



**GLADSTONE PLANNING COMMISSION / CITY COUNCIL
JOINT WORK SESSION AGENDA
GLADSTONE CIVIC CENTER, 18505 PORTLAND AVENUE
Tuesday, March 15, 2022 – 5:30 p.m.**

The City of Gladstone is abiding by social distancing requirements during the coronavirus pandemic. This meeting will be conducted virtually and open for the public using the Zoom platform.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82391845563?pwd=VWw3ZSs0NTBaQTQ4amM0Z2dqY3I2dz09>

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Webinar ID: 823 9184 5563

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If members of the public would like to comment on an agenda item, please email your comments to bannick@ci.gladstone.or.us prior to 12:00 p.m. (noon) on March 15, 2022.

5:30 P.M. CALL TO ORDER

ROLL CALL

FLAG SALUTE

REGULAR AGENDA

1. Gladstone Middle Housing Zoning Code Amendments, file TXT-2022-01. Discuss draft amendments to housing in Chapter 17 of the Gladstone Municipal Code. Amendments are intended to bring the code into compliance with House Bill (HB) 2001.

ADJOURN

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. Staff will do their best to respond in a timely manner and to accommodate requests.

Gladstone Code & Policy

Possible Issues:

- MIG’s initial set included a number of side comments, posing questions to Jacque and me. I think it would be very helpful to include this in the Work Session version. These are questions that merit PC/CC weigh-in.
 - MIG Response: Where appropriate, these comments have been adjusted to include Joy’s comments and questions for work session consideration.
- 17.06.451 – 2 acres is MIG’s proposed definition of large scale PUD. I have no objection. But why not make it consistent w 17.060.450, which triggers PC review for PUD’s exceeding 80,000 sq ft?
 - MIG Response: Section 17.38.020 Applicability for PUDs state that a PUD may be established on a site of at least 80,000 SF and is explicit that a PUD is not allowed on anything less but does not define what a “large scale” PUD is. If the desire is to be consistent with the 80,000 SF, my recommendation would be to strike references to “large scale” PUDs in Section 17.10.050 and Section 17.12.050 and Section 17.14.050.
- 17.06.140 – maximum occupancy size vis-à-vis household size. We need to pin this down – do we put in 5 households per unit, or rely on Building Code (MIG question to City).
 - MIG Response: Thought was anything less than 5 households in a building could be considered one of the plexes under Middle Housing. Building code may have more specific language around the room sizes and number of bathrooms/kitchens etc. which could help clarify. May be a question for building or engineering?
- 17.06.144 – need to decide if we’re ok w a duplex or triplex can be in one or more buildings, or only in a single “attached” building.
- 17.06.148 – def of cottage cluster. Do we want to stipulate a min (MIG suggests five units) or maximum number of cottages in a cluster? Also, apropos of earlier comment, there is a max footprint of 900 sq ft per unit. Does this mean that the max area of such a unit is 1400 sq ft including second floor?
 - MIG Response: The OARs do not require a large city to set a minimum number of dwelling units in a CC but it may choose to do so. However, a city cannot require more than five. Five cottages would differentiate between detached triplexes and quadplexes which are not subject to the additional cottage cluster development and design standards.
 - I think the max area would be 2,200 SF (1,100 SF building footprint with 200 SF allowed deduction for attached garage/carport + 1,100 SF second floor). 1,400 was from the model code but I’m not sure how it was calculated.
- 17.10.020 – Joy asks why we’re removing Foster Homes as uses allowed by right in R5 zone. MIG says foster homes are prohibited under state law (i.e. can’t regulate based on familial relationships).
 - MIG Response: Correct. We consider a “foster home” to be a type of household defined by non-family characteristics, not a dwelling type. The familial relationship seems to us to be inconsistent with HB 2583. To Joy’s comment, I don’t think by removing it, foster homes aren’t allowed especially with the updated definition of “Household” means persons occupying a dwelling unit as their usual place of residence.”

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- 17.10.030 (5) (b) (- need to pin down maximum ADU size. Discrepancy between MIG (600 sf) and Joy (800 sf).

- MIG Response: We can change this to 800 SF. My concern was that there would be no real difference between a cottage and ADU with the 900 SF max building footprint for a cottage cluster. The OARs stay silent on the allowance of ADUs on cottage cluster sites. The City may want to consider additional standards to ensure the site is not overbuilt or an exception for ADUs on cottage cluster sites. However, we are not proposing a max number of cottages so maybe it is a moot point?

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- 17.10.040 – MFR as a CU in R7.5 – MIG concerned that making MFR a CU, this is not “clear & objective”.

- MIG Response: Joy makes good points in her comments that the city should consider. The word “complexes” may be outdated and confusing but if desired by the city, we should add a definition. The popular definition is, “a group of similar buildings or facilities on the same site.” Based on our proposed definition, a multi-household dwelling is a building for 5 or more households. Complexes has been replaced with “Buildings”

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- 17.10.050 – question re min lot area for multi family dwellings in R7.5 is currently 3600 sf. Are we good w keeping this standard? (I have no objection).

- MIG Response: This was taken from the original text of the code which states, “For a two-family or multi-family dwelling, the minimum lot area shall be 3,600 square feet per dwelling unit...” The “per dwelling unit” seemed excessive for middle housing. For example, a triplex would have a minimum lot area of 7,200. However, a triplex could be sited on a minimum lot area of 3,600 SF adequately. This number can be reduced to 3,000 SF, which a duplex could be sited on comfortably.

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- 17.10.050 – Joy has a number of questions about standards in this table. I don’t have a dog in the fight...

- MIG Response:

- Clarified the origin of the 3,600 SF minimum lot area and posed a discussion question for the work session
- Added the 7.5 ft or 5 ft due to irregular shaped lots per Joy
- Added a note on setbacks for manufactured homes
- Posed a discussion question to the work session on whether the City should allow an ADU for each dwelling unit or limit the development on one site to 4 dwelling units
- Added the sufficient infrastructure standard

- Removed the parking requirements with the amendments to the parking section (see below)

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- 17.12.030 (5) (b) discrepancy between MIG (600 sf) and Joy (800) re max ADU size.

- MIG Response: Please see response for 17.10.030 above.

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- 17.12.030 (5) (e et ff)– Joy expresses concerns that the language doesn’t accord w State requirements that the standards here must be “clear & objective”.

- MIG Response: We can amend these but we will need further direction from the City on which standards to address and how the City would like to make these clear and objective. As they read right now the ADUs are modeled after the primary residence and

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provides no further guidance. How much room does MIG have to make recommendations on roof pitch, materials and windows?

