



**GLADSTONE PLANNING COMMISSION REGULAR AGENDA  
GLADSTONE CIVIC CENTER, 18505 PORTLAND AVENUE  
Tuesday, February 21, 2023 – 6:30 p.m.**

The City of Gladstone is abiding by guidelines set forth in House Bill 2560, which requires the governing body of the public body, to extent reasonably possible, to make all meetings accessible remotely through technological means and provide opportunity for members of general public to remotely submit oral and written testimony during meetings to extent in-person oral and written testimony is allowed. Therefore, this meeting will be open to the public both in person and virtually using the Zoom platform.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89110117483?pwd=bnVET3FKZ09nNHNqVEk5YUFXcnpadz09>

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If members of the public would like to comment on an agenda item (either virtually or in person) please email your comments to [bannick@ci.gladstone.or.us](mailto:bannick@ci.gladstone.or.us) prior to 12:00 p.m. (noon) on February 21, 2023.

The Planning Commission will also have *Business from the Audience* at the end of the meeting. To speak during this time, (either virtually or in person) please email [bannick@ci.gladstone.or.us](mailto:bannick@ci.gladstone.or.us) prior to 12:00 p.m. (noon) on February 21, 2023 with your name, topic of discussion, and city of residence.

(Zoom participant speaking instructions will be emailed to persons who request to speak and posted on the city's website)

**6:30 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 be removed from the Consent Agenda for discussion prior to the time the commission votes on the motion to adopt the Consent Agenda.

1. Approval of January 17, 2023 Meeting Minutes

## REGULAR AGENDA

2. Monthly Planning Report – January 2023
3. **CONTINUED PUBLIC HEARING:** File Z0489-22-M, Proposal to Divide Property located at 18340 Cornell Place into two lots, one with road frontage on Caldwell Road and one with access from Cornell Place, Kevin Johnson/Maryanna Moore.
4. **PUBLIC HEARING:** File DR-23-01, Proposal for Design Review approval for an expansion to the existing Gladstone Nissan site, 19505 McLoughlin Blvd., SG Architecture, LLC / Dick Hannah Dealerships
5. **PUBLIC HEARING:** File TXT-2022-02, Gladstone Downtown Revitalization Plan Proposed Amendments to Title 17 of the Gladstone Municipal Code and new Downtown Overlay Zone.

**BUSINESS FROM THE PUBLIC** - Visitors: This is an opportunity for members of the audience to bring to the Commission's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others and must fill out a speaker card available in the back of the room prior to making a comment.

**BUSINESS FROM THE PLANNING COMMISSION**

**ADJOURN**

### Upcoming Meeting Dates:

- March 21, 2023 – Planning Commission Meeting – 6:30 p.m.
- April 18, 2023 – Planning Commission Meeting – 6:30 p.m.

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### **MEETING ACCESSIBILITY SERVICES AND AMERICANS WITH DISABILITIES ACT (ADA) NOTICE**

The Civic Center is ADA accessible. Hearing devices may be requested from the City Recorder at least 48 hours prior to the meeting. Individuals requiring other assistance must make their request know 48 hours preceding the meeting by contacting the City Recorder at [bannick@ci.gladstone.or.us](mailto:bannick@ci.gladstone.or.us). Staff will do their best to respond in a timely manner and to accommodate requests.



## Agenda Item No. 5

PC Meeting Date: 02/21/2023

### Staff Report: C-2 Zone and Downtown Core Overlay Code Amendments

**File No.:** TXT-2022-02

**Applicant or Presenter:** City of Gladstone

**Project Location:** Downtown (New Overlay Zone including C-2 Zoning)

**Project Description:** The Downtown Gladstone Revitalization Plan contains recommendations for amendments to Title 17 of the Gladstone Municipal Code to implement the City's vision for the Portland Avenue corridor in the downtown core. The recommended code amendments include updates to the C-2 Zone, Chapter 17.18, and a new Chapter titled "DC Downtown Core Overlay Zone".

#### SUMMARY

The Gladstone Planning Commission recommended approval of TXT 2022-02 to the City Council at their meeting in November of 2022. Prior to the City Council conducting a public hearing regarding the proposed text amendments in December of 2022, city staff realized the need to make several updates to the proposed Downtown Core Overlay Zone chapter to be added to the Gladstone Municipal Code.

This staff report includes a memo from Jon Pheanis and Keegan Gulick of MIG explaining the proposed code amendments and the changes that have been made since the November 2022 Planning Commission.

Gladstone City Council adopted the Downtown Revitalization Plan in 2017. That plan recommended the creation of a new overlay district in Gladstone's downtown core. The packet of proposed code amendments includes changes to the C-2 zoning district as well as standards for a new Downtown Core (DC) Overlay Zone.

The proposed DC Overlay Zone provides design standards to ensure that new development complements the creation of an attractive and walkable downtown. The proposed changes to the C-2 zoning district allow mixed-use and middle housing types, amend dimensional standards such as minimum setbacks for residential uses and allow for a reduction in the minimum number of required parking spaces. The combination of changes to the C-2 zone with the new Downtown Core Overlay Zone standards should

result in development that is walkable, mixed-use, and higher density than the underlying (existing) C-2 zoning district.

These proposed amendments are subject to Chapter 17.68, Amendments and Zone Changes and Chapter 17.94, Hearings, of Title 17 of the Gladstone Municipal Code. As proposed, planning staff find the amendments consistent with all applicable standards from Title 17 of the Gladstone Municipal Code (GMC), the Statewide Planning Goals and Metro's Functional Plan.

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**EXHIBITS**

Exhibit 1. Downtown Core Overlay District Map

**APPENDIX: SUBSTANTIVE FILE DOCUMENTS**

- A. Draft Amendments**
- B. Public Notice,**
- C. PAPA Notice**
- D. Comments Received**

**I. PUBLIC NOTICE**

**Published In:** Clackamas Review, DLCD’s post-acknowledgment plan amendment website (PAPA), and on the Gladstone Website. The Planning Commission public hearing in November, was also advertised on the Gladstone Website and sent out in the Gladstone Weekly Update.

**Responses Received:** No written comments were received from the public, City Departments, or agencies.

**II. CONSISTENCY WITH STATEWIDE PLANNING GOALS**

- 1. Goal 1 – Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Finding:** Goal 1 requires the City to incorporate six key components in its public involvement program:

- **Citizen Involvement:** An officially recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- **Communication:** Mechanisms for effective two-way communication between the public and elected/appointed officials;
- **Influence:** Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;
- **Technical Information:** Access to technical information used in the decision-making process, provided in an accessible and understandable format;

- **Feedback Mechanisms:** Programs to ensure that members of the public receive responses from policymakers and that a written record for land-use decisions is created and made accessible; and,
- **Financial Support:** Adequate resources allocated for the public involvement program as an integral component of the planning budget.

The City conducted a Planning Commission Work Session and a community open house related to the proposed Downtown Core Overlay District and the proposed changes to the C-2 zoning district. These were open public forums held in June and July of 2022, respectively. The Planning Commission held a public hearing on the proposed amendments on November 15, 2022. Each work session and public forum included opportunities for elected officials, appointed officials, and the public, to review draft code amendments and discuss key aspects related to the proposed amendments. The City publicized these public meetings on their website, social media, individualized mailing to affected property owners, and during other public meetings. The amendments were publicized through the DLCD PAPA website and noticed to the interested agencies and the public.

Based on the findings above, the code amendments to implement the city's vision from the Downtown Gladstone Revitalization Plan, as referenced, are consistent with Statewide Planning Goal 1.

**Goal 2 – Land Use Planning:** To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Finding:** Statewide Planning Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. Cities and counties must build their comprehensive plans on a factual base, and follow their plan when making decisions on appropriate zoning. City and county plans must be consistent with one another. Special district and state agency plans and programs must be coordinated with comprehensive plans.

The proposed amendments to the C-2 zone and the new Downtown Core Overlay Zone standards are consistent with the current Comprehensive Plan. Currently the Gladstone Comprehensive Plan includes the following objectives and policy:

***Economy Objectives:*** “To ensure that the Portland Avenue Commercial District remains a business district at the heart of the Gladstone Community.” “To improve the appearance of existing commercial areas through rehabilitation or redevelopment in order to preserve and enhance their values to the community. Similar appearance considerations should be given to all new commercial developments.”

***Economy Policy:*** Promote the retention and development of Portland Avenue Business District as the civic center and heart of the community.”

Notice of the proposed amendment package for consideration was provided to Metro and DLCD through the Post-Acknowledgement Plan Amendment website and distribution system.

Therefore, the amendments, as proposed, are consistent with Statewide Planning Goal 2.

**Goals 3 -4 – Agricultural and Forest Lands:**

**Finding:** These goals are not applicable because the proposed amendments do not change the City of Gladstone policies required to meet these goals that are directed at rural areas and counties.

**Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources:** To protect natural resources and conserve scenic and historic areas and open spaces.

**Finding:** Goal 5 aims to protect natural resources and conserve scenic and historic areas and open spaces. Particularly in urban areas, the emphasis of Goal 5 is on the inventory and conservation of wetlands, riparian zones, and wildlife habitats. In addition to Goal 5, the City is required to comply with Metro Title 13 for all mapped resources located within the UGB. By meeting the requirements of Title 13, the City also complies with Goal 5 for riparian areas and wildlife habitat. Metro Title 13 is addressed in the findings for the Urban Growth Management Functional Plan.

The Gladstone Municipal code contains the following zoning overlays that were adopted by the City to provide protection for Significant Natural Resources under Statewide Planning Goal 5 and to comply with the provisions of OAR 660, Division 23:

- 17.25 HCAD—Habitat Conservation Area District;
- 17.26 OS—Open Space District;
- 17.27 WQ—Water Quality Resource Area District;
- 17.28 GW—Greenway Conditional Use District; and
- 17.29 FM—Flood Management Area District.

The City of Gladstone works closely with the Gladstone Historical Society to promote the enjoyment, research, documentation, preservation and public enrichment of the history and heritage of Gladstone, Oregon and the surrounding local area. The Gladstone Municipal Code, Chapter 2.48, includes the ability for a Historic Preservation Board to review alterations to historic landmarks. A 2009 survey of historical resources in downtown Gladstone found that 19% (22 buildings) of the buildings surveyed were potentially eligible for designation on the National Register. Recently, the City worked with the Gladstone Historical Society to display the history of Gladstone in the newly constructed City Hall. The proposed amendments to the C-2 zone and the proposed Downtown Core Overlay Zone do not include proposed changes to the way the city designates, inventories or manages the development or redevelopment of historic resources.

The proposed amendments do not modify these natural resource zoning overlay districts or historic preservation efforts. The Comprehensive Plan supports a variety of housing types and the amendments proposed through TXT-2022-02 do not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the natural resource zoning districts in the Gladstone Municipal Code. Goal 5 does not directly apply to the amendments because no new

Goal 5 program is advanced by this amendment and no existing Goal 5 program is changed by this amendment.

Based on the findings above, the Zoning Code Update to adopt the proposed amendments into the Gladstone Municipal Code is consistent with Statewide Planning Goal 5.

**Goal 6 – Air, Water and Land Resources Quality:** To maintain and improve the quality of the air, water and land resources of the state.

