

## Chapter 17.12

### R-5—SINGLE-~~FAMILY~~HOUSEHOLD RESIDENTIAL DISTRICT

Sections:

- 17.12.010 Purpose.
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#### 17.12.010 Purpose.

The purpose of an R-5 district is to implement the Comprehensive Plan and to provide land for families and individuals desiring to live in an environment of ~~medium density~~, mixed single-~~family household~~ and ~~middle housing multi-family~~ dwellings.

**Statutory Reference:** ORS Ch. 197, Ch. 227

**History:** Ord. 1131 §2, 1990; Ord. 1499 §1 (Exh. B), 2020.

#### 17.12.020 Uses allowed outright.

In an R-5 zoning district, the following uses and their accessory uses are allowed outright:

- (1) Single-~~family household~~ dwelling, including a manufactured dwelling.
- (2) ~~Duplex Middle housing.~~
- ~~(2)~~(3) Mobile home park, subject to GMC Section 17.62.070 (Mobile home park).

**Statutory Reference:** ORS Ch. 197, Ch. 227

**History:** Ord. 1131 §2, 1990; Ord. 1144 §1, 1991; Ord. 1171 §1(C), 1993; Ord.1291 §1, 2000; Ord.1323 §1, 2002; Ord. 1499 §1 (Exh. B), 2020.

#### 17.12.030 Accessory uses allowed.

Accessory uses shall comply with all the requirements of this zoning district, except as this section allows to the contrary. All accessory structures shall be subject to GMC Chapter 17.54 (Clear Vision). The following accessory uses shall be allowed in an R-5 zoning district:

- (1) Buildings. Garages and carports, storage and other buildings, as follows:
  - (a) Either the side, except a street side, or rear setback may be reduced to zero for one accessory structure, provided such structure:
    - (A) Is detached from other buildings;
    - (B) Does not exceed a height of one story; and
    - (C) Does not exceed a floor area of 450 square feet;
  - (b) A wall of rated, fire-resistive construction may be required by the Oregon Structural Specialty Code or its successor.
  - (c) When more than one accessory structure is present including a portable storage container, as defined in GMC Chapter 5.22, a setback does not apply to the portable storage container.

(2) Courtyards, Patios and Decks. The minimum side, except street side, and rear setbacks for uncovered courtyards, patios and decks in excess of 30 inches in height shall be five feet. The minimum front and street side setbacks for such courtyards, patios and decks shall be 15 feet. No setbacks shall be required for uncovered courtyards, patios and decks 30 inches or less in height. When calculating the height of a courtyard, patio or deck, railings and benches shall be excluded from the calculation.

(3) 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 in height;

(b) Fences and walls not subject to subsection (3)(a) of this section shall not exceed six feet in height.

(c) An exception may be granted to the maximum fence or wall height standards for conditional or nonconforming uses. Such an exception may be granted 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.

(4) Storage. Storage of boats, trailers, pickup campers, coaches, motorhomes and similar recreation equipment. Occupancy of such equipment is subject to a temporary permit under GMC Chapter 15.28 (Temporary Dwellings).

(5) Accessory dwelling units, subject to the following standards:

(a) Only one accessory dwelling unit per lot shall be permitted. ~~An accessory dwelling unit shall not be permitted on a lot occupied by two or more dwelling units;~~

(b) The floor area of an accessory dwelling unit shall not exceed ~~400~~ 600 square feet;

(c) An accessory dwelling unit shall not contain more than one bedroom;

(d) Only one entrance, other than a vehicular entrance to a garage, may be located on the street-facing facade of the structure containing the primary dwelling unit unless this structure had additional entrances before the accessory dwelling unit was created and the number of entrances will not be increased;

(e) The exterior finish materials—including siding, trim and roofing—of an accessory dwelling unit shall be the same or visually similar to those of the primary dwelling unit with respect to type, size, placement and color;

(f) The roof pitch of an accessory dwelling unit shall be the same as the predominant roof pitch of the primary dwelling unit;

(g) The windows of an accessory dwelling unit shall be the same or visually similar to those of the primary dwelling unit;

(h) The eaves on an accessory dwelling unit shall project from the structure walls the same distance as the eaves on the primary dwelling unit;

(i) An accessory dwelling unit shall comply with the minimum yard requirements and maximum building height established in GMC Section 17.12.050;

(j) An accessory dwelling unit used as a vacation rental shall provide:

(A) One off-street parking space in addition to the off-street parking space required by GMC Chapter 17.48 (Off-Street Parking and Loading) for the primary dwelling unit; and

(B) A deed restriction requiring owner-occupancy of one of the units recorded in the Clackamas County Clerk's Office in a form prescribed by the city. Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the accessory dwelling unit is being used as a vacation rental.

(6) Swimming Pools, Ponds and Hot Tubs. The minimum side, street side and rear setbacks for swimming pools, ponds and hot tubs shall be three feet. The minimum front setback for ponds no greater than five feet wide and no more than two feet deep shall be three feet.

(7) Home Occupations. Home occupations shall be subject to GMC Chapter 17.78 (Home Occupations).

**Statutory Reference:** ORS Ch. 197, Ch. 227

**History:** Ord. 1131 §2, 1990; Ord. 1171 §1(E) & 1(F), 1993; Ord. 1289 §1, 2000; Ord. 1323 §1, 2002; Ord. 1392, §3, 2007; Ord. 1499 §1 (Exh. B), 2020.

**17.12.040 Conditional uses allowed.**

In an R-5 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (Conditional Uses):

- (1) Multi-household dwelling, ~~three-five~~-to-eight-unit complexes.
- (2) Medical/dental office at the intersection of minor arterials or collectors.
- (3) Church and associated buildings and structures.
- (4) Community center, day care center.
- (5) Fire station or similar public use necessary to provide service or preserve public safety in the area.
- (6) Planned unit development.
- (7) Nursing homes and homes for the aged.
- (8) School and associated buildings, structures and facilities.
- (9) Utility facility; provided, that no outside storage is involved.
- (10) Community commercial within 200 feet from the Portland Avenue C-2 district.
- (11) Group homes.
- (12) Boarding house, rooming house, lodging house.

**Statutory Reference:** ORS Ch. 197, Ch. 227

**History:** Ord. 1131 §2, 1990; Ord. 1323 §1, 2002; Ord. 1499 §1 (Exh. B), 2020.

**17.12.050 Dimensional standards.**

Except as provided in GMC Chapters 17.38 (Planned Unit Development), 17.72 (Variances) and 17.76 (Exceptions), the following dimensional standards shall apply in an R-5 zoning district:

<u>Minimum Lot Area</u>		
<u>Detached single household</u>	<u>5,000 sf</u>	
<u>Duplex and Triplex</u>	<u>5,000 sf</u>	
<u>Quadplex</u>	<u>7,000 sf</u>	
<u>Cottage Cluster</u>	<u>6,000 sf</u>	

<u>Townhouse Project</u>	<u>5,000 sf</u>	<u>The average minimum lot area for a townhouse dwelling shall be 1,500 sf</u>
<u>Multi-household dwellings</u>	<u>2,500 sf per dwelling unit</u>	
<u>Other uses</u>	<u>5,000 sf</u>	<u>Or as established by the Planning Commission, as provided by GMC Chapter 17.70 (Conditional Uses).</u>
<u>Minimum Setbacks</u>		
<u>Front Setback</u>	<u>20 ft</u>	<u>Except that a front porch may project a maximum of five feet into a required front setback area</u>
<u>Side Setback</u>	<u>5 ft</u>	
<u>Street Side Setback</u>	<u>20 ft</u>	<u>Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area</u>
<u>Rear Setback</u>	<u>15 ft</u>	<u>Townhouse projects are allowed a zero-foot side setback for lot lines where Townhouse units are attached.</u>  <u>Cottage Cluster minimum setbacks can be reduced to 5 feet, if there is more than 150 square feet per dwelling unit of common open space provided, as define in Section 17.12.065(2).</u>
<u>Maximum Building Height</u>	<u>35 ft</u>	<u>Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection.</u>
<u>Minimum Vegetation</u>		
<u>Multi-household dwelling</u>	<u>At least 20% of the total area of the lot</u>	<u>The minimum area that must be left or planted with trees, shrubs, grass, etc.</u>
<u>Minimum Density</u>		
	<u>Subdivisions and PUDs shall provide a minimum density of 80 percent of the maximum density per net acre.</u>	
<u>Maximum Density</u>		

<u>Detached single household dwelling</u>	<u>one dwelling unit per 5,000 square feet of lot area or eight units per net acre</u>	
<u>Middle Housing</u>	<u>None</u>	

(1) Lot Area.

- ~~(a) For a single family dwelling, the minimum lot area shall be 5,000 square feet;~~
- ~~(b) For a multi-family dwelling, the minimum lot area shall be 2,500 square feet per dwelling unit~~
- ~~(c) For other uses, the minimum lot area shall be 5,000 square feet, or as established by the Planning Commission, as provided by GMC Chapter 17.70 (Conditional Uses).~~

(2) Setback Requirements.