- 17.12.040 (1) – MFR as a CU in R5 – MIG concerned that by making MFR a CU, this is not “clear and objective”.
- 17.12.050 – table has blanks for minimum and maximum density. Should we just delete these lines if there is no standard?
 - MIG Response: Minimum density requirement is moved to the same row while max. density was broken out into different rows.
- 17.12.050 – same table sets a maximum density for detached single family dwellings of 5000 sq ft or 8 units per net acre. We should just choose one. Although I’d call this more a min lot size standard than a minimum density standard. Since earlier in the same table there is a stated MLA of 5000 for a detached SFR, I suggest we scrap the max density requirement line altogether.
 - MIG Response: As recommended, the maximum density requirement is removed but consequently the minimum density is also impacted and has been deleted because the minimum density references the max.
- 17.12.050 (1) – definition of large PUD. Again I favor being consistent w Defs chapter. Either 80,000 sq ft or 2 acres. No preference from my vantage point.
 - MIG Response: Please see previous response above for 17.06.451
- 17.12.055 – cottage clusters. (c) stipulates av unit size of 1400 sq ft. this is distinct from the min footprint requirement in 17.06 (900sf), correct?
 - MIG Response: Correct
- Apparent discrepancy in 17.14.020 (MFR) between Joy and MIG re whether 2-4 unit dwellings are allowed by right or must (like and SFR) only be allowed as a CU. Or make SFR allowed by right which I would think we don’t want.
 - MIG Response: Division 46 (660-046-0010) does not require that cities allow middle housing in zones that do not also allow single-dwelling developments. If single-dwelling units are permitted and Division 46 consequently implemented in the MR zone, we agree the City cannot apply design standards to multi-household dwelling developments that are not also applied to single-household dwellings. One way to avoid that scenario is to list “Middle Housing” as a permitted use in the R-5 and R-7.2 zones as required by Division 46, as we have suggested in the draft amendments, but not list it in the MR zone; instead, for the MR zone, list the dwelling types individually as we have done. We feel this allows the City to be flexible and encourages middle housing. We could also move these types to conditional uses but similar to previous comments, the conditional use criteria is not clear and objective. A third alternative is to not propose these changes at all since they are not required by HB2001.
- 17.14.050 min lot area for duplexes and triplexes compared to SFRs. Joy and MIG not on same page. (Joy wants duplexes and triplexes to be required to have at least the same 5000 sq ft as an SFR: MIG proposing 3000 sq ft)
 - MIG Response: Joy makes a good point. The 1,000 SF originates from the current code. However, we propose to remove that from the Duplex and Triplex because as the code concepts illustrated a duplex and triplex can be sited adequately on a 3,000 sf lot. We will defer to the City on this.

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- Also in 17.14.050 the “min density” box in the table is blank, and the stated max density is “none”. Are these two lines irrelevant, insofar as the min lot area earlier in the table governs? Should we toss these boxes?

- MIG Response: The min density is listed on the following row. If deleted, would the notes on the minimum density exceeding 30 units per net acre, the exception listed, and the mobile home park density be deleted as well?

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- MIG asks a question about PUDs in 17.14.050 (1) re PUD – requiring 25% (percentage not sacrosanct) that a PUD must have in NON sfrs. We should discuss.

- MIG Response: Agreed. This was guided by Section 660-046-0205 Applicability of Middle Housing in Large Cities Subsection 2.b in Division 46

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- 17.14.055 (1) (c) to confirm that the 1400 Sq ft max floor area for units in cottage clusters is the minimum *footprint*, not minimum square footage of the unit. (i.e. you can have a 2800 sq ft, two story unit, yes?)

- MIG Response: The OARs are explicit in the maximum building footprint being 900 SF. I believe the model code is referring to the square footage of the unit (including second story). The OARs allow an exemption for 200 square feet of attached garage. I believe this is also taken into account.

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- Typo in 17.14.055 (1) (d) (A) – the (b) at the end of this section should be capitalized.

- MIG Response: Addressed.

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- Minimum parking. 17.48. Joy says that Table 1 only applies to projects subject to DR. therefore proposed MIG language would have no minimum parking requirement for anything 4 units or less. Need to resolve. Joy’s solution is to put min parking for 4 units and below in 17.10 and 17.12.

- Also, Nota Bene: if Joy is wrong and duplexes, triplexes and fourplexes *are* subject to DR (see my first note above), then the issue of minimum parking in this bullet only applies to SFRs...

- MIG Response: Joy is correct. The table is only applicable to DR projects and per Section 17.80.021 Single households are exempt from this process. This should also apply to middle housing. “Middle Housing” has been added to Section 17.80.021 with “Single Household dwelling” to be consistent with HB2001.

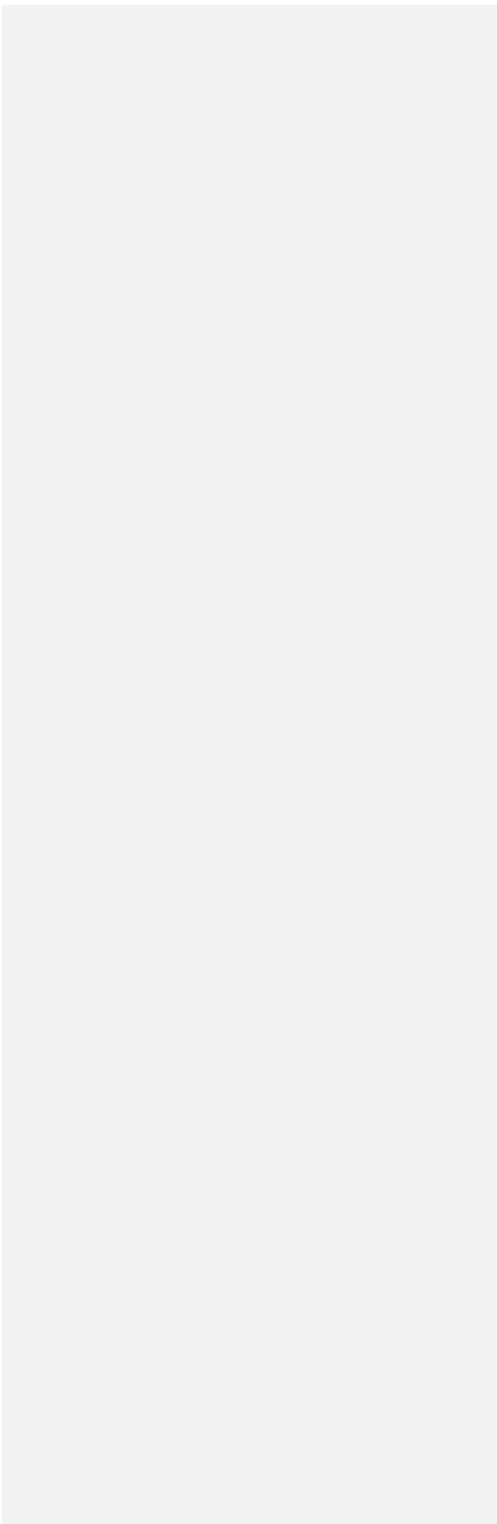
- Regarding parking: Because Table 1 does only apply to Design Review projects, we propose keeping “Residential Uses” in Table 1, as written with the added flexibility for Zone A parking to cover the city for any unforeseen circumstances where residential uses would be subject to design review (e.g. PUDs) and keeping Section 17.48.020 with amendments that (1) include Middle Housing (2) amending the minimum parking to 1 parking space per dwelling unit as required by HB2001 and allowing on-street parking credit.

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- 17.80.Design Review – MIG would not exempt duplexes, Triplexes, and fourplexes from DR, as w SFRs. Joy says we need to keep these in the exemption. Need to make sure we’re all on the same page.

- MIG Response: Please see above response.

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CHAPTER 17.06

DEFINITIONS

Chapter 17.06 DEFINITIONS*

Sections:

- 17.06.005 Generally.
- 17.06.010 Access.
- 17.06.013 Accessory dwelling unit.
- 17.06.015 Accessory use or accessory structure.
- 17.06.020 Alley.
- 17.06.035 Automobile service station.
- 17.06.040 Automobile storage or repair garages.
- 17.06.045 Boarding house, lodging house or rooming house.
- 17.06.050 Building.
- 17.06.055 Building height.
- 17.06.060 Building line, front.
- 17.06.065 Building official.
- 17.06.070 Carport.
- 17.06.075 Cattery.
- 17.06.080 Change of use for purposes of the greenway zone only.
- 17.06.085 Chapter.
- 17.06.090 City.
- 17.06.095 City Council.
- 17.06.100 City Administrator or designee.
- 17.06.105 Comprehensive plan.
- 17.06.115 Day care center.
- 17.06.117 Days.
- 17.06.120 Development for purposes of the greenway zone only.
- 17.06.125 Development permit.
- 17.06.130 Drinking establishment.
- 17.06.135 Durable and dustless surface.
- 17.06.14140 Dwelling, multi-~~family-household~~.
- 17.06.14245 Dwelling, single-~~family-household~~.
- 17.06.14350 Dwelling, two-~~family-household~~ or “Duplex”.
- 17.06.14055 Dwelling unit.
- 17.06.144 Dwelling, three-household or “Triplex”.
- 17.06.145 Dwelling, four-household or “Quadplex”.
- 17.06.146 Townhouse.
- 17.06.147 Townhouse Project.
- 17.06.148 Cottage Cluster.
- 17.06.149 Middle Housing.
- 17.06.160 Easement.
- 17.06.165 Eating establishment.
- 17.06.170 Exterior.
- 17.06.175 ~~Family-Household~~.
- 17.06.180 Fence or hedge, sight-obscuring.
- 17.06.195 Floor area.
- 17.06.200 Foster home.
- 17.06.205 Frontage.
- 17.06.210 Grade, ground level.
- 17.06.213 Gross leasable area (GLA).
- 17.06.214 Home for the aged
- 17.06.215 Group home.
- 17.06.220 Home occupation.
- 17.06.225 Hospitals, nursing homes and homes for the aged.
- 17.06.230 Hotel.
- 17.06.233 Institutional use.

17.06.235 Intensification of use for purposes of the greenway zone.
17.06.240 Kennel.
17.06.245 Landscaping.
17.06.247 Land use decision.
17.06.250 Livestock.
17.06.255 Loading space.
17.06.260 Lot.
17.06.265 Lot area.
17.06.270 Lot, corner.
17.06.275 Lot coverage.
17.06.280 Lot depth.
17.06.282 Lot, flag.
17.06.285 Lot line.
17.06.290 Lot line, front.
17.06.295 Lot line, rear.
17.06.300 Lot line, side.
17.06.301 Lot line, street side.
17.06.305 Lot of record.
17.06.310 Lot, through.
17.06.315 Lot width.
17.06.325 Major remodeling.
17.06.328 Manufactured dwelling.
17.06.336 Mini-storage.
17.06.338 Mixed use development.
17.06.340 Mobile home.
17.06.345 Mobile home court or mobile home park.
17.06.350 Model unit real estate office.
17.06.355 Motel.
17.06.358 Net acre.
17.06.360 New construction.
17.06.365 Nonaccess reservation.
17.06.370 Nonconforming use.
17.06.372 Nonconforming development.
17.06.375 Open space.
17.06.380 Owner.
17.06.385 Parcel.
17.06.390 Parking space.
17.06.395 Partition.
17.06.400 Partition land.
17.06.405 Pedestrian way.
17.06.410 Person.
17.06.415 Planning Commission.
17.06.416 Plat.
17.06.418 Porch, front.
17.06.419 Primary building wall.
17.06.420 Primary zoning district.
17.06.426 Property line adjustment.
17.06.430 Recreation vehicle park.
17.06.435 Recreation vehicle.
17.06.440 Residential home.
17.06.445 Residence.
17.06.450 Residential planned unit development
17.06.455 Residential zoning district.
17.06.460 Right-of-way.
17.06.465 Roadway.
17.06.470 Seasonal.

17.06.475 Section.
17.06.480 School, commercial.
17.06.485 School, primary, elementary, junior high or high.
17.06.491 Senior housing center.
17.06.492 Setback, front.
17.06.493 Setback, rear.
17.06.494 Setback, side.
17.06.496 Setback, street side.
17.06.497 Sidewalk.
17.06.500 Sign.
17.06.501 Sign, electronic message center.
17.06.503 Sign, monument.
17.06.504 Sign, segmented message.
17.06.506 Sign, tri-vision.
17.06.507 Story.
17.06.510 Story, half.
17.06.515 Street.
17.06.520 Structure.
17.06.525 Subdivide land.
17.06.530 Subdivision.
17.06.535 Temporary structure real estate offices.
17.06.537 Temporary structures.
17.06.540 Title.
17.06.542 Transit street.
17.06.545 Use.
17.06.548 Utility facility.
17.06.550 Utility substation.
17.06.551 Vacation rental.
17.06.553 Vacation occupancy.
17.06.555 Vegetation.
17.06.560 Vehicle.

* Prior history:

17.06.025 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.
17.06.030 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.
17.06.110 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 § 1, 2002.
17.06.185 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1334, 2004.
17.06.190 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1334, 2004.
17.06.320 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1171 §1(K), 1993.
17.06.330 **History:** Ord. 1131 §2, 1990; Ord.1179 §11(B), 1993; Repealed by Ord. 1323 §1, 2002.
17.06.335 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1171 §1(L), 1993.
17.06.425 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323§1, 2002.
17.06.490 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323§1, 2002.
17.06.495 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.
17.06.502 **History:** Ord. 1161 §1, 1992; Renumbered to §17.06.504 by Ord. 1323 §1, 2002.

17.06.505 **History:** Ord. 1131 §2, 1990; Renumbered to §17.06.507 by Ord. 1323 §1, 2002.

17.06.565 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.

17.06.570 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.

17.06.575 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.

17.06.580 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.

17.06.585 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.

17.06.005 Generally.

The words and phrases used in Title 17 shall have the meanings set out in Chapter 17.06 (definitions) unless the context otherwise requires.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.010 Access.

“Access” means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.013 Accessory dwelling unit.

“Accessory dwelling unit” means an additional, smaller, subordinate dwelling unit located on the same lot as a detached or attached single-~~family~~ household dwelling or multi-household dwelling. An accessory dwelling may be created as a detached structure or within, or as an addition to, a detached single-~~family~~ household dwelling or accessory structure.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.015 Accessory use or accessory structure.

“Accessory use” or “accessory structure” means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.020 Alley.

“Alley” means a street which affords only a secondary means of access to the property.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.035 Automobile service station.

“Automobile service station” means a retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, or automobile and truck maintenance and repair, and the supplying of other incidental customer services and products, but not painting, body and fender work, and storage of autos and trucks.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.040 Automobile storage or repair garages.

“Automobile storage or repair garages” means a premises used for the storage, repair, or sale of used automobile vehicles or automotive parts.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.045 Boarding house, lodging house, or rooming house.

“Boarding house,” “lodging house” or “rooming house” means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be served.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.050 Building.

“Building” means a structure built for the support, shelter or enclosure of any persons, animals, chattels, or property of any kind excepting uncovered patios or decks not exceeding thirty inches in height above the average grade of the adjoining ground.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.055 Building height.

“Building height” means the vertical distance measured from the adjoining street center line grade as established by the city to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to a mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.060 Building line, front.

“Front building line” means a line parallel and adjacent to the front of that structure which is closest to the front lot line. For purposes of this definition, the front of a structure is the side facing the front lot line. A front building line extends from one side lot line to the opposite side lot line.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.065 Building official.

“Building official” means the building official of the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.070 Carport.

“Carport” means a stationary structure consisting of a roof with its supports and not more than two walls, or a storage cabinet substituting for one of the walls, and used for sheltering a motor vehicle, boat or recreation vehicle.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.075 Cattery.

“Cattery” means ten or more cats owned or boarded on the premises.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.080 Change of use for purposes of the greenway zone only.

“Change of use for purposes of the greenway zone only” means a different use than that which existed on December 6, 1975. It includes a change that requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building that does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which permanent substantial construction has been undertaken by July 1, 1976. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.085 Chapter.

“Chapter” means a portion of this ordinance identified by a four digit number (for example, Chapter 17.06, Definitions.)

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.090 City.

“City” means the City of Gladstone, Oregon.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.095 City Council.

“City Council” means the governing body of the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.100 City Administrator or designee.

“City Administrator” or “designee” means the administrator of the city or a person designated by the City Administrator.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.105 Comprehensive plan.

“Comprehensive plan” means the official plan adopted by the city for the guidance of growth and improvement, including modifications or refinements which may be made from time to time.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.115 Day care center.

“Day care center” means any facility, institution, establishment or place not a part of a school that provides day care to thirteen or more children, including children of the provider, regardless of full or part-time status, under thirteen years of age.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.117 Days.

“Days” means calendar days without reference to business days or holidays unless specifically stated to the contrary.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.120 Development for purposes of the greenway zone only.

“Development for purposes of the greenway zone only” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, parking lots, mining, dredging, filling, grading, paving, excavation or drilling operations, to bring about growth or availability, to construct or alter a structure, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights of access.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.125 Development permit.

“Development permit” means a building permit, subdivision approval, temporary permit, or any other permit required by the city before development can occur.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.130 Drinking establishment.

“Drinking establishment” means a place of business which requires a permit and/or license from the Oregon Liquor Control Commission for the dispensing of liquor for consumption upon the premises.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.135 Durable and dustless surface.

“Durable and dustless surface” means a surface providing a hard topping which is free from mud conditions in wet weather and dusty conditions in dry weather, specifically including concrete or asphaltic concrete or like material but specifically excluding gravel and dirt.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.1401 Dwelling, multi-family household.

“Multi-family household dwelling” means a building ~~or portion thereof~~, designed for occupancy by ~~three~~ five or more ~~families~~ households living independently of each other.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.1452 Dwelling, detached single-family household.

“Single-family household dwelling unit” means a detached building containing one dwelling unit located on a single lot, ~~and designed for occupancy by one family only.~~

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.15043 Dwelling, two-family household or “Duplex”.

“Two-family household dwelling unit” means a detached ~~or attached~~ building containing two dwelling units ~~on a single lot and designed for occupancy by two families independent of each other.~~

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.15540 Dwelling unit.

“Dwelling unit” means one or more rooms for occupancy by one family household for living purposes that is identified by a single street address and has common entrances and internal access. Trailer coaches shall not be considered as dwelling units, except when located in mobile home courts or parks.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1(1), 1993.

17.06.144 Dwelling, three household or “Triplex”.

“Three household dwelling unit” or “Triplex” means three attached or detached dwelling units on a single lot in any configuration.

17.06.145 Dwelling, four household or “Quadplex”.

“Four household dwelling unit” or “Quadplex” means four attached or detached dwelling units on a single lot in any configuration.

17.06.146 Townhouse.

“Townhouse” means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot and shares at least one common wall with an adjacent dwelling unit.

17.06.147 Townhouse Project.

“Townhouse Project” means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and any commonly owned property.

17.06.148 Cottage Cluster.

“Cottage cluster” means a grouping of three, four or more detached dwelling units per acre with a building footprint of less than 900 square feet each that includes a common courtyard on a single lot or on individual lots.

17.06.149 Middle Housing.

“Middle Housing” means Duplex, Triplex, Quadplex, Cottage Cluster, or Townhouse in the R-5 or R-7.2 zone and is subject to the Oregon Administrative Rules Chapter 660, Division 46 Middle Housing in Medium and Large Cities.

17.06.160 Easement.

“Easement” means a grant of the right to use a strip of land for specific purposes.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.165 Eating establishment.

“Eating establishment” means a place of business which serves food but does not require a permit and/or license from the Oregon Liquor Control Commission.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.170 Exterior.

“Exterior” means any portion of the outside of a structure which can be seen from a public place.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.175 Family Household.

~~“Family”“Household” means one person or two or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one housekeeping unit using one kitchen and providing meals or lodging to not more than two additional persons, excluding servants or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen., occupying a dwelling unit as their usual place of residence. This definition shall not apply to group homes, foster homes, or homes for the aged.~~

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.180 Fence or hedge, sight-obscuring.

“Sight-obscuring fence or hedge” means a fence consisting of wood, metal, masonry or similar materials, or an evergreen hedge or other evergreen planting, arranged in such a way as to obscure vision at least eighty percent (80%).

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.195 Floor area.

“Floor area” means the sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings, but not including:

- (1) Attic space providing headroom of less than seven feet.
- (2) Basement or cellar.
- (3) Uncovered steps or fire escapes.
- (4) Private garages, carports or porches.
- (5) Accessory water towers or cooling towers.
- (6) Accessory off-street parking or loading spaces.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.200 Foster home.

“Foster home” means any dwelling occupied and maintained by a person or persons licensed or certified by the state or other authorized agency to provide extended or temporary care, food, and lodging in such home for not more than seven dependent individuals beyond the number defined as a [family household](#). A foster home is not a hospital, nursing home, or home for the aged as defined in Oregon Revised Statutes, nor does it include a halfway house, work release center, or any other domiciliary facility for persons released from any penal or correctional institution.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

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

17.06.205 Frontage.

“Frontage” means property abutting on a street.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.210 Grade, ground level.

“Ground level grade” means the average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.213 Gross leasable area (GLA).

“Gross leasable area (GLA)” means the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.214 Home for the aged.

“Home for the aged” means a supervised personal care facility where staff provide services to residents. A home for the aged is not a group home, foster home, hospital, or nursing home.

Statutory Reference: ORS Ch. 197, Ch. 227

17.06.215 Group home.

“Group home” means any home occupied and maintained by a person or persons licensed by the state or other appropriate agency to provide extended or temporary care, food and lodging in such home for from eight to ten dependent individuals beyond the number defined as a [family household](#). A group home is not a foster home, hospital, nursing home or home for the aged as defined in Oregon Revised Statutes, nor does it include a halfway house, work release center, or any domiciliary facility for persons released from any penal or correctional institution.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

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

17.06.220 Home occupation.

“Home occupation” means an occupation, profession, or craft which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family household residing within the dwelling place; provided, however, there shall be no structural alteration or changes in the dwelling, or on the premises and there is no display of merchandise, storage materials, signs or articles or objects awaiting or in the process of repair, remodeling, or modification on the premises which can be seen from the exterior of the dwelling. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.225 Hospitals, ~~nursing homes and homes for the aged.~~

~~“Hospitals,” “nursing homes” and “homes for the aged” means the same as defined in the Oregon Revised Statutes.~~

~~“Hospital” means a medical facility licensed by the state of Oregon that provides health services on a primarily inpatient basis.~~

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

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

17.06.230 Hotel.

“Hotel” means a building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.233 Institutional use.

“Institutional use” means a church, school, public facility, hospital, nursing home or home for the aged.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000; Ord. 1292 §1, 2000.

17.06.235 Intensification of use for purposes of the greenway zone.

“Intensification of use for purposes of the greenway zone” means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below in this section is an intensification when it will substantially alter the appearance of the structure. (Intensification shall not include the completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which substantial construction has been undertaken by July 1, 1976.) Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or protection of the greenway includes the practices and activities customarily related to the use and enjoyment of one’s home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this district. Seasonal increases in gravel operation shall not be considered an intensification of use.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.240 Kennel.

“Kennel” means four or more dogs with permanent canine teeth owned or boarded on the premises.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.245 Landscaping.

“Landscaping” means the improvement of land by means such as contouring, plantings, fencing and the placement of outdoor structures.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.247 Land use decision.

“Land use decision” includes a final decision or determination that concerns the adoption, amendment, interpretation or application of the goals, comprehensive plan provision, land use regulation, but does not include:

- (1) A decision which is made under the city’s development standards which do not require interpretation or the exercise of facts, policy, or legal judgment.
- (2) A decision which approves, approves with conditions or denies a subdivision or partition and is consistent with the city’s development standards.
- (3) Approval or denial of a building permit.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.250 Livestock.

“Livestock” means domestic animals of types customarily raised or kept on farms for profit or other purposes.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.255 Loading space.

“Loading space” means an off-street space or berth on the same lot or parcel with a building or use or contiguous to a group of buildings or uses for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.260 Lot.

“Lot” means a unit of land that is created by a subdivision of land. For the purposes of this title, “lot” includes “parcel” and “lot of record” unless the context otherwise requires.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.265 Lot area.

“Lot area” means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.270 Lot, corner.

“Corner lot” means the total area of a lot abutting on two or more streets, other than an alley, at their intersection.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.275 Lot coverage.

“Lot coverage” means the area covered by a building or buildings on a lot, expressed as a percentage of the total lot area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.280 Lot depth.

“Lot depth” means the average horizontal distance between the front lot line and rear lot line.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.282 Lot, flag.

“Flag lot” means a lot that has access to a street by means of a narrow deeded strip of land or easement.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.285 Lot line.

“Lot line” means the property line bounding a lot.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.290 Lot line, front.

“Front lot line” means a lot line separating a lot from a street other than an alley. In the case of a corner lot, either of the lot lines separating the lot from a street other than an alley may be designated by the property owner as the front lot line with the other such lot line designated as a street side lot line. Except as modified by GMC Subsection 17.76.040(5), the front lot line of a flag lot, for the purposes of determining minimum yard requirements, shall be a line within the boundaries of the lot by a distance equal to the width of the narrow deeded strip of land or easement providing access to the lot from the street. The line shall be parallel to the lot line that extends from the street to the lot line opposite and most distant from the street.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.295 Lot line, rear.

“Rear lot line” means the lot line that is opposite and most distant from the front lot line. In the case of an irregular

or triangular shaped lot, the rear lot line is a line ten feet (10') in length within the lot parallel to and at a maximum distance from the front lot line.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.300 Lot line, side.

“Side lot line” means any lot line not a front or rear lot line.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.301 Lot line, street side.

“Street side lot line” means a side lot line separating a lot from a street other than an alley.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.305 Lot of record.

“Lot of record” means a lot or parcel in a recorded plat. For units of land that are not lots or parcels in a recorded plat, “lot of record” means a unit of land or aggregate of contiguous units of land held in a single ownership, as recorded in the office of the Clackamas County Recorder on October 26, 1971.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.310 Lot, through.

“Through lot” means an interior lot having frontage on two streets other than alleys.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.315 Lot width.

“Lot width” means the average horizontal distance between the side lot lines.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.325 Major remodeling.

“Major remodeling” means any work that substantially alters the exterior appearance of a structure or off-street parking area.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.328 Manufactured dwelling.

“Manufactured dwelling” means a single family household dwelling with a Department of Housing and Urban Development (HUD) label certifying that the structure was constructed on or after June 15, 1976, and met the requirements of the Federal Manufactured Housing Construction and Safety Standards and Regulations in effect at the time of construction, consistent with 1989 Oregon Laws, Chapter 380, 1989. This definition shall not apply to structures known as “modular homes” where such modular homes are constructed in accordance with all requirements of the state building code for modular homes and bear the Seal of Approval of the State of Oregon,

Building Codes Agency.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1171 §1(A), 1993; Ord. 1179 §11(A), 1993.

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

17.06.336 Mini-storage.

“Mini-storage” means a storage and warehousing service within a building(s) primarily for individuals to store personal effects and by business to store materials for operation of an industrial or commercial enterprise located elsewhere. In no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials. The location of an owner or manager residence on the premises is permitted.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1256 §1, 1998.

17.06.338 Mixed use development.

“Mixed use development” means development or buildings where land uses are mixed together. This can include residential and commercial, or office and retail. Uses may be mixed in one building “vertically” where there is one use on the ground floor and a different use above in one building, or “horizontally” where a variety of uses are next to each other in one building.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.340 Mobile home.

“Mobile home” means a single **family household** dwelling originally designed and constructed to be movable or portable, constructed to be transported on its own chassis and designed originally without a permanent foundation, whether or not a permanent foundation is subsequently provided, or two or more units separately transportable but designed to be joined into an integral unit, and which do not conform to all requirements of the building code for other residences and not meeting the definition of “manufactured dwelling.”

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1(B), 1993.

17.06.345 Mobile home court or mobile home park.

“Mobile home court” or “mobile home park” means four mobile home units or more for rent within five hundred feet of one another on a lot, tract, or parcel.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.350 Model unit real estate office.

“Model unit real estate office” means a permanent residential structure located in a developing subdivision used for the promotion of sale of units in the subdivision, so long as the model unit real estate office is at all times available for sale, lease, lease option or exchange as a residential dwelling.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.355 Motel.

“Motel” means one or more buildings designed or used as temporary living quarters for transients.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.358 Net acre.

“Net acre” means an area measuring forty-three thousand five hundred sixty (43,560) square feet, which excludes:

- (1) Road rights-of-way and other public dedications through or on the edge of the land; and
- (2) Environmentally constrained areas, including open water areas, areas in the FM District, areas in the WQ District, natural resource areas protected under statewide planning Goal 5 in the Comprehensive Plan, slopes in excess of twenty-five percent (25%) and wetlands requiring a federal fill and removal permit under Section 404 of the Clean Water Act.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000; Ord. 1334, 2002.

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

17.06.360 New construction.

“New construction” means a structure for which the start of construction commenced on or after the effective date of the ordinance codified in this title.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.365 Nonaccess reservation.

“Nonaccess reservation” means a street plug or a one foot right-of-way width owned by the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.370 Nonconforming use.

“Nonconforming use” means a lawful existing use at the time the ordinance codified in this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1266 §1, 1998.

17.06.372 Nonconforming development.

“Nonconforming development” means development of a site which was lawfully existing at the time the ordinance codified in this title or any amendment thereto becomes effective, which does not conform to the requirements of this title, including but not limited to minimum parking, minimum landscaping, etc.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1266 §2, 1998.

17.06.373 Nursing Home

“Nursing Home” means a facility that provides medical care, nursing, and other health services to its residents. A

nursing home is not a group home, foster home, hotel, hospital, or home for the aged.

Statutory Reference: ORS Ch. 197, Ch. 227

17.06.375 Open space.

“Open space” means land that is undeveloped and that is planned to remain so indefinitely. “Open space” also refers to land zoned OS, Open Space District, and developed with uses identified in GMC Chapter 17.26 (OS open space district).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1334, 2002.

17.06.380 Owner.

“Owner” means the person holding fee title to the land, or where there is a recorded land sale contract, the purchaser there under.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1334, 2002.

17.06.385 Parcel.

“Parcel” means a unit of land that is created by a partitioning of land. For the purposes of this title, “parcel” includes “lot” and “lot of record” unless the context otherwise requires.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.390 Parking space.

“Parking space” means an area available for the parking of a standard or compact vehicle.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.395 Partition.

“Partition” means either an act of partitioning land or an area or tract of land partitioned as defined in GMC Section 17.06.400.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.400 Partition land.

“Partition land” means to divide a lot of record into two (2) or three (3) parcels within a calendar year, but does not include a division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; divisions of land made pursuant to a court order, including, but not limited to, court orders and proceedings involving testate or intestate succession; or an adjustment of a property line by the relocation of a common boundary where an additional lot of record is not created and where the existing lot of record reduced in size by the adjustment complies with the provisions of this title. Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single lot of record until such time as the property is further subdivided or partitioned.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1(M), 1993; Ord. 1323 §1, 2002.

17.06.405 Pedestrian way.

“Pedestrian way” means a right-of-way for pedestrian traffic.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.410 Person.

“Person” means an individual, firm, partnership, corporation, company, syndicate, association, social or fraternal organization or any legal entity, and including any trustee, receiver, assignee, or any group or combination acting as a unit.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.415 Planning Commission.

“Planning Commission” means the Planning Commission of the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.416 Plat.

“Plat” means a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.418 Porch, front.

“Front porch” means a front entrance to a dwelling covered by a separate roof or an extension of the dwelling roof. Enclosure walls shall extend no more than half the distance from the front porch to the porch eaves. A front porch shall be used only for recreational, outdoor living purposes and not as a carport, garage, storage room or habitable room.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.419 Primary building wall.

“Primary building wall” means an exterior building wall that contains a public entrance to the premises and faces either a street or a parking area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.420 Primary zoning district.

“Primary zoning district” includes the following: R-7.2, R-5, MR, C-1, C-2, C-3, OP, LI, and OS.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.426 Property line adjustment.

“Property line adjustment” means the relocation of a common property line between two (2) abutting lots of record.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.430 Recreation vehicle park.

“Recreational vehicle park” means an area designated by the person establishing, operating, managing or maintaining the same for overnight camping in recreation vehicles or for a short duration by the general public or any segment of the public. Recreation vehicle park includes, but is not limited to, areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association, or ownership. Overnight camping of mobile homes is not allowed within recreation vehicle parks. A recreation vehicle park shall not include a municipal, county, state or federal park or recreation area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1198 §1(A), 1994.

17.06.435 Recreation vehicle.

“Recreation vehicle” means a vacation trailer or self-propelled vehicle or structure equipped with wheels for highway use which is intended for human occupancy and is being used for recreation or vacation purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet, and has a floor space of less than two hundred twenty square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath and toilet rooms.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990

17.06.440 Residential home.

“Residential home” means the same as a foster home as defined in GMC Section 17.06.200.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.445 Residence.

“Residence” means a dwelling unit as defined in GMC Section 17.06.155.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.450 Residential planned unit development.

“Residential planned unit development” means a residential (R) planned unit development as allowed under GMC Chapter 17.38 (planned unit development) and is at least eighty thousand square feet in any zoning district or combination thereof. A planned unit development less than eighty thousand square feet must be approved by Planning Commission per GMC 17.38.020.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.451 Large Scale Planned Unit Development

A planned unit development that encompasses 2 acres or more in any zoning district or combination thereof.

17.06.455 Residential zoning district.

“Residential zoning district” means the R-7.2, R-5 and MR zones.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.460 Right-of-way.

“Right-of-way” means the area between boundary lines of a street or other easement, whether improved or unimproved.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.465 Roadway.

“Roadway” means the portion of a street right-of-way developed for vehicular traffic.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.470 Seasonal.

“Seasonal” means limited to a period of no more than six months in any twelve-month period, but related to a unique or an annually occurring event or condition.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.475 Section.

“Section” means a portion of this title identified by a seven-digit number, such as GMC Section 17.10.020 (uses allowed outright) in the R-7.2 zoning district.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.480 School, commercial.

“Commercial school” means a place where instruction is given to pupils in arts, crafts, trades or other occupational skills and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.485 School, primary, elementary, junior high or high.

“Primary, elementary, junior high or high schools” includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.491 Senior housing center.

A “senior housing center” means a residential facility providing dwelling units without full kitchens (known as residential suites) for those aged sixty-five and older and dwelling units with full kitchens. Up to fifteen percent of the total number of dwelling units may be provided as single-family household units or duplex units with full kitchens. A senior housing center is a congregate care facility which provides common services including but not limited to transportation of residents, three meals per day in a common facility and other non-medical care congregate services.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1280 §1, 1998.

17.06.492 Setback, front.

“Front setback” means the horizontal distance between a front lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.493 Setback, rear.

“Rear setback” means the horizontal distance between a rear lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.494 Setback, side.

“Side setback” means the horizontal distance between a side lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.496 Setback, street side.

“Street side setback” means the horizontal distance between a street side lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.497 Sidewalk.

“Sidewalk” means a pedestrian walkway with permanent surfacing to city standards.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.500 Sign.

“Sign” means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.501 Sign, electronic message center.

“Electronic message center sign” means a sign, display or device, or portion thereof, whose message may be changed by electronic process or remote control, and may include electronic time and/or temperature displays and the device known in the advertising industry as a commercial electronic variable message sign.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1161 §1, 1992; Ord. 1323 §1, 2002.

17.06.503 Sign, monument.

“Monument sign” means a sign that extends to the ground or that has a support that places the bottom of the sign

less than two feet (2') from the ground.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.504 Sign, segmented message.

“Segmented message sign” means any message or distinct subunit of a message presented by means of at least one display change on an electronic message center sign.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1161 §1, 1992; Renumbered from 17.06.502 by Ord. 1323 §1, 2002.

17.06.506 Sign, tri-vision.

“Tri-vision sign” means a sign where the display surface is composed of triangular louvers that rotate periodically to allow three (3) images to be displayed.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.507 Story.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six feet (6') above grade as defined in this section for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') above grade as defined in this section at any point, such basement, cellar or unused under floor space shall be considered a story.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Renumbered from 17.06.505 by Ord. 1323§1, 2002.

17.06.510 Story, half.

“Half-story” means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.515 Street.

(1) “Street” means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, and the placement of utilities and including the terms road, highway, lane, avenue, place, court, way, circle, drive, alley or similar designation.

(2) “Alley” means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(3) “Arterial” means a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

(4) “Collector” means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for access to abutting properties and may be used to a limited extent for through traffic.

(5) “Cul-de-sac” (dead-end street) means a short street having one end open to traffic and terminated by a vehicle

turnaround.

(6) “Marginal access street” means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(7) “Minor street” means a street intended primarily for access to abutting properties.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.520 Structure.

“Structure” means something constructed or built and having a fixed base on or fixed connection to the ground or another structure to include a mobile home.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.525 Subdivide land.

“Subdivide land” means to divide a lot of record into four (4) or more lots within a calendar year.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.530 Subdivision.

“Subdivision” means either an act of subdividing land or an area or a tract of land subdivided as defined in GMC Section 17.06.525.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.535 Temporary structure real estate offices

“Temporary structure real estate offices” means a temporary structure located in a subdivision used for the promotion of a sale of residential units in a developing subdivision.

Statutory Reference: ORS Ch. 197, Ch. 27

History: Ord. 1131 §2, 1990.

17.06.537 Temporary structures.

“Temporary structures” means an area covered by a plastic, tarp, fabric, or metal membrane that is either attached to a rigid framework, natural feature or some other structure that is used for storage. It does not include greenhouses or weather proofing of a vehicle, boat, or other individual item by tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

History: Ord. 1482 §1, 2018.

17.06.540 Title.

“Title” means that portion of the Gladstone Municipal Code identified by a two-digit number, such as Title 17, zoning and development.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.542 Transit street.

“Transit street” means a street on which public transit stops are located.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.545 Use.

“Use” means the purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.548 Utility facility.

“Utility facility” means buildings, structures or any constructed portion of a system that provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990, Ord. 1431, 2011.

17.06.550 Utility substation.

“Utility substation” means a facility that provides for the location of utility service apparatus that includes, but is not limited to: telephone exchanges; public utility structures, without shops, garages or general administrative offices; transmission and receiving towers, and/or earth stations.

History: Ord. 1502 §1, 2020.

17.06.551 Vacation rental.

“Vacation rental” means a dwelling unit or accessory dwelling unit providing vacation occupancy.

History: Ord. 1502 §1, 2020.

17.06.553 Vacation occupancy.

“Vacation occupancy” as defined by ORS 90.100 means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

- (1) The occupant rents the unit for vacation purposes only, not as a principal residence;
- (2) The occupant has a principal residence other than at the unit; and
- (3) The period of authorized occupancy does not exceed 45 days.

History: Ord. 1502 §1, 2020.

17.06.555 Vegetation.

“Vegetation” means plantings or natural growth of trees, grass, shrubs, etc. which would permit normal percolation.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.560 Vehicle.

“Vehicle” means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

CHAPTER 17.10
R-7.2 – SINGLE FAMILY
HOUSEHOLD RESIDENTIAL
DISTRICT

Chapter 17.10

R-7.2—SINGLE-FAMILY HOUSEHOLD RESIDENTIAL DISTRICT

Sections:

- 17.10.010 Purpose.
- 17.10.020 Uses allowed outright.
- 17.10.030 Accessory uses allowed.
- 17.10.040 Conditional uses allowed.
- 17.10.050 Dimensional standards.
- 17.10.060 Design standards.
- 17.10.070 Exemptions to uses permitted outright.

17.10.010 Purpose.

The purpose of an R-7.2 district is to implement the comprehensive plan and to provide land for ~~families households and individuals~~ desiring to live in an environment of single-household ~~dwelling~~, ~~including low density and middle housing dwellings on the periphery of neighborhoods~~.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.10.020 Uses allowed outright.

In an R-7.2 zoning district, the following uses and their accessory uses are allowed outright:

- (1) Single-family household dwelling, including a manufactured dwelling.
- (2) ~~Two-family dwelling on a collector or minor arterial. Middle housing~~.
- (3) ~~Foster home~~.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1188 §1, 1994; Ord. 1323 1, 2002; Ord. 1499 §1 (Exh. A), 2020.

17.10.030 Accessory uses allowed.

Accessory uses shall comply with all the requirements of this zoning district, except as this section allows to the contrary. All accessory structures shall be subject to GMC Chapter 17.54 (Clear Vision). The following accessory uses shall be allowed in an R-7.2 zoning district:

- (1) Buildings. Garages and carports, storage and other buildings, as follows:
 - (a) Either the side, except a street side, or rear setback may be reduced to five feet for structures that:
 - (A) Are detached from other buildings on the same lot by a minimum of 10 feet;
 - (B) Do not exceed a height of one story; and
 - (C) Do not exceed a floor area of 450 square feet.
 - (b) Either the side, except a street side, or rear setback may be reduced to three feet for structures that do not exceed a floor area of 120 square feet.
 - (c) A wall of rated, fire-resistive construction may be required by the Oregon Structural Specialty Code or its successor.
 - (d) A setback does not apply to portable storage containers as defined in GMC Chapter 5.22.

The Gladstone Municipal Code is current through Ordinance 1512, passed August 10, 2021.

Commented [SG1]: "foster home" is considered to be a type of household defined by non-family characteristics, not a dwelling type, therefore inconsistent with HB 2583 but does not preclude them from being allowed, just that the City cannot use this as a defining standard to approve or deny an application.

HB 2583 (2021):
"A maximum occupancy limit may not be established or enforced by any local government, as defined in ORS 197.015, for any residential dwelling unit, as defined in ORS 90.100, if the restriction is based on the familial or nonfamilial relationships among any occupants."

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

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

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

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

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

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

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

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

(b) The floor area of an accessory dwelling unit shall not exceed ~~400~~ 800 square feet;

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

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

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

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

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

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

(i) An accessory dwelling unit shall comply with the minimum yard requirements and maximum building height established in GMC Section 17.10.050.

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

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

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

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

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

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1289 §1, 2000; Ord. 1323 §1, 2002; Ord. 1392 §3, 2007; Ord. 1499 §1 (Exh. A), 2020.

17.10.040 Conditional uses allowed.

In an R-7.2 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (Conditional Uses):

- (1) Multi-family household dwelling, three-five- to eight-unit complexes building on a collector or minor arterial.
- (2) Church and associated buildings and structures.
- (3) Fire station or similar public use necessary to provide service or preserve public safety in the area.
- (4) Community center, day care center.
- (5) Nursing homes and homes for the aged.
- (6) School and associated buildings, structures and facilities.
- (7) Utility facility; provided, that no outside storage is involved.
- (8) Group homes.
- (9) Planned unit development (PUD).

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.10.050 Dimensional standards.

Except as provided in GMC Chapters 17.38 (Planned Unit Development), 17.72 (Variances) and 17.76 (Exceptions), the following dimensional standards shall apply in an R-7.2 zoning district:

<u>Minimum Lot Area</u>		
<u>Detached single household</u>	7,200 sf	
<u>Middle Housing</u>	3,600 sf	
<u>Multi-household dwellings</u>	3,600 sf per dwelling unit	
<u>Other uses</u>	7,200 sf	Or as established by the Planning Commission, as provided by GMC Chapter 17.70 (Conditional Uses).
<u>Minimum Setbacks</u>		
<u>Front Setback</u>	20 ft	Except that a front porch may project a maximum of five feet into a required front setback area
<u>Side Setback</u>	20% of the average lot width or 15 ft, whichever is less, but in no case	

Commented [SG2]: ORS 197.307(4) states that cities must apply only clear and objective standards and approval criteria to housing (unless both discretionary and C&O paths for approval are provided). The conditional use permit criteria are not clear and objective.

We may want to ask DLCD staff for their input before publishing the hearing draft. Unless there are plans to develop C&O standards for multi-households.

Commented [SG3]: Original text of the code states, "For a two-family or multi-family dwelling, the minimum lot area shall be 3,600 square feet per dwelling unit..."

For discussion: The "per dwelling unit" seems restrictive for middle housing. For example, a triplex would have a minimum lot area of 7,200. However, a triplex could be sited on a minimum lot area of 3,600 SF adequately (see code concepts). This number can be reduced to 3,000 SF, which a duplex could be sited on comfortably.

Commented [SG4]: This is retained from the existing code. Middle housing and "multi-household dwelling" was just separated out (see mark-ups) and the minimum 3,600 sf lot area was retained.

Please confirm that with the development of multi-household units (per the new definition) in the R-7.2 is still desired. If so, should the 3,600 SF lot area per unit be increased considering the low-density characteristics of the zone?

A minimum of 5 dwelling units would then be allowed on a 18,000 SF lot.

	will be less than 5 ft (except for townhouses) 7.5 ft or 5 ft due to irregular shaped lots	Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area
<u>Street Side Setback</u>	<u>20 ft</u>	<u>Townhouse projects are allowed a zero-foot side setback for lot lines where Townhouse units are attached.</u>
<u>Interior side setback</u>	<u>5 ft</u>	
<u>Rear Setback</u>	<u>15 ft</u>	<u>Cottage Cluster minimum setbacks can be reduced to 5 feet, if there is more than 150 square feet per dwelling unit of common open space provided, as define in Section 17.12.065(2).</u> <u>Setbacks for Manufactured homes in a mobile home park are subject to the standards in Section 17.62.070 (4).</u>
Maximum Building Height	35 ft	Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection.
Minimum Density		
	Subdivisions and PUDs shall provide a minimum density of 80% of the maximum density per net acre.	
<u>Maximum Density</u>		
<u>Detached single household dwelling</u>	<u>one dwelling unit per 7,200 square feet of lot area or eight units per net acre</u>	<u>[This code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units.]</u>
<u>Middle Housing</u>	<u>None</u>	
<u>Sufficient Infrastructure</u>	<u>Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a residential development application.</u>	

Commented [SG5]: For clarity, should “whichever is less” be added?

Commented [SG6]: HB2001 states that large cities may allow more than four dwelling units on a lot, including ADUs for Duplexes, Triplexes, and Quadplexes and is silent on ADUs on Townhome project and cottage cluster sites.

For discussion: Does the City want to allow an ADU for each dwelling unit built as middle housing or limit the development on one lot to 4 dwelling units?

~~(1) Lot Area.~~

~~(a) For a single-family dwelling, the minimum lot area shall be 7,200 square feet;~~

~~(b) For two-family or multi-household dwelling, the minimum lot area shall be 3,600 square feet per dwelling unit;~~

~~(c) For other uses, the minimum lot area shall be 7,200 square feet, or as established by the Planning Commission, as provided by GMC Chapter 17.70 (Conditional Uses);~~

~~(2) Setback Requirements:~~

~~(a) A front setback shall be a minimum of 20 feet, except that a front porch may project a maximum of five feet into a required front setback area;~~

~~(b) Except on a corner lot, the total side setback shall be a minimum of 20 percent of the average lot width or 15 feet, whichever is less, but in no case shall a side setback be less than five feet;~~

~~(c) A rear setback shall be a minimum of 15 feet;~~

~~(d) On a corner lot, the street side setback shall be a minimum of 20 feet and the other side setback shall be a minimum of five feet;~~

~~(e) Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area;~~

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

~~(4) All PUDs with residential uses must include a mix of two or more middle housing types for a minimum of 25% of the total dwelling units proposed.~~

~~(a) Exceptions in Case of Large Scale PUD: The dimensional standards of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, providing the modifications are not detrimental to the public health, safety and welfare and provided 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.~~

~~(5) Minimum Density:~~

~~(a) Subdivisions and PUDs shall provide a minimum density of 80 percent of the maximum density per net acre. For the purpose of this provision, maximum density shall be one dwelling unit per 7,200 square feet of lot area or six units per net acre.~~

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.10.055 Cottage Cluster Standards.

The following dimensional standards apply to cottage clusters development in the R-7.2 zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

(1) Dimensional Standards

(a) Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot area that apply to detached single family dwellings in the R-7.2 zone.

(b) Setbacks and Building Separation.

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

Commented [SG7]: John and Jacque,

We should discuss what is a large-scale PUD and how that standard is met. I proposed a large-scale PUD definition in 17.06.451 (following 17.06.450) to clearly define the thresholds.

I used 25% but we can also define this in terms of minimum density if that makes more sense. We are trying to avoid a situation where a 50-lot single detached dwelling unit subdivision is proposed with one duplex and one triplex.

Commented [SG8]: Uniform and centralized standards for cottage clusters based on Model Code for all zones where the use is allowed

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

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

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

(d) Off-Street Parking.

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

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

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

17.10.060 Design standards.

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

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

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

(a) Single-Household Dwelling.

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

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

(b) Duplex, Triplex, Quadplex and Townhouse.

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

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

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

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

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

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

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1188 §1, 1994; Ord. 1289 §1, 2000; Ord. 1499 §1 (Exh. A), 2020.

17.10.065 Cottage Cluster Design Standards

The following design standards apply to cottage clusters development in the R-7.2 zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

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

Commented [SG9]: Suggested this because recessing garages can have a positive impact on street appearance especially on narrow lots (townhomes) with front-loaded garages.

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

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

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

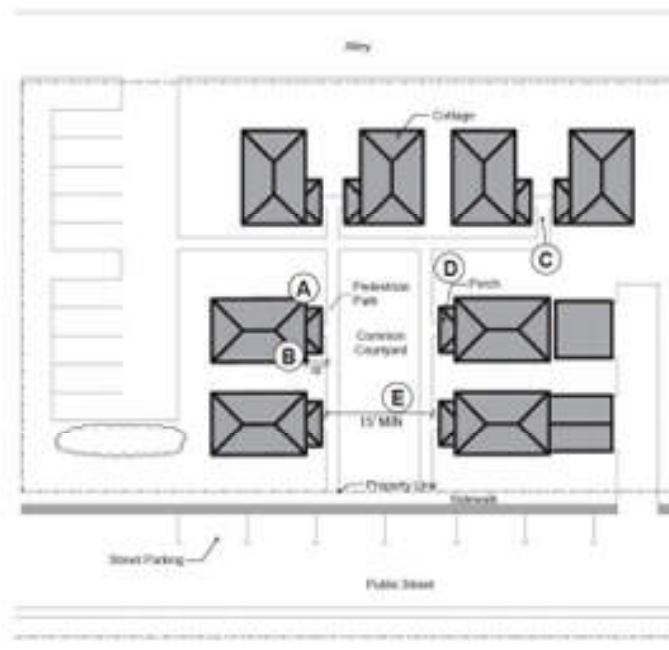
(B) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

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

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

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

Figure 1. Cottage Cluster Orientation and Common Courtyard Standards



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

(a) The common courtyard must be a single, contiguous piece.

(b) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

The Gladstone Municipal Code is current through Ordinance 1512, passed August 10, 2021.

(c) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

(d) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

(e) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

(3) Pedestrian Access.

(a) An accessible pedestrian path that is at least 4 feet wide must be provided that connects the main entrance of each cottage to one or all the following:

(A) The common courtyard;

(B) Shared parking areas;

(C) Community buildings; and

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

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

(4) Parking location and access.

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

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

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

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

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

(6) Garages and carports.

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

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

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

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

17.10.070 Exemptions to uses allowed outright.

Manufactured housing shall not be allowed in any area designated in an acknowledged Comprehensive Plan or land use regulation as an historic district or on residential land immediately adjacent to an historic landmark.

Statutory Reference: ORS Ch. 197, Ch. 227

Gladstone Municipal Code
Chapter 17.10 R-7.2—SINGLE-FAMILY RESIDENTIAL
DISTRