Meeting**

- **Chapter 8.12 Noise Control**

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

RECOMMENDATION: Upon further discussion it was decided that a letter would be sent to those businesses within Gladstone that currently utilize the external speaker system letting them know this issue is being discussed within the Planning Commission. We would like to know their thoughts on creating fair language that benefits both the businesses and surrounding residential community. Commissioner/Chair Stempel will help Jolene create the letter to be sent.

- **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....

RECOMMENDATION: Upon further discussion it was decided that we would not include hedges in this section of Chapter 17.06.180.

**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?

- Begin the discussion on design standards for the Portland Avenue commercial corridor.

## Gladstone Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 8 HEALTH AND SAFETY](#)**Chapter 8.06 CHRONIC NUISANCE PROPERTY****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;

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- (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.**

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(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

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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.

(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.

**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**

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**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.**

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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').

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(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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## Gladstone Municipal Code

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DIVISION II. ZONING DISTRICTS**Chapter 17.18 C-2—COMMUNITY COMMERCIAL DISTRICT**

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**17.18.010 Purpose.**

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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

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.

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[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**

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**17.20.010 Purpose.**

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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

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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.

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(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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