- ~~(a) A front setback shall be a minimum of 20 feet except that a front porch may project a maximum of five feet into a required front setback area;~~
- ~~(b) A side setback shall be a minimum of five feet.;~~
- ~~(c) A rear setback shall be a minimum of 15 feet.;~~
- ~~(d) A street side setback shall be a minimum of 20 feet.;~~
- ~~(e) Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area.~~

~~(3) Building Height. Maximum building height shall be 35 feet. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection.~~

~~(4) Minimum Vegetation. For multi-family dwellings, the minimum area that must be left or planted with trees, shrubs, grass, etc., shall be at least 20 percent of the total area of the lot.~~

~~(5) All PUDs with residential uses must include a mix of two or more middle housing types for a minimum of 25% of the total dwelling units proposed.~~

(a) Exceptions in Case of Large Scale PUD. The dimensional standards of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, 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.

~~(6) Minimum Density. Subdivisions and PUDs shall provide a minimum density of 80 percent of the maximum density per net acre. For the purposes of this provision, maximum density shall be one dwelling unit per 5,000 square feet of lot area or eight units per net acre.~~

**Statutory Reference:** ORS Ch. 197, Ch. 227

**History:** Ord. 1131 §2, 1990; Ord. 1289 §1, 2000; Ord. 1291 §1, 2000; Ord. 1323 §1, 2002; Ord. 1499 §1 (Exh. B), 2020.

**17.12.055 Cottage Cluster Standards.**

The following dimensional standard apply to cottage clusters development in the R-5 zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

(1) Dimensional Standards

(a) Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot area that apply to detached single family dwellings in the R-5 zone.

(b) Setbacks and Building Separation.

(A) Setbacks. Cottage clusters shall meet the minimum setback standards:

- Front setbacks: 10 feet
- Side setbacks: 5 feet
- Rear setbacks: 10 feet

(B) Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

(c) Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

(d) Off-Street Parking.

(A) Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).

(B) On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

- i. The space must be abutting the subject site;
- ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
- iii. The space must be a minimum of 22 feet long; and
- iv. The space must not obstruct a required sight distance area.

**17.12.060 Design standards.**

(1) Attached Garage. The following standard shall apply to the construction of a garage attached to a single-family household dwelling or two-family dwelling duplex. An existing garage, legally constructed prior to the adoption of this standard, that does not conform to this standard may be remodeled or expanded, provided such remodeling or expansion shall not further reduce the structure's compliance with this standard.

(a) The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. On corner lots only one street-facing garage wall must meet this standard unless there are two garages, such as in the case of a two-family dwelling.

(2) Main Entrance. The main entrance ~~to a dwelling of a single family dwelling and the main entrance of each unit of a two family dwelling~~ shall:

(a) Single Household Dwelling.

(A) Face the street lot line. On a corner lot, the main entrance may face either street lot line or the corner; or

~~(B)~~ (B) The main entrance shall open onto a covered porch that has an entrance that faces the street lot line. The porch and its roof shall each be at least 40 square feet in area and neither the width nor the depth shall be less than five feet.

(b) Duplex, Triplex, Quadplex and Townhouse.

1. Connect to any on-site parking and the public right-of-way with a pedestrian pathway that is a minimum of 4 ft wide. The pathway may use a driveway surface.

(3) Design Features. ~~Detached Single-family household~~ dwellings, duplexes, triplexes, quadplexes, townhomes, and cottage clusters shall include at least two of the following design features on each dwelling unit:

- (a) Dormer;
- (b) One or more windows that face the street lot line;
- (c) Cupola;
- (d) Bay or bow window;
- (e) Gable;
- (f) Covered porch entry;
- (g) Eaves (minimum six inches projection); and
- (h) Offset on building face or roof (minimum 16 inches);

(i) Recessed garage entrance for street-facing garage (minimum 16 inches).

(4) Manufactured Dwellings. All manufactured dwellings on individual lots in this district shall meet or exceed the following design standards:

- (a) The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet;
- (b) The manufactured dwelling shall be placed on an excavated, back-filled foundation and enclosed at the perimeter such that no more than 12 inches of the enclosing material is above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply;
- (c) The manufactured dwelling shall have a pitched roof of not less than three feet in height for each 12 feet in width;
- (d) The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material on surrounding dwellings;
- (e) The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required of single-family dwellings constructed under the Oregon Residential Specialty Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification standards. Additional manufacturer’s certification shall not be required in such cases;
- (f) The manufactured home shall have a garage or carport constructed of like materials. An attached or detached garage may be approved in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

**Statutory Reference:** ORS Ch. 197, Ch. 227

**History:** Ord. 1144 §1, 1991; Ord. 1171 §1(D), 1993; Ord. 1188 §1, 1994; Ord. 1289 §1, 2000; Ord. 1291 §1, 2000; Ord. 1499 §1 (Exh. B), 2020.

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

**17.12.065 Cottage Cluster Design Standards**

The following design standards apply to cottage clusters development in the R-5 zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

(1) Cottage Orientation. Cottages must be clustered or abut around a common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 1):

(a) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path that is at least 4 ft wide.

(b) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

(A) Have a main entrance facing the common courtyard;

(B) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

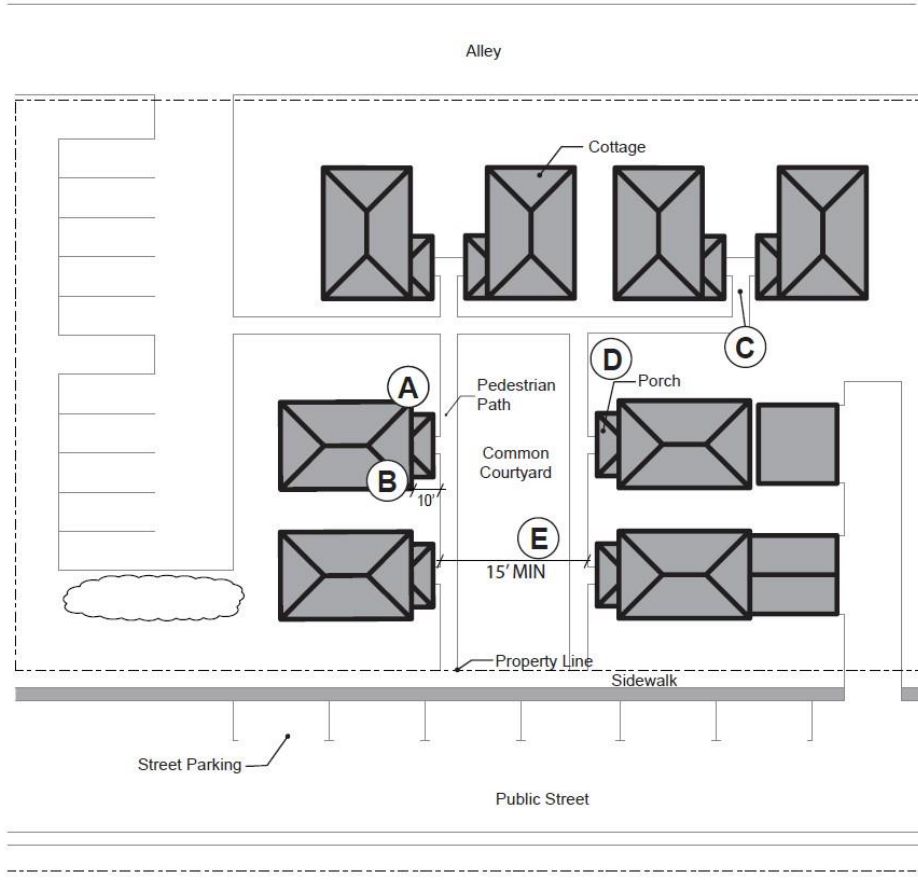
(C) Be connected to the common courtyard by a pedestrian path.

(c) Cottages within 20 feet of a street property line may have their entrances facing the street.

(d) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

Figure 1. Cottage Cluster Orientation and Common Courtyard Standards





(2) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

- (a) The common courtyard must be a single, contiguous piece.
- (b) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
- (c) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
- (d) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
- (e) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

(3) Pedestrian Access.

- (a) An accessible pedestrian path that is at least 4 feet wide must be provided that connects the main entrance of each cottage to one or all the following:
  - (A) The common courtyard;
  - (B) Shared parking areas;

(C) Community buildings; and

(D) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

(b) The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

(4) Parking location and access.

(a) Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines;
- Between a street property line and the front façade of cottages located closest to the street property line.  
This standard does not apply to alleys.

(b) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

(c) Clustered parking. Off-street parking may be arranged in clusters and separated from common spaces by at least four (4) feet of landscaping.

(5) Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

(6) Garages and carports.

(a) Garages and carports (whether shared or individual) must not abut common courtyards.

(b) Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

(c) Individual detached garages must not exceed 400 square feet in floor area.

(d) Garage doors for attached and detached individual garages must not exceed 20 feet in width.