**Finding:** Goal 6 instructs local governments to consider protection of air, water and land resources from pollution and pollutants when developing comprehensive plans. The pollutants addressed in Goal 6 include solid waste, water waste, noise and thermal pollution, air pollution, and industry-related contaminants. Comprehensive Plans must demonstrate consistency with the administrative rules related to air, water, and land quality established by the Environmental Quality Commission (EQC).

Under the oversight of the EQC, the Oregon Department of Environmental Quality (DEQ) regulates air, water, and land through its permitting actions under the federal Clean Water Act and Clean Air Act. The Department of State Lands and the Army Corps of Engineers regulate jurisdictional wetlands and waters of the state and the country, respectively. The City of Gladstone Public Works department regulates impervious surface and stormwater runoff throughout the City through design standards applied to development. The Clackamas County Water Environmental Services and Oak Lodge also provide sewer and stormwater services for City residents. The Gladstone Municipal Code (GMC) has the following overlay districts that are related to water quality, wetlands, and surface water:

- 17.25 HCAD—Habitat Conservation Area District;
- 17.27 WQ—Water Quality Resource Area District; and
- 17.29 FM—Flood Management Area District.

While air quality is largely regulated by DEQ, the City can impose conditions of approval on land use approvals that require minimizing air pollution and carbon emission impacts through actions such as vegetative plantings and conservation.

The Federal Transit Administration and Federal Highway Administration enforce noise standards for federally-funded rail and highway projects. The Oregon Noise Control Act authorizes cities and counties to adopt and enforce noise ordinances and standards of their own. Gladstone regulates noise through the GMC Chapter 8.12 Noise Control, which designates prohibited noises and maximum permissible environmental noise and sound levels. Gladstone's Zoning Code (Chapter 17) also includes noise-related provisions in several sections of the code, often referring to the City's Noise Ordinance in Chapter 8.12 or standards of the DEQ.

The proposed amendment package does not modify the existing water resource zoning overlay districts or the noise ordinance. The adoption of the TXT-2022-02 amendments do not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the water



resource zoning districts in the Gladstone Municipal Code. Goal 6 does not directly apply to the proposed amendments, or comprehensive plan amendment because no new Goal 6 program is advanced by this amendment and no existing Goal 6 program is changed by this amendment.

Therefore, Goal 6 is not applicable to the amendments proposed through TXT-2022-02 as the amendments do not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 6.

Based on the findings above, the Zoning Code amendment to adopt the TXT-2022-02 amendments is consistent with Statewide Planning Goal 6.

**Goal 7 – Areas Subject to Natural Disasters and Hazards:** To protect people and property from natural hazards.

**Finding:** Goal 7 requires local comprehensive plans to address Oregon’s natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education. Natural hazards applicable to Gladstone include floods, landslides, weak foundation soils, earthquakes, and wildfires. Goal 7 calls for local governments to respond to new hazard inventory information provided by federal and state agencies by adopting or amending plan policies and implementing measures as needed. For riverine flood hazards, local governments must adopt and implement local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements. In implementing natural hazard plans and policies, the State goal urges local governments to do the following: coordinate plans with emergency preparedness and recovery programs; consider stormwater management as a means to address flood and landslide hazards; consider nonregulatory approaches to implementing hazard plans; and to require technical reports when reviewing development requests in hazard areas.

The City of Gladstone complies with Goal 7 by regulating development in hazard-prone areas through the Municipal Code, the Public Works Design Guidelines and MOU’s with Clackamas County on fire response and other emergency preparedness efforts. The following Gladstone Municipal Code Chapters address flooding and landslides:

17.27 WQ—Water Quality Resource Area District.

17.29 FM—Flood Management Area District.

Additionally, the Design Review and Conditional Use land use processes address applicable natural hazards on a site specific basis.

The TXT-2022-02 amendments do not modify existing zoning overlay districts or design standards related to protecting development from hazards. The adoption of the amendments does not include any changes to the adopted inventories, the Comprehensive Plan Map, or the overlay zoning districts in the Gladstone Municipal Code. Goal 7 does not directly apply to the TXT-2022-02 amendments because no new Goal 7 program is advanced by these amendments and no existing Goal 7 program is changed by this amendment package. Therefore, Goal 7 is not applicable to the TXT-2022-02 zoning code amendments because the amendments do not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 7.

Based on the findings above, to adopt the TXT-2022-02 amendments is consistent with Statewide Planning Goal 7.

**Goal 8 – Recreational Needs:** To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**Finding:** Goal 8 requires local governments to plan for the recreation needs of their residents and visitors. The goal places priority on non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public.

The City of Gladstone has a robust system of parks, recreation facilities and trails, including 14 neighborhood parks, community gardens, and natural areas. All of Gladstone's parks are owned and managed by the City. The City completed a Parks Master Plan in 2017. Many of the current parks are included in the Open Space District that is regulated by Chapter 17.26 of the Gladstone Municipal Code.

The proposed amendments do not modify existing open space overlay districts or the Parks Master Plan. The adoption of the TXT-2022-02 amendments does not propose any changes to the Parks Master Plan, adopted inventories, the Comprehensive Plan Map, or the overlay zoning districts in the Gladstone Municipal Code. Goal 8 does not directly apply to the TXT-2022-02 amendments because no new Goal 8 program is advanced by this amendment and no existing Goal 8 program is changed by this amendment.

Therefore, Goal 8 is not applicable to the proposed amendments because the amendments do not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 8.

Based on the findings above, adopting the TXT-2022-02 amendments is consistent with Statewide Planning Goal 8.

**Goal 9 – Economy of the State:** To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

**Finding:** Goal 9 ensures cities and counties have enough land available to realize economic growth and development opportunities. Commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare and prosperity of Oregon's citizens. To be ready for these opportunities, local governments perform Economic Opportunity Analyses based on a 20-year forecast of population and job growth.

Currently the Gladstone Comprehensive Plan includes the following objectives and policy:

**Economy Objectives:** *“To ensure that the Portland Avenue Commercial District remains a business district at the heart of the Gladstone Community.” “To improve the appearance of existing commercial areas through rehabilitation or redevelopment in order to preserve and*

*enhance their values to the community. Similar appearance considerations should be given to all new commercial developments.”*

***Economy Policy: Promote the retention and development of Portland Avenue Business District as the civic center and heart of the community.”***

The proposed amendments support the city’s continued compliance with Goal 9 because the TXT-2022-02 amendments implement regulations intended to support and enhance the economic development of the City.

**Goal 10 – Housing:** To provide for the housing needs of citizens of the state.

**Finding:** Goal 10 concerns urban lands designated for residential use. Goal 10 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density (specifically at an overall density of 10 or more units/acre with the opportunity for 50 percent of new units to be attached single family or multifamily) to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households.

Comprehensive plans are required to include an analysis of community housing needs by type and affordability, the recent housing needs assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis that increase the likelihood that needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements (established by OAR 660, Division 007).

The findings for Goal 10 Housing, based on the City’s Housing Needs Analysis (HNA), include findings that demonstrate that Gladstone currently has a range of housing types, including single-family detached and attached homes, duplexes, multi-family, and mixed-use developments, and has a need for additional capacity to provide for needed housing during the next 20 years. The HNA provides information about the factors that could affect housing development, including demographics, affordability trends, workforce housing availability, and development patterns.

The Housing Needs Analysis was adopted in 2021 and includes the City’s buildable lands inventory (BLI) for housing within the UGB. The BLI is required by Goal 10 and ORS 197.296 to ensure that current use designations provide an adequate short- and long-term land supply for housing development for meeting existing needs and those of projected growth. It analyzes existing development patterns and intensity, land and development values, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land that is likely to be redeveloped and compares the existing supply of land to emerging trends and indicators for future estimates of demand. The proposed amendments do not propose to change the buildable lands inventory, or housing needs analysis.

The proposed changes to the C-2 zone permit mixed-use and middle housing types outright in the zone, reducing barriers to this type of housing being provided in the downtown core and other C-2 areas of the city. Adding these residential housing types to the list of permitted uses in the C-2 zone also responds to the City's updated Housing Needs Analysis with the removal of barriers to housing production.

Based on the findings above the TXT-2022-02 amendments are consistent with Statewide Planning Goal 10.

**Goal 11 – Public Facilities and Services:** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**Finding:** The City conducted a Water System Master Plan and a Sanitary Sewer Master Plan in 2014. In 2017, a Sanitary Sewer Master Plan, Parks Master Plan and Transportation System Plan were completed. The proposed amendments do not propose any changes to the adopted master plans, the Comprehensive Plan Map, or the Gladstone Municipal Code. The amendments do not propose to change the comprehensive land use plan policies or implementing regulations regarding public facilities and services for compliance with Statewide Planning Goal 11.

Based on the findings above, the adoption of the TXT-2022-02 amendments is consistent with Statewide Planning Goal 11.

**Goal 12 – Transportation:** To provide and encourage a safe, convenient and economic transportation system.

**Finding:** Goal 12 is implemented by Oregon Administrative Rules (OAR) Chapter 660, Division 12. Local governments are required to adopt a transportation system plan (TSP) and land use regulations to implement the TSP. OAR 660-012-0060 requires any comprehensive plan amendment to be evaluated according to the terms outlined in that OAR to demonstrate whether they will have a significant impact on the transportation system. The City of Gladstone completed a Transportation System Plan in 2017. The proposed amendments do not propose any changes to the adopted Transportation System Plan, the Comprehensive Plan Map, or the Gladstone Zoning Map with regard to transportation. The TXT-2022-02 amendments propose no new Goal 12 program and no existing Goal 12 program, or standard, is changed by this amendment package. The amendments do not propose to change the comprehensive land use plan policies or implementing regulations regarding transportation and compliance with Statewide Planning Goal 12.

Based on the findings above, the proposed amendments are consistent with Statewide Planning Goal 12.

**Goal 13 – Energy Conservation:** To conserve energy.

**Finding:** Goal 13 requires that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The TXT-2022-02 amendments package does not modify existing design standards or land use regulations related to energy conservation. The adoption of the proposed amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Municipal Code. Goal 13 does not directly apply to the proposed amendments because no new Goal 13 program is advanced by this amendment and no existing Goal 13 program is changed by this amendment. Therefore, Goal 13 is not applicable to the TXT-2022-02 amendments because the amendment package does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 13.

Based on the findings above, to adopt the TXT-2022-02 amendments, is consistent with Statewide Planning Goal 13.

**Goal 14 – Urbanization:** To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**Finding:** The entirety of the city and its Urban Growth Management Area is located within the Regional Urban Growth Boundary (UGB). As such, this text amendment will not result in the transition of any land from rural to urban uses, or result in population or employment growth outside of the UGB. The proposed amendments do not modify the Gladstone Urban Growth Management Area, the UGB, or existing zoning requirements related to urbanization. The adoption of the TXT 2022-02 amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Zoning Map. Goal 14 does not directly apply to the amendments because no new Goal 14 program is advanced by this amendment and no existing Goal 14 program is changed by this amendment. Therefore, Goal 14 is not applicable to the TXT-2022-02 amendments because the amendment package does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 14.

Based on the findings above, adopting the TXT-2022-02 amendments is consistent with Statewide Planning Goal 14.

**Goal 15 – Willamette River Greenway:** To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

**Finding:** Gladstone is bordered on one side by the Willamette River and the Greenway. Therefore, the Gladstone Municipal Code includes Chapter 17.28 that establishes the land use regulations related to the Greenway Conditional Use District. The proposed amendments do not modify the Greenway Conditional Use District, or existing zoning requirements related to the Willamette River Greenway. The adoption of the TXT-2022-02 amendments do not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Municipal Code Chapter 17.28. Goal 15 does not directly apply to the amendments

because no new Goal 15 program is advanced by this amendment and no existing Goal 15 program is changed by this amendment. Therefore, Goal 15 is not applicable to the TXT-2022-02 amendments because it does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 15.

Based on the findings above, to adopt the TXT-2022-02 is consistent with Statewide Planning Goal 15.

**Goals 16-19 – Estuarine Resources, Coastal Shore lands, Beaches and Dunes, and Ocean Resources:**

**Finding:** The City of Gladstone is not subject to these four Statewide Planning Goals. Therefore, they are not applicable to the proposed amendments found in the TXT-2022-02 amendment package.

**III. FINDINGS RELATED TO GLADSTONE MUNICIPAL CODE**

Once the proposed amendments are adopted by City Council, the TXT-2022-02 amendments package will be consistent with all of the Statewide Planning Goals.

The City of Gladstone planning staff finds:

**17.68.010 AUTHORIZATION TO INITIATE AMENDMENTS.**

*(1) An amendment to the text of this title or the Comprehensive Plan may be initiated by the City Council, the City Planning Commission or the City Administrator or his designee.*

*(2) An amendment to the Zoning Map or to the Comprehensive Plan Map may be initiated by:*

*(a) The City Council;*

*(b) The City Planning Commission;*

*(c) The City Administrator or his designee; or*

*(d) By application of a property owner, contract purchaser or authorized agent of the subject property.*

*(3) The request by a property owner for a map amendment shall be accomplished by filing an application with the city using forms prescribed by the city and submitting the information required from the applicant under Section 17.68.050.*

**Finding:** The request came from the City Administrator or his designee. This criterion is met.

**17.68.020 Review process.** *Applications under this chapter shall be reviewed pursuant to GMC Division VII (administrative procedures).*

**Finding:** The proposed amendments were reviewed by the Planning Commission at a public hearing on November 15, 2022, at which time the Planning Commission made a recommendation of approval to the City Council. The Council will conduct a public hearing and make a decision on the amendments at their meeting on December 13, 2022. Notice of these

public hearings was publicized as required. The TXT-2022-02 amendments package is being reviewed according to GMC Division VII. This criterion is met.

**17.68.040 Conditions.**

*(1) City Council may require conditions. When necessary to properly relate new developments to existing or anticipated conditions in the vicinity or to make possible a higher quality of development than would otherwise be possible, the City Council may determine that a zone change will be accompanied by the acceptance or accomplishment of certain specified conditions. Conditions and requirements invoked pursuant to a zoning map amendment shall thereafter apply to the property so zoned.*

*(2) Acceptance of conditions. Such conditions shall be designed to further the objectives of the comprehensive plan and the zoning ordinance codified in this title and shall clearly set forth, in written form or upon drawings, all restrictions and requirements which will be applicable to the property rezoned. Where a zone change is made subject to such conditions, it shall become effective upon written acceptance and filing of the applicable terms and conditions by the property owner and by any other person intending to have an ownership interest in or to develop the property. The signed acceptance of conditions shall be filed with the City Recorder and a certified copy shall also be filed in the county deed records at the expense of the petitioner.*

*(3) Type of conditions. Conditions may include special measures designed to limit use or density, screen or separate buildings or portions of the site from adjoining property; limit access from important thoroughfares or through residential areas; provide additional right-of-way for an abutting street, preserve or provide public access to greenspace, floodplains, or river frontage; improve bicycle or pedestrian safety and connectivity; or improve transit capacity and efficiency.*

*(4) No variance of ordinance standards. In connection with the adoption of a zoning amendment, ordinance standards may be varied only when the Planning Commission finds that the development proposed and covered by specific limiting conditions will provide benefits and safeguards equal to or better than those possible under a strict interpretation of the zoning ordinance. In no case shall a use not specifically permitted within the zoning district be allowed under this section and Section 17.68.050. When circumstances as described in GMC Section 17.72.020 (circumstances for granting) exist, the regular variance procedures shall be followed.*

*(5) Building permit conditions. In addition to conditions as described above in this section, the Council may also provide that a zoning amendment will become effective upon satisfactory performance by the applicant of certain conditions or actions, such as a bona fide application for a building permit within a specified period of time.*

**Finding:** Staff are not recommending any special conditions. This criterion does not apply.

**17.68.050 Evidence supplied by applicant.** *The applicant seeking a zoning map change pursuant to the provisions of GMC Section 17.68.010 must show by a preponderance of the evidence all of the following, unless otherwise provided for in this title:*

*(1) Granting the request fulfills a public need; the greater departure from present development policies or land use patterns, the greater the burden of the applicant.*

*(2) The public need is best carried out by granting the petition for the proposed action, and that need is best served by granting the petition at this time.*

*(3) The proposed action is consistent with the comprehensive plan and Metro's Functional Plan (Metro Code 3.07), and the Transportation Planning Rule (OAR 660-012-0060).*

*(4) Proof of significant change in a neighborhood or community or a mistake in the planning or zoning for the property under consideration, when relevant.*

*(5) The property and affected area is presently provided with, or concurrent with development can be provided with, adequate public facilities, including, but not limited to, the planned function, capacity, and performance standards of the transportation system as adopted in the transportation system plan.*

*(6) The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing and planned uses in the area, consistent with the Transportation Planning Rule (OAR 660-012-0060). Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.*

**Finding:** This project is proposing a new Downtown Core Overlay District. However, the zoning designation of the properties within the district will remain C-2 and therefore this application does not include a zoning map change that would require compliance with the provisions of 17.68.050. However, the proposed Overlay District does fulfill the recommendation of the 2017 Downtown Revitalization Plan, allowing the City to better serve the public need for a walkable, dynamic, well-planned downtown core, fulfilling a public need in a timely manner and in compliance with Metro and State planning rules. No changes are proposed that would affect the service of public utilities or transportation patterns. This standard is met.

**17.70.010 Authorization to grant or deny.**

*2) Conditions of Approval. In addition to the specific requirements of this title, including those set forth in GMC Chapter 17.62 (special uses), and the comprehensive plan, approval of a conditional use may be granted subject to additional conditions that are found necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include, but are not limited to, the following:*

*(a) Limiting the hours, days, place and manner of operation;*



- (b) Requiring design features that minimize environmental impacts such as noise, vibration, smoke, dust, fumes and glare;*
- (c) Requiring increased setbacks, lot area, lot depth and lot width;*
- (d) Limiting building height, size, lot coverage and location on the site;*
- (e) Designating the size, number, location and design of vehicle access points;*
- (f) Requiring street right-of-way to be dedicated and streets to be improved;*
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;*
- (h) Limiting the number, size, location, height and lighting of signs;*
- (i) Regulating the location and intensity of outdoor lighting;*
- (j) Requiring a sight-obscuring fence or hedge to screen the conditional use from adjacent to or nearby property;*
- (k) Construction of off-site transportation improvements to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and*
- (l) Upgrade or construct public facilities to city standards.*

**Finding:** Currently there are no conditions recommended. This criterion is met.

#### **IV. CONSISTENCY WITH METRO'S FUNCTIONAL PLAN (METRO CODE 3.07)**

- Title 1: Housing Capacity
- Title 3: Water Quality And Flood Management
- Title 4: Industrial and Other Employment Areas
- Title 6 Centers, Corridors, Station Communities and Main Streets

**Finding:** The proposed amendments to the C-2 zoning district and addition of a Downtown Core Overlay District do not alter residential capacity as residential uses are currently permitted in the C-2 zone in addition to many types of commercial and employment uses. The proposed Downtown Core Overlay District is consistent with goals for mixed-use developments in vibrant core commercial areas. The proposed amendments also do not modify the water quality, floodplain, habitat conservation area, or zoning district areas that are addressed in Metro's Functional Plan. These criteria are met.

#### **V. CONSISTENCY WITH TRANSPORTATION PLANNING RULE**

OAR 660-012-0060 requires: (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

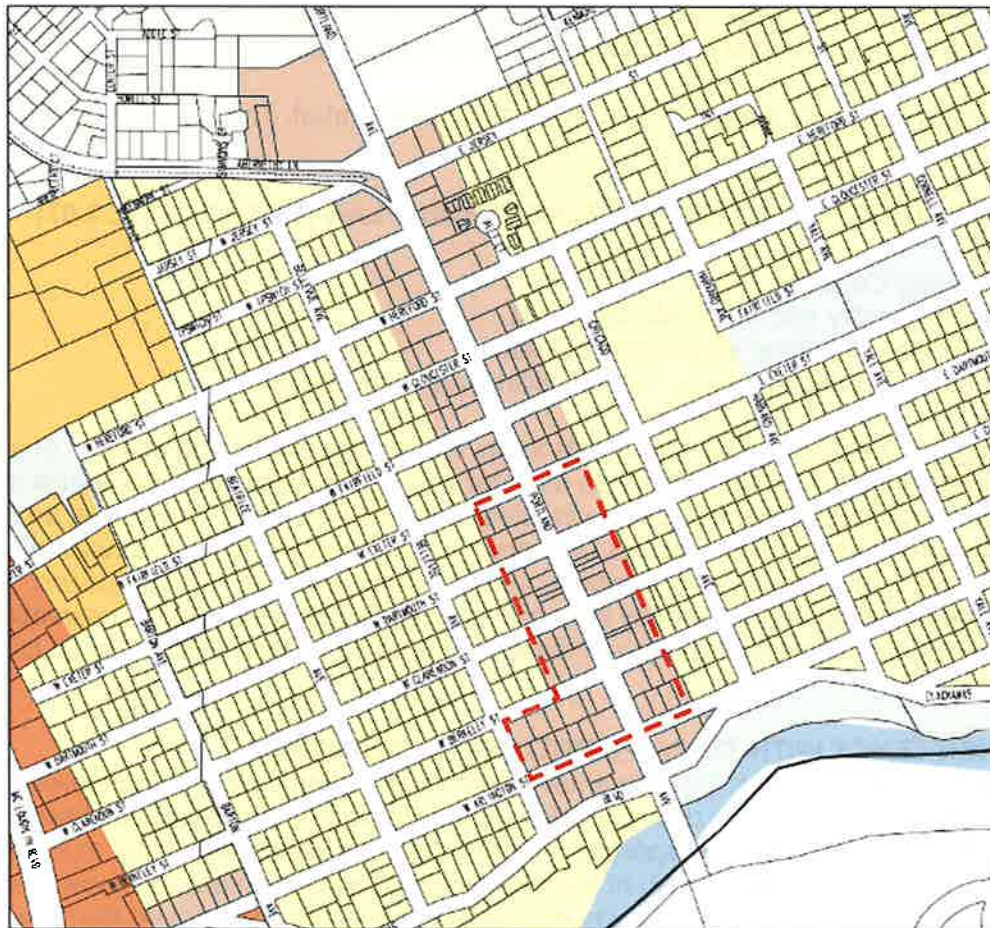
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection.

**Finding:** The proposed zoning code amendments do not change the functional class of any existing or planned transportation facility or change the standards implementing a functional classification system. This criterion is met.

### EXHIBIT 1: Downtown Core Overlay District

City of Gladstone Downtown Revitalization Plan Zoning Code Update  
Downtown Overlay Zone



- - - = Downtown Overlay District Boundary
- = Existing Community Commercial Zoning (C2 Zone)
- = Existing Single-Family Residential Zoning (R-5 Zone)



# memo portland

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to **Jacque Betz, City of Gladstone, and John Southgate**  
from **Jon Pheanis and Keegan Gulick, MIG**  
re **Proposed Amendments to the C-2 Zoning District and New Downtown Overlay Zone**  
date **2/10/2023**

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The Downtown Gladstone Revitalization Plan (The Downtown Plan) contains recommendations for amendments to Title 17 of the Gladstone Municipal Code to implement the City’s vision for the Portland Avenue corridor in the downtown core. This memo highlights major aspects of the proposed changes to the Municipal Code, including any differences between proposed changes and Downtown Plan recommendations. This memo also summarizes Planning Commission recommendations and additional refinements proposed by City staff following that meeting.

## **Overview of the Downtown Core Overlay**

The Downtown Revitalization Plan (adopted by City Council in 2017) recommends the creation of a new zoning overlay district in Gladstone’s downtown core to encourage development that is walkable, mixed-use, and higher density than the underlying C-2 zoning district. The Downtown Core Overlay Zone would also provide design standards to ensure that new development complements the creation of an attractive and walkable downtown.

The overlay zone would add an increased height allowance for buildings with a 15’ floor to ceiling height on the ground floor, a requirement for non-residential ground floor uses, reduction of required parking ratios, and site and building design standards. The overlay zone is intended for more downtown-specific uses than the C-2 district. In situations where there is a conflict between the C-2 zone and Downtown Core Overlay, the overlay zone would apply. The City of Gladstone Zoning Map would need to be amended to add the new Downtown Core Overlay Zoning District.

## **Overview of the C-2 Zone Amendments**

Included in the Downtown Plan are recommended amendments to the underlying C-2 zone. Mixed-use development and middle housing types would be added as permitted in the C-2 district where they are currently not allowed. Proposed

changes also include amending dimensional standards such as a reduced minimum setback for residential uses.

Another amendment to the C-2 zone would be an allowance for a reduction in the minimum number of required parking spaces if a new development provides affordable housing and is in close proximity to a transit station. On-street parking spaces could also be counted towards the minimum number of required parking spaces if they are adjacent to the development. There are no suggested changes to the Zoning Map. Except for the changes listed below, these amendments are consistent with the recommendations of the Downtown Revitalization Plan.

### **Suggested Changes from Downtown Plan Recommendations**

The proposed amendments include four general refinements to Downtown Revitalization Plan recommendations.

- Allow for broader range of uses on the ground floor: The proposed amendments include allowing non-residential uses on the ground floor. The Downtown Revitalization Plan recommends that new development be required to have retail uses on the ground floor in the downtown overlay zone. However, by limiting the ground floor uses to only retail, some uses that would be appropriate for an activated downtown space would be excluded such as professional offices or a ground floor lobby/recreational space for residents of apartments. In addition, retail uses may not be feasible especially given market changes in demand for store-front retail.
- Permit a broader range of housing types in Downtown: In the Downtown Core Overlay zone, residential uses are only permitted as a part of a mixed-use development. The intent of this standard is to ensure that high density, mixed-use developments are located along Portland Avenue. Allowing lower density uses such as single-family or middle housing in the downtown core zoning district would be inconsistent with the goals of the downtown revitalization plan.
- Restrict future single-family residential development in Downtown: The Downtown Plan recommends that attached single-family and multi-family uses be allowed outright in the C-2 zone. Currently, residential uses require a conditional use in the C-2 zone. The C-2 zone is intended to accommodate higher intensity uses and serve a larger population than other zoning districts. Because the intent of the C-2 zone is to support higher density, allowing detached-single family uses to this zone would be inconsistent with the goals of increasing density in this area.

- Minimize presence of off-street parking: For buildings that face Portland Avenue, the amendments propose all required off-street parking within a building to be setback at least 20' behind the street facing building façade. Since non-residential uses are proposed on the ground floor, this additional setback for parking areas within a building is intended to ensure that a use other than a parking garage is along the ground floor of a building along Portland Avenue.

### **Planning Commission Work Session Summary (July 19, 2022)**

At the July 19, 2022 Work Session, the Planning Commission considered three additional topics for consideration. The following summarizes additional changes to zoning not included in the Downtown Plan.

- **Increase the maximum height allowance to four stories, not to exceed 50 feet.** The initial proposed Downtown Overlay zone would allow a maximum height of three stories, not to exceed 35 feet, with an increased height to 40 feet if the ground floor has a floor to ceiling height of at least 15 feet. To increase the financial feasibility of redevelopment in the downtown overlay district, it would be beneficial to increase the maximum height allowance to four stories, not to exceed 50 feet. The reason for this suggestion is because keeping the maximum height at 40 feet with a 15' floor to ceiling height may not provide sufficient incentive for redevelopment. Increasing the maximum height to 50 feet would be consistent with the goals and intent of the overlay district and lead to more redevelopment opportunity. Any new developments would still be required to abide by the building form and design standards required by the overlay zone.
  - *Work Session Summary and Additional Changes:* The Planning Commission expressed overall support to increase the maximum building height to 50 feet or four stories. The proposed amendments now allow a maximum building height of 50 feet or four stories if the minimum floor to ceiling height of the ground floor is 15 feet. The Planning Commission also expressed concern regarding impacts of taller buildings on existing uses. The proposed code includes design standards to minimize the apparent bulk of larger building facades, including minimum building façade articulation and recesses, changes in materials, and other design standards.
- **Eliminate minimum parking requirements in the Downtown Overlay Zone.** There are a growing number of cities around Oregon (including North Bend, Madras, and LaGrande, to name a few) that have no minimum

parking requirements in their downtowns. Gladstone's proposed Downtown Overlay Zone is intended to provide walkable and pedestrian friendly development in Gladstone's downtown core. Eliminating minimum parking requirements would be consistent with the goal of a less car-dependent, more pedestrian friendly downtown. Requiring parking creates a significant cost for any new development. By eliminating a minimum parking requirement, the cost of development would be reduced, which increases the feasibility of new development and implementing the vision of the Downtown Revitalization Plan. In July 2022, the state also adopted new rules known as Climate-Friendly and Equitable Communities (CFEC) that will require a range of changes that impact Gladstone's Municipal Code, including the removal of minimum parking requirements within one half-mile of frequent transit. For Gladstone, this includes most of the C-2 zoning and proposed Downtown Overlay zone along Portland Ave (see Exhibit A).

- *Work Session Summary and Additional Changes:* The Planning Commission had mixed reactions to eliminating minimum parking requirements but there was general support for this change if the City implemented additional recommendations in the Downtown Revitalization Plan such as parking management, as well as improved transit access. As a result, and in response to the recent CFEC rules, the proposed amendments exempt minimum parking requirements but retain off-street parking screening and other design requirements when a development includes off-street parking. The proposed draft amendments do not include removal of parking minimums in the C-2, Community Commercial District because this zoning district exists in other areas of the city outside of the 1/2-mile transit buffer. Any changes will require additional study to address parking requirements and other changes to this zoning district to comply with the CFEC rules.
- **Extend the boundaries of the Downtown Overlay zone.** The overlay zone is proposed to be bound by W Exeter Street and W Arlington Street. Only parcels that have frontage on Portland Avenue would be within the proposed overlay zone. The Downtown Revitalization Plan Study Area included a much wider range of properties. There are several commercial and multifamily structures within the study area that are not included in the proposed overlay zone. There is an opportunity to expand the overlay zone to the north or to the side streets, so the district encompasses more properties. This would create a more comprehensive overlay zone by

including more properties than the immediate downtown core and provide more opportunities for redevelopment.

- *Work Session Summary and Additional Changes:* The Planning Commission considered an expansion of the proposed Downtown Overlay zone boundary and expressed interest in enlarging the area. The proposed overlay zone now encompasses the entire width of the C-2 zoning district boundary between W Exeter St. and W Arlington St. This is approximately one-half block from Portland Ave. on both sides of the street. It's important to note that the Downtown Revitalization Plan recommended an overlay district that is contained to a relatively small area to concentrate mixed uses and taller buildings in the city's core. A larger expansion than the proposed boundary will also require more detailed analysis to demonstrate that any increase in housing and employment forecasted for Gladstone will not result in substantial traffic impacts.

#### **Planning Commission Public Hearing Summary (November 15, 2022)**

On November 15, 2022, the Planning Commission held a public hearing on the proposed amendments that included the additional changes discussed at the work session, and to consider a recommendation for City Council. The Planning Commission approved the proposed amendments to the C-2 zoning district, and the Downtown Overlay Zone, with a minor modification to clarify the street names used to describe the Downtown Overlay District Boundary.

#### **Additional City Staff Review and Community Correspondence**

Following the Planning Commission public hearing, there have been two further changes to the proposed amendments.

- **City Attorney Review.** The City attorney provided an additional review of the proposed amendments prior to forwarding to the City Council for their consideration. Based on this review, the City made several additional refinements to the proposed amendments to comply with the provisions of ORS 197.307, specifically that "a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing."
- **Request from community member.** After the November 15<sup>th</sup> Planning Commission hearing, the City met with a party who hopes to construct a new brewpub/eatery within the proposed Overview Zone boundary, with the new building set back from the sidewalk, with a food cart pod between the sidewalk and the street. Because the proposed amendments would not

allow for this type of building setback, John Southgate (on behalf of the City) has recommended additional changes to the proposed Downtown Overlay Zone, allowing an exception to the Building Orientation requirement (17.21.060 Site Design and Landscaping).

These additional modifications to the proposed amendments made following the November 15<sup>th</sup> Planning Commission public hearing are provided in a clean version and a track changes version. As a result of these modifications, the City is requesting an additional Planning Commission public hearing to consider the additional amendments and make a recommendation to City Council.



**ORDINANCE 1517  
EXHIBIT "A"**

**Chapter 17.08  
ZONING DISTRICTS GENERALLY**

**Sections:**

- 17.08.010 Establishment of districts.
- 17.08.020 Area of application.

**17.08.010 Establishment of districts.**

For the purposes of this title, the following zoning districts are established:

Zoning District	Abbreviated Designation
Single-family household residential district	R-7.2
Single-family household residential district	R-5
Multi-family household residential district	MR
Local commercial district	C-1
Community commercial district	C-2
General commercial district	C-3
Downtown core overlay district	DC
Office park district	OP
Light industrial district	LI
Open space district	OS
Water quality resource area district	WQ
Greenway conditional use district	GW
Flood Management area district	FM

**Statutory Reference:** ORS Ch. 197, Ch. 227  
**History:** Ord. 1131 §2, 1990; Ord. 1334, 2002.

**17.08.020 Area of application.**

Each zoning district designation, with the exception of the DC, WQ, GW and FM overlay districts, corresponds to a Comprehensive Plan designation and shall be applied only to areas where the two designations are consistent. The corresponding designations are as follows:

Comprehensive Plan	Zoning District
Low density	R-7.2
Medium density	R-5

<b>Comprehensive Plan</b>	<b>Zoning District</b>
High density	MR
Commercial	C-1
Commercial	C-2
Commercial	C-3
Industrial	OP
Industrial	LI
Open Space	OS

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

**History:** Ord. [1131](#) §2, 1990; Ord. [1334](#), 2002.

**ORDINANCE 1517**  
**Exhibit "B"**

**CHAPTER 17.18: C-2—COMMUNITY COMMERCIAL DISTRICT**

Sections:

- 17.18.010 Purpose.
- 17.18.020 Uses allowed outright.
- ~~17.18.030 Residential accessory uses.~~
- 17.18.040 Conditional uses **allowed**.
- 17.18.050 Limitations on use.
- 17.18.060 Dimensional standards.
- 17.18.070 Off-street parking standards.
- 17.18.080 Exceptions in case of large scale development.

**17.18.010 Purpose.**

The purpose of a C-2 district is to implement the comprehensive plan ~~by: 1) and to~~ providing 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, and; 2) allowing a range of housing types to encourage more housing in the city's core and promote a greater mixture of uses.

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, including outdoor seating related to the primary use.

- (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.
- (11) Attached residential dwellings (duplex, triplex, quadplex).
- (12) Townhouses.
- (13) Cottage clusters.
- (14) Multi-household residential dwellings.
- (15) Accessory Dwelling Units (ADUs) in connection with a permitted residential use.

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.~~

**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.~~
- (31) Funeral home.
- (42) Small scale amusement or recreational facility such as a billiard or pool hall.
- (53) School and associated buildings, structures and facilities.
- (64) A use listed as a permitted outright use but not meeting the limitations of GMC Section 17.18.050 (limitations on use).
- (57) Planned unit development (PUD).
- (68) Foster homes.

(97) Day care center.

(108) Recreation vehicle park, subject to GMC Section 17.62.100 (recreation vehicle park).

(119) 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).

(1210) Uses operating between 12:00 a.m. and 5:00 a.m.

(11) Manufacturing of edible or drinkable products retailed on the same site, including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailed on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailed on the same site.

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;~~

(21) Outdoor play areas accessory to a community service facility;

(32) 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).~~

(53) The following limitations apply to developments along Portland Avenue:

(a) All non-residential uses 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) Ground floor residential uses shall provide ground floor windows along Portland Avenue. Required window area must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground floor.

(c) All buildings shall have a primary entrance face Portland Avenue. Primary entrance is defined a principal entry through which people enter the building. A building may have more than one primary entry, as defined in the Uniform Building Code.

(64) 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:

~~(a) Non-residential uses and mixed-use development: There shall be a~~ No minimum setback requirements; a maximum setback of five feet (5') shall be maintained along Portland Avenue frontages.

~~(b) Residential uses: five feet (5') maximum front setback; 15 feet minimum rear setback.~~

(2) Off-Street Parking. The boundary of any area developed or intended for off-street surface 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 feet) or three stories. This restriction may be varied as follows:~~

~~(a) 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;

~~(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) Minimum Lot Area. Residential density shall not exceed that allowed in the R-5 zoning district.~~

~~(a) Attached residential dwellings, townhouses, and cottage clusters uses shall comply with the minimum lot area requirements for the R-5 zoning district.~~

~~(b) Multi-household dwellings shall comply with the minimum lot area requirements for the MR 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').~~

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

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

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

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

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

Statutory Reference: ORS Ch. 197, Ch. 227

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

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

**17.18.070 Off-street parking standards.**

(1) Where one commercial use allowed outright is substituted for another in an existing building and the building is not expanded by more than 10 percent 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 10 percent standard.

~~(2) Off-street parking spaces shall be provided in accordance with the provisions of Chapter 17.48, except that the following standards shall apply in lieu of the corresponding standard in Chapter 17.48:~~

~~(a) Residential: The maximum shall be 1 space per dwelling unit.~~

~~(b) Office, Retail, Bank, or Eating and Drinking Establishment: The minimum shall be 1 space per 600 sq. ft.~~

(23) If a community service facility or civic use allowed outright is substituted for another community service facility or civic use on the same property, whether in the same building(s) or a new building(s) and the total lot coverage is not expanded by more than 10 percent of the lot coverage of the prior

building(s) on the property, no more off-street parking shall be required than was possessed by the previous facility or use.

(34) 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.

(5) Required parking reduction. Multi-household development may reduce the total minimum number of required parking spaces by up to 20% if affordable housing is provided as follows:

(a) Affordable housing is defined as housing that is affordable to those earning 60% of the Area Median Income (AMI, established by the US Department of Housing and Urban Development).

(b) The development must be located within one quarter mile, measured radially in a straight line, from a public transit stop (bus or light rail).

(c) At least 30% of the total number of dwellings units meet the eligibility requirements for affordable housing in subsection (a), and this affordability is enforceable as described in ORS 456.270 to 456.295 for a period of at least 30 years.

(6) On-street parking spaces may count towards the minimum number of required parking spaces when 50% or more of the parking space adjoins the property.

(7) Off-street parking areas shall not be located between the building and street or within required setbacks.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990; Ord. 1323 §1, 2002; Ord. 1503 §1, 2020.

#### **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.



**ORDINANCE 1517**  
**Exhibit "C"**

**CHAPTER 17.21: DC - Downtown Core Overlay Zone**

Sections:

- 17.21.010 Purpose.**
- 17.21.020 Applicability.**
- 17.21.030 Exceptions and non-conformances.**
- 17.21.040 Uses allowed outright.**
- 17.21.050 Conditional uses.**
- 17.21.060 Site design and landscaping.**
- 17.21.070 Building design.**
- 17.21.080 Off-street parking standards.**

**17.21.010 Purpose.**

The purpose of the Downtown Core Overlay Zone is to promote a walkable, mixed-use downtown main street along the four-block section of Portland Avenue from Exeter Street to Arlington Street. The overlay encourages higher density residential and mixed-use development where market demand is highest and where it is most compatible with existing development on properties facing Portland Avenue. The Downtown Core Overlay Zone will help ensure that new development:

- (1) Enhances and protects the city's quality of life and community image through clearly articulated site and building design standards;
- (2) Protects and promotes the city's economic vitality by encouraging high-quality development;
- (3) Establishes a clear relationship between streets, pedestrian spaces, and buildings; and
- (4) Enhances and protects the security and health, safety, and welfare of the public.

**17.21.020 Applicability.**

(1) Zoning Districts. The provisions of this chapter apply to new development along the four-block section of Portland Avenue from Exeter Street to Arlington Street within the Community Commercial (C-2) Zoning District.

(2) Conflicting Regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the Downtown Core Overlay Zone shall apply.

(3) The provisions of this chapter apply to the development of undeveloped sites, the redevelopment of previously developed sites, and/or new construction of any building or structure.

**17.21.030 Exceptions and non-conformances.**

(1) Routine Repairs and Maintenance. Routine repairs and maintenance are exempt from these standards.

(2) Additions or Expansion. Additions to or expansions of a building or structure existing as of the effective date of this ordinance are exempt from standards contained in this chapter that are specific to section 17.21.070 Building Design, provided the cumulative total of all additions or expansions is less than 800 square feet of gross floor area. If the cumulative total of all additions or expansions consists of 801 square feet or more of gross floor area, then the standards contained in this chapter that are specific to section 17.21.070 Building Design shall apply to the addition or expansion which would cause that total to be exceeded and any subsequent additions or expansions. Portions of an existing building which are nonconforming prior to the effective date of this ordinance shall come into conformity as provided in Chapter 17.76. As part of the addition or expansion, and regardless of size, all other portions of the site (landscaping, off-street parking and loading, supplementary regulations and exceptions, and nonconformances, etc.) must comply with respective code requirements as applicable.

(3) Nonconformances. See Chapter 17.76 for application of these standards in nonconforming situations.

**17.21.040 Uses allowed outright.**

In the Downtown Core Overlay Zone, the following uses and their accessory uses are allowed outright:

(1) Non-residential uses: All non-residential uses permitted in the underlying Community Commercial (C-2) Zoning District unless otherwise specified by this Section.

(2) Residential uses: For parcels along Portland Avenue, permitted in upper floor stories of multi-story development only. Ground floor dwelling units are permitted along streets other than Portland Avenue.

(3) Mobile Vending Units: A vehicle that is used in selling and dispensing goods or services to the customer shall be permitted on any parcel in the Downtown Core Overlay Zone. A mobile vending unit shall be exempt from sections 17.21.060 – 17.21.080 (Site Design and Landscaping, Building Design, and Off-Street Parking) and not require Design Review. As used in this subsection, a vehicle is motorized or non-motorized transportation equipment containing an axle and intended for use on public roads, including, but not limited to, a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a truck tractor with no more than one trailer.

**17.21.050 Conditional uses.**

Conditional uses in the Downtown Core Overlay Zone are the same as those listed in the underlying Community Commercial (C-2) Zoning District.

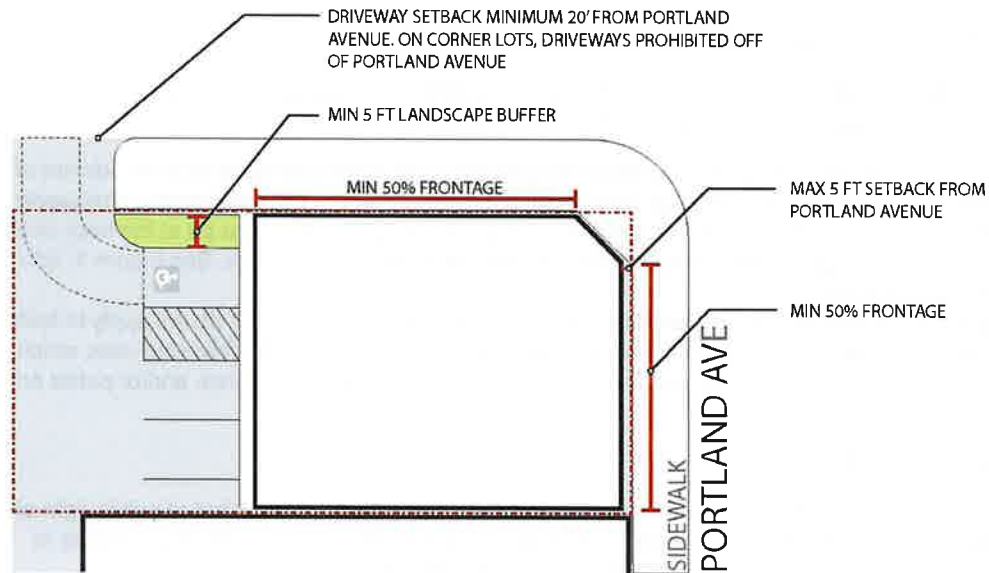
**17.21.060 Site design and landscaping.**

Intent. Create a sense of enclosure and human scale by orienting buildings to streets or public spaces and prioritize pedestrian circulation and walkable development.

- (1) **Building Orientation.** The street facing building façade must extend along at least 50 percent of the lot's street frontage(s). If the lot has more than one street frontage, this requirement shall apply to all of the lot's street frontages. This required 50 percent building frontage must be at the back of a public sidewalk, public right-of-way, or adjacent to an area dedicated to the public. See Figure 1: Site Design and Landscaping.
  - (a) **Exception.** The Building Orientation requirements in Section 17.21.060 do not apply to buildings in which the area between the building and the sidewalk is devoted to the following uses which enhance the pedestrian experience: mobile food carts, plazas, water features, and/or public art.
  
- (2) **Primary Building Entrance.**
  - (a) **Corner Building.** A primary entrance is required at the corner within 10 feet of public right-of-way, except in cases where the building is exempted from the Building Orientation requirements in accordance with 17.21.060.a. See Figure 1: Site Design and Landscaping.
  - (b) **Interior Building.** A primary entrance is required within 10 feet of public right-of-way and directly connected to a public sidewalk except in cases where the building is exempted from the Building Orientation requirements in accordance with 17.21.060.a.
  
- (3) **Setbacks.** Setbacks shall be provided in accordance with Chapter 17.18.
  
- (4) **Driveways.** Each property is allowed a maximum of one (1) driveway regardless of the number of street frontages. Corner lots shall be prohibited from having a driveway entrance along Portland Avenue except as follows:
  - (a) There is an existing driveway abutting Portland Avenue and a driveway abutting a side street cannot be located at least twenty feet (20') from the intersection.
  - (b) The property line abutting the side street does not have sufficient width to meet the minimum requirements of Chapter 17.48 (Off-Street Parking and Loading).
  
- (5) **Parking Areas.** For parcels with a property line abutting Portland Avenue, all off-street parking must be setback at least 20' behind the street facing building façade.
  
- (6) **Landscaping.** Landscaping shall be provided in accordance with Chapter 17.46 except as follows:
  - (a) **Parcels fronting Portland Avenue.** Not subject to the minimum landscaping requirement provided in Subsection 17.46.020 (1).

(b) Notwithstanding 17.46.020(2)(b), Surface parking areas shall have a five foot (5') wide landscape buffer between the parking area and any adjacent public street. All other provisions of 17.46.020(2) shall apply. See Figure 1: Site Design and Landscaping.

FIGURE 1: SITE DESIGN AND LANDSCAPING



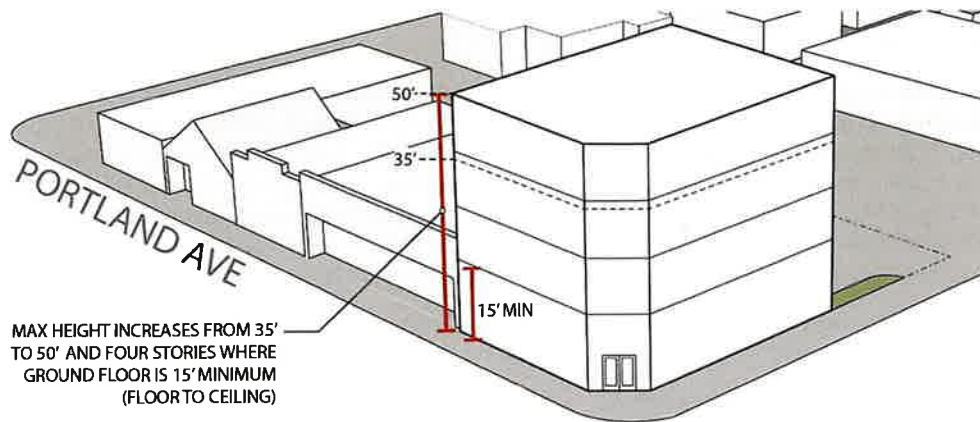
**17.21.070 Building design.**

Intent. Articulate building facades to break up large volumes and promote human scale development.

(1) Building height. The maximum building height shall be three (3) stories, not to exceed 35 feet. See Figure 2: Building Design (Building Height). This restriction may be varied as follows:

- (a) 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) The maximum building height shall be increased to 4 stories, not to exceed 50 feet, if the minimum floor to ceiling height of the ground floor is 15 feet (measured from finished ground floor to bottom of joists or slab on next floor up). See Figure 2: Building Design (Building Height).

FIGURE 2: BUILDING DESIGN (BUILDING HEIGHT)



(2) Windows/Transparency.

(a) Windows are required for 60 percent of the ground floor façade along public street frontages and 40 percent on facades facing required parking areas. See Figure 3: Building Design (Transparency, Articulation & Building Form).

(b) Upper-floor window orientation must be vertical or have a width that is no greater than the width of the ground-floor window immediately below it. Upper-floor windows that are located directly above lower-level piers must be aligned within 12 inches of the vertical lines of such piers.

(c) ATMs and Service Windows. ATMs and service windows must be visible from the public right-of-way for security and have a canopy, awning, or other weather protection shelter.

(d) Prohibited Windows. Highly tinted (total light transmittance less than 50%), opaque, or mirrored glass (except stained-glass windows) do not meet the intent of this section and are prohibited.

(3) Building articulation. Each building facade adjacent to a street shall be articulated through recessing, projecting, banding, articulation of exterior materials, or change of materials, by incorporating patterns that are offset by a minimum depth (projecting or recessing) of at least 16 inches from one exterior wall surface to the other and the offset shall extend the length and height of its module. Articulation patterns shall repeat a minimum of every 20 feet for the entire length of the facade. This standard shall only apply to facades that exceed 40 feet in length.

(4) Pedestrian shelters.

(a) Pedestrian shelters such as a canopy or overhang shall be provided over all adjacent public sidewalks so that 50 percent of the length of the building frontage and adjacent sidewalk has weather protection.

(b) Pedestrian shelters must be at least the same width of storefronts or window openings and meet any and all additional building code requirements.

(c) The minimum horizontal projection (depth) is 3 feet.

(d) All portions of any pedestrian shelter shall be at least 8 but not more than 12 feet above any public walkway.

(e) The Pedestrian Shelter requirements in Section 17.21.070.4 do not apply to buildings that are exempt from the Building Orientation requirement per Section 17.21.060.1.a.

(5) Building form.

(a) Where a wall of a proposed building is 10 feet or more taller than an adjacent building, the taller building must follow the horizontal lines of a shorter adjacent building along the top of the ground floor. This requirement is met by compliance with both of the following: (1) the height of the ground floor of the proposed building being the same as the height of the ground floor of an adjacent shorter building, and (2) incorporating corncing or a similar architectural feature that projects a minimum of 2 inches from the façade along the full length of the top of the ground floor of the proposed building. The top of the ground floor is defined as the bottom of the joists or slab on the next floor up.

(b) Multi-story buildings must have designs that establish prominent horizontal lines and avoid blank walls by incorporating one or more of the following:

- (A) A series of storefront windows;
- (B) Awning or canopy along the ground floor;
- (C) Belt course between building stories; and/or
- (D) Cornice or parapet line.

(c) Corner building. Corner buildings must include at least two of the following on building corners facing the public right-of-way:

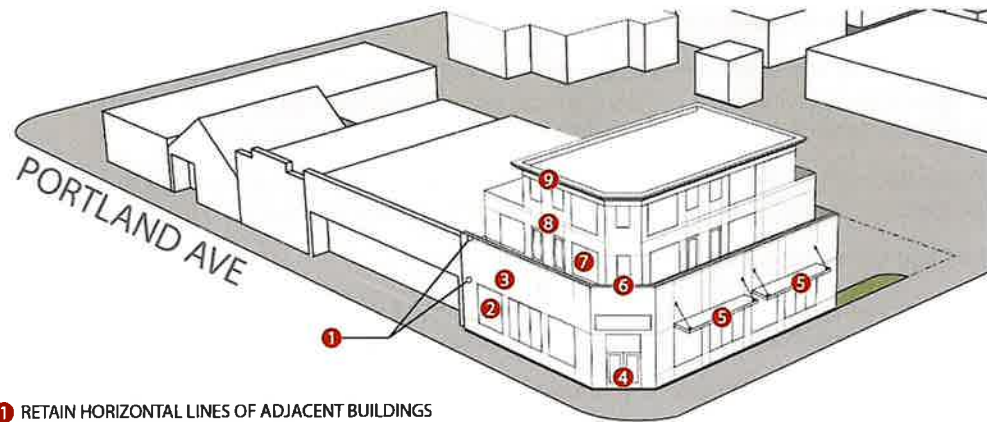
- (A) Bay windows
- (B) Roof decks or balconies on upper stories
- (C) Crowning features to a tower form such as wide cornices, projecting parapets.

(d) Buildings with flat roofs must have projecting cornices to create a prominent edge against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.

(e) Decks and Balconies. An upper story deck or balcony must be fully functional and integrated in the structure as follows:

- (A) The upper story deck or balcony must be uncovered by any structure other than an awning and located no closer than 2 feet to any property line.
- (B) The overall size of each upper story deck or balcony shall be limited to a maximum of 6 feet deep and 16 feet wide, excluding railings.
- (C) The guardrails on decks and balconies shall not exceed the minimum height required by the Building Code, and the design of the guardrail shall be at least 50% transparent or see through (consisting of open spaces with bars, balusters, railings, or similar).
- (D) The cantilevered portion of the deck or balcony shall have a minimum vertical clearance of seven feet.
- (E) No new ground supports for the deck or balcony may be located in the setback or open yard.

FIGURE 3: BUILDING DESIGN (TRANSPARENCY, ARTICULATION & FORM)



- ① RETAIN HORIZONTAL LINES OF ADJACENT BUILDINGS ALONG GROUND FLOOR
- ② 60% WINDOWS ON NON-RESIDENTIAL GROUND FLOOR
- ③ ARTICULATION (RECESSING/PROJECTING, BANDING, ARTICULATION OF MATERIALS, CHANGE OF MATERIALS)
- ④ CORNER ENTRANCE
- ⑤ PEDESTRIAN SHELTERS
- ⑥ ROOF DECK/BALCONY INTEGRATED INTO STRUCTURE
- ⑦ UPPER-FLOOR WINDOWS NO WIDER THAN GROUND-FLOOR WINDOW BELOW, FOLLOW VERTICAL LINES OF LOWER-LEVEL PIERS
- ⑧ PROMINENT HORIZONTAL LINES
- ⑨ PROJECTING CORNICE

(6) Building materials.

(a) Exterior building materials must consist predominantly of unfinished wood, painted or natural-stained wood, fiber cement lap siding, stone, rusticated concrete block, or comparable cladding approved by the Planning Commission.

(b) For buildings three stories or more, the design of elevations are encouraged to incorporate changes in material that define a building's base, middle, and top and create visual interest and relief.

(7) Color.

(a) Muted and subtle earth tones or neutral colors, that are low-reflectance shades, and natural wood finishes are encouraged as the primary colors of buildings.

(b) Coordinated Color. Color schemes are encouraged to be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes are also encouraged to tie together signs, ornamentation, awnings, canopies and entrances.

(8) Screening Mechanical Equipment.

(a) Rooftop mechanical equipment shall be screened from the view of adjacent public streets and abutting properties by an extended parapet wall or other roof form. The design of rooftop mechanical equipment screening is encouraged to be integrated with the architecture of the building.

(b) Ground level mechanical equipment shall be screened using vegetation screening or structural screens. The design of ground level mechanical equipment screening is encouraged to be integrated with the materials and colors of the building.

(9) Accessibility. Accessibility must be consistent with Americans with Disabilities Act (ADA) standards and applicable building codes. Wheelchair ramp design is encouraged to incorporate materials and detailing similar to the base of the building.

(10) Sustainability. Where possible, it is encouraged to use materials indigenous to the region and/or manufactured or supplied locally and that have minimal adverse impacts to the environment.

**17.21.080 Off-street parking standards**

Off-street parking in the Downtown Core Overlay Zone shall be provided in accordance with the underlying zoning district except for the following standards:

(1) Minimum Parking Required: New developments within the Downtown Core Overlay Zone shall be exempt from minimum parking requirements.

(2) Off-street parking screening. Surface parking must be screened from the public right-of-way by one or a combination of the following:

(a) Low walls made of concrete, masonry, or other similar material and not exceeding a maximum height of three feet.

(b) Raised planter walls planted with a minimum 80 percent evergreen shrubs not exceeding a total combined height of three feet.

(c) Landscape plantings consisting of trees, of which at least 80 percent are deciduous, and shrubs and groundcover materials, of which at least 80 percent are evergreen.



**ORDINANCE 1517**  
**Exhibit "C"**

**CHAPTER 17.21: DC - Downtown Core Overlay Zone**

Sections:

- 17.21.010 Purpose.**
- 17.21.020 Applicability.**
- 17.21.030 Exceptions and non-conformances.**
- 17.21.040 Uses allowed outright.**
- 17.21.050 Conditional uses.**
- 17.21.060 Site design and landscaping.**
- 17.21.070 Building design.**
- 17.21.080 Off-street parking standards.**

**17.21.010 Purpose.**

The purpose of the Downtown Core Overlay Zone is to promote a walkable, mixed-use downtown main street along the four-block section of Portland Avenue from Exeter Street to Arlington Street. The overlay encourages higher density residential and mixed-use development where market demand is highest and where it is most compatible with existing development on properties facing Portland Avenue. The Downtown Core Overlay Zone will help ensure that new development:

- (1) Enhances and protects the city's quality of life and community image through clearly articulated site and building design standards;
- (2) Protects and promotes the city's economic vitality by encouraging high-quality development;
- (3) Establishes a clear relationship between streets, pedestrian spaces, and buildings; and
- (4) Enhances and protects the security and health, safety, and welfare of the public.

**17.21.020 Applicability.**

- (1) Zoning Districts. The provisions of this chapter apply to new development along the four-block section of Portland Avenue from Exeter Street to Arlington Street within the Community Commercial (C-2) Zoning District.
- (2) Conflicting Regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the Downtown Core Overlay Zone shall apply.

(3) The provisions of this chapter apply to the development of undeveloped sites, the redevelopment of previously developed sites, and/or new construction of any building or structure.

**17.21.030 Exceptions and non-conformances.**

(1) Routine Repairs and Maintenance. Routine repairs and maintenance are exempt from these standards.

(2) Additions or Expansion. Additions to or expansions of ~~a an existing~~ building or structure existing as of the effective date of this ordinance are exempt from standards contained in this chapter that are specific to section 17.21.070 Building Design, provided the cumulative total of all additions or expansions is less than 800 square feet of gross floor area. If the cumulative total of all additions or expansions consists of 801 square feet or more of gross floor area, then the standards contained in this chapter that are specific to section 17.21.070 Building Design shall apply to the addition or expansion which would cause that total to be exceeded and any subsequent additions or expansions. ~~Existing nonconforming pP~~ portions of an existing building which are nonconforming prior to the effective date of this ordinance ~~the building~~ shall come into conformity as provided in Chapter 17.76. As part of the addition or expansion, and regardless of size, all other portions of the site (landscaping, off-street parking and loading, supplementary regulations and exceptions, and nonconformances, etc.) must comply with respective code requirements as applicable.

(3) Nonconformances. See Chapter 17.76 for application of these standards in nonconforming situations.

**17.21.040 Uses allowed outright.**

In the Downtown Core Overlay Zone, the following uses and their accessory uses are allowed outright:

(1) Non-residential uses: All non-residential uses permitted in the underlying Community Commercial (C-2) Zoning District unless otherwise specified by this Section.

(2) Residential uses: For parcels along Portland Avenue, permitted in upper floor stories of multi-story development only. Ground floor dwelling units are permitted along ~~side streets~~ other than Portland Avenue.

(3) Mobile Vending Units: A vehicle that is used in selling and dispensing goods or services to the customer shall be permitted on any parcel in the Downtown Core Overlay Zone. A mobile vending unit shall be exempt from sections 17.21.060 – 17.21.080 (Site Design and Landscaping, Building Design, and Off-Street Parking) and not require Design Review. As used in this subsection, a vehicle is motorized or non-motorized transportation equipment containing an axle and intended for use on public roads,

including, but not limited to, a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a truck tractor with no more than one trailer.

#### 17.21.050 Conditional uses.

Conditional uses in the Downtown Core Overlay Zone are the same as those listed in the underlying Community Commercial (C-2) Zoning District.

#### 17.21.060 Site design and landscaping.

Intent. Create a sense of enclosure and human scale by orienting buildings to streets or public spaces and prioritize pedestrian circulation and walkable development.

(1) ~~(1)~~ Building Orientation. The street facing building façade must extend along at least 50 percent of the lot's street frontage(s). If the lot has more than one street frontage, this requirement shall apply to all of the lot's street frontages. This required 50 percent building frontage must be at the back of a public sidewalk, public right-of-way, or adjacent to an area dedicated to the public. See Figure 1: Site Design and Landscaping.

(a) Exception. The Building Orientation requirements in Section 17.21.060 do not apply to buildings in which the area between the building and the sidewalk is devoted to the following uses which enhance the pedestrian experience: mobile food carts, plazas, water features, and/or public art.

(2) Primary Building Entrance.

(a) Corner Building. A primary entrance is required at the corner within 10 feet of public right-of-way, except in cases where the building is exempted from the Building Orientation requirements in accordance with 17.21.060.a. ~~Where a corner entrance is not practicable, a primary building entrance must be within 40 feet of the corner and adjacent to Portland Avenue.~~ See Figure 1: Site Design and Landscaping.

(b) Interior Building. A primary entrance is required within 10 feet of public right-of-way and directly connected to a public sidewalk except in cases where the building is exempted from the Building Orientation requirements in accordance with 17.21.060.a.

(3) Setbacks. Setbacks shall be provided in accordance with Chapter 17.18.

(4) Driveways. Each property is allowed a maximum of one (1) driveway regardless of the number of street frontages. Corner lots shall be prohibited from having a driveway entrance along Portland Avenue except as follows:

(a) except for instances where there is an existing driveway abutting Portland Avenue and a driveway abutting a side street cannot be located at least twenty feet (20') from the intersection,

(b) The property line abutting the side street does not have sufficient width to meet the minimum requirements of Chapter 17.48 (Off-Street Parking and Loading).

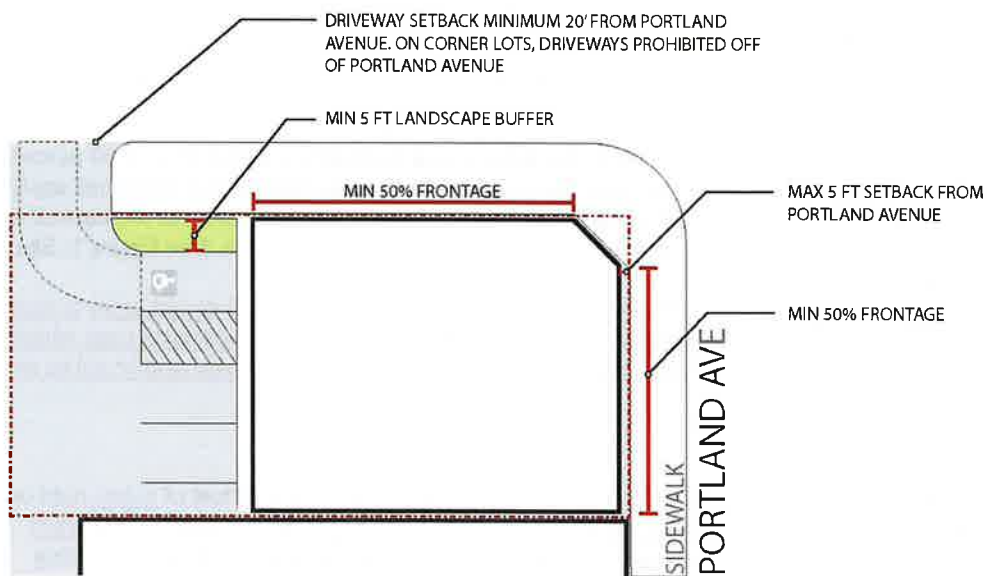
(5) Parking Areas. For ~~buildings that face parcels with a property line abutting~~ Portland Avenue, all ~~required~~ off-street parking ~~within a building~~ must be setback at least 20' behind the street facing building façade.

(6) Landscaping. Landscaping shall be provided in accordance with Chapter 17.46 except as follows:

(a) Parcels fronting Portland Avenue. No minimum landscaping requirement provided in Subsection 17.46.020 (1) along Portland Avenue.

(b) Notwithstanding 17.46.020(2)(b), Surface parking areas shall have a five foot (5') wide landscape buffer between the parking area and any adjacent public street. All other provisions of 17.46.020(2) shall apply. See Figure 1: Site Design and Landscaping.

FIGURE 1: SITE DESIGN AND LANDSCAPING



**17.21.070 Building design.**

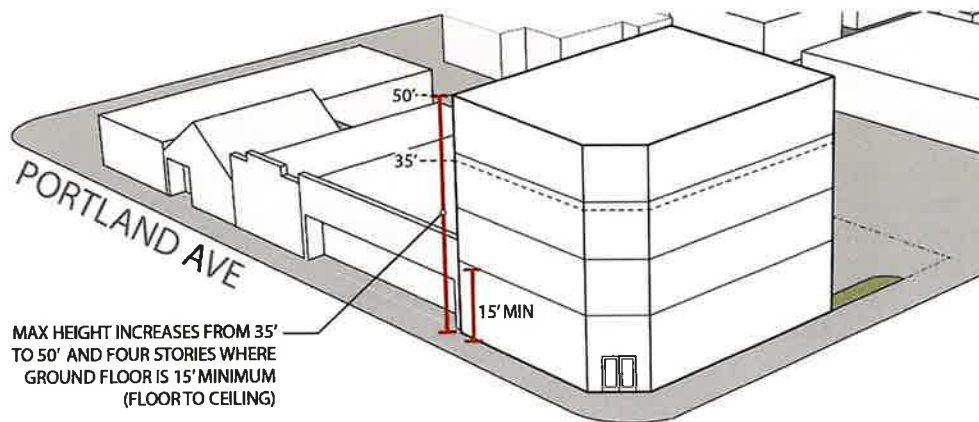
Intent. Articulate building facades to break up large volumes and promote human scale development.

(1) Building height. The maximum building height shall be three (3) stories, not to exceed 35 feet. See Figure 2: Building Design (Building Height). This restriction may be varied as follows:

(a) 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) The maximum building height shall be increased to 4 stories, not to exceed 50 feet, if the minimum floor to ceiling height of the ground floor is 15 feet (measured from finished ground floor to bottom of joists or slab on next floor up). See Figure 2: Building Design (Building Height).

FIGURE 2: BUILDING DESIGN (BUILDING HEIGHT)



(32) Windows/Transparency.

(a) Windows are required for 60 percent of the ground floor façade along public street frontages and 40 percent on facades facing required parking areas. See Figure 3: Building Design (Transparency, Articulation & Building Form).

(b) Upper-floor window orientation must be vertical or have a width that is no greater than the width of the ground-floor window immediately below it. Upper-floor windows that are located directly above ~~should follow the vertical lines of the lower-level piers~~ must be aligned within 12 inches of the vertical lines of such piers, and the horizontal definition of spandrels and any cornices.

(c) ATMs and Service Windows. ATMs and service windows must be visible from the public right-of-way for security and have a canopy, awning, or other weather protection shelter.

(d) Prohibited Windows. Highly tinted (total light transmittance less than 50%), opaque, or mirrored glass (except stained-glass windows) do not meet the intent of this section and are prohibited.

(43) Building articulation. Each ~~building facade adjacent to of a primary building facing~~ a street shall be articulated through recessing, projecting, banding, articulation of exterior materials, or change of materials, by incorporating patterns that are offset by a minimum depth (projecting or recessing) of at least 16 inches from one exterior wall surface to the other and the offset shall extend the length and height of its module. Articulation patterns shall repeat a minimum of every 20 feet for the entire length of the facade. This standard shall only apply to facades that exceed 40 feet in length.

(54) Pedestrian shelters.

(a) Pedestrian shelters ~~or weather protection~~ such as a canopy or overhang shall be provided over all adjacent public sidewalks so that 50 percent of the length of the building frontage and adjacent sidewalk has weather protection.

(b) Pedestrian shelters must be at least the same ~~match the~~ width of storefronts or window openings ~~and be integral to the overall composition of the building. Designs must address~~ meet any and all additional the location and function of the shelter, building codes requirements, ~~architectural compatibility, durability, and right-of-way constraints, if any.~~

(c) The minimum horizontal projection (depth) is 3 feet.



(de) All portions of any pedestrian shelter shall be at least 8 but not more than 12 feet above any public walkway.

(e) The Pedestrian Shelter requirements in Section 17.21.070.4 do not apply to buildings that are exempt from the Building Orientation requirement per Section 17.21.060.1.a.

(65) Building form.

(a) Where a wall of a proposed building is 10 feet or more taller ~~or more than~~ ~~the an~~ adjacent building, the taller building must follow the horizontal lines of ~~a the~~ shorter adjacent building along the top of the ground floor. This requirement is met by compliance with both of the following: (1) the height of the ground floor of the proposed building being the same as the height of the ground floor of an adjacent shorter building, and (2) incorporating corncing or a similar architectural feature that projects a minimum of 2 inches from the façade along the full length of the top of the ground floor of the proposed building, and ~~reference elements or detailing of the shorter building(s) on its upper stories.~~ The top of the ground floor is defined as the bottom of the joists or slab on the next floor up.

(b) Multi-story buildings must have designs that establish prominent horizontal lines and avoid blank walls by incorporating one or more of the following:-

(A) Examples of such horizontal lines include: the base below a series of storefront windows;

(B) an existing aAwning or canopy along the ground floor line;

(C), or bBelt course between building stories; and/or

(D) an existing eCornice or parapet line.

(c) Corner building. Corner buildings must include at least two of the following on building corners facing the public right-of-way:

(A) Bay windows

(B) Roof decks or balconies on upper stories

(C) Crowning features to a tower form such as wide cornices, projecting parapets.

(d) Buildings with flat roofs must have projecting cornices to create a prominent edge against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.

(e) Decks and Balconies. ~~Decks and balconies on upper stories should be designed so that they do not significantly increase the apparent mass of the building. An upper story deck or uncovered balcony must be fully functional and integrated in the structure as follows:~~

(A) The upper story deck or balcony must be uncovered by any structure other than an awning and located no closer than 2 feet to any property line.

(B) The overall size of each upper story deck or balcony shall be limited to a maximum of 6 feet deep and 16 feet wide, excluding railings.

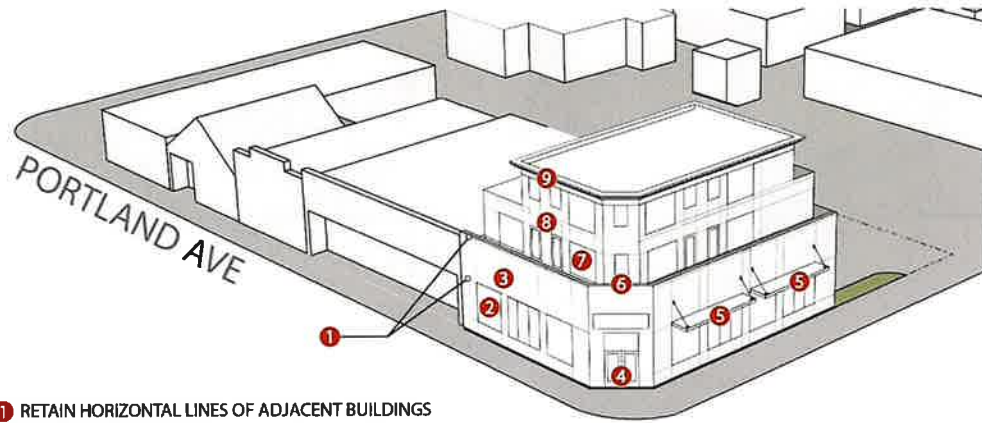
(C) The guardrails on decks and balconies shall not exceed the minimum height required by the Building Code, and the design of the guardrail shall be at least 50% transparent or see through (consisting of open spaces with bars, balusters, railings, or similar).

(D) The cantilevered portion of the deck or balcony shall have a minimum vertical clearance of seven feet.

(E) No new ground supports for the deck or balcony may be located in the setback or open yard.

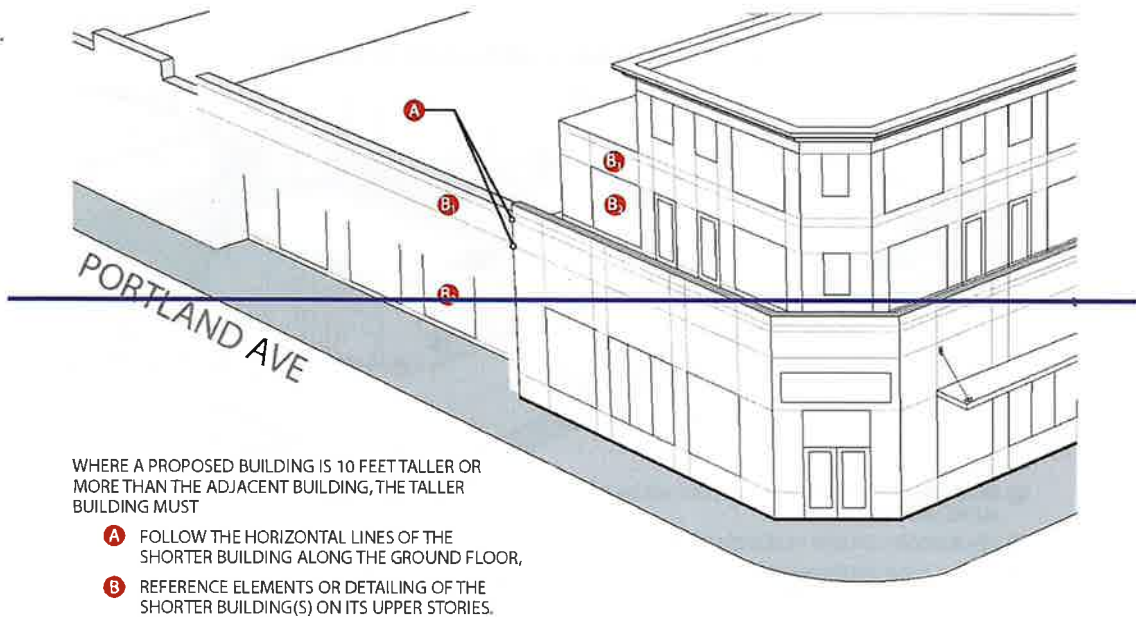
Mixed-use building facades adjacent to streets and pedestrian spaces should provide balconies of a sufficient depth that are integrated into the structure and fully functional.

FIGURE 3: BUILDING DESIGN (TRANSPARENCY, ARTICULATION & FORM)



- 1 RETAIN HORIZONTAL LINES OF ADJACENT BUILDINGS ALONG GROUND FLOOR
- 2 60% WINDOWS ON NON-RESIDENTIAL GROUND FLOOR
- 3 ARTICULATION (RECESSING/PROJECTING, BANDING, ARTICULATION OF MATERIALS, CHANGE OF MATERIALS)
- 4 CORNER ENTRANCE
- 5 PEDESTRIAN SHELTERS
- 6 ROOF DECK/BALCONY INTEGRATED INTO STRUCTURE
- 7 UPPER-FLOOR WINDOWS NO WIDER THAN GROUND-FLOOR WINDOW BELOW, FOLLOW VERTICAL LINES OF LOWER-LEVEL PIERS
- 8 PROMINENT HORIZONTAL LINES
- 9 PROJECTING CORNICE

FIGURE 4: BUILDING FORM



(6) Building materials.

- (a) Exterior building materials must consist predominantly of unfinished wood, painted or natural-stained wood, fiber cement lap siding, stone, rusticated concrete block, or comparable cladding approved by the Planning Commission.
- (b) For buildings three stories or more, the design of elevations are encouraged to must incorporate changes in material that define a building's base, middle, and top and create visual interest and relief.

(7) Color.

- (a) Muted and subtle earth tones or neutral colors, that are low-reflectance shades, and natural wood finishes are preferred-encouraged as the primary colors of buildings. Natural wood finishes are encouraged. Alternative colors may be approved by the Planning Commission.
- (b) Coordinated Color. Color schemes must-are encouraged to be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes are also encouraged to must-tie together signs, ornamentation, awnings, canopies and entrances.

(8) Screening Mechanical Equipment.

- (a) Rooftop mechanical equipment shall be screened from the view of adjacent public streets and abutting properties by an extended parapet wall or other roof form. The design of rooftop mechanical equipment screening is encouraged to be that-are integrated with the architecture of the building.
- (b) Ground level mechanical equipment shall be screened using vegetation screening or structural screens. The design of ground level mechanical equipment screening is encouraged to be -that-are integrated with the materials and colors of the building.



(9) Accessibility. Accessibility must be consistent with Americans with Disabilities Act (ADA) standards and applicable building codes. Wheelchair ramp design is encouraged to ~~must~~ incorporate materials and detailing similar to the base of the building.

(10) Sustainability. Where possible, it is encouraged to use materials indigenous to the region and/or manufactured or supplied locally and that have minimal adverse impacts to the environment.

**17.21.080 Off-street parking standards**

Off-street parking in the Downtown Core Overlay Zone shall be provided in accordance with the underlying zoning district except for the following standards:

- (1) Minimum Parking Required: New developments within the Downtown Core Overlay Zone shall be exempt from minimum parking requirements.
- (2) Off-street parking screening. Surface parking must be screened from the public right-of-way by one or a combination of the following:
  - (a) Low walls made of concrete, masonry, or other similar material and not exceeding a maximum height of three feet.
  - (b) Raised planter walls planted with a minimum 80 percent evergreen shrubs not exceeding a total combined height of three feet.
  - (c) Landscape plantings consisting of trees, of which at least 80 percent are deciduous, and shrubs and groundcover materials, of which at least 80 percent are evergreen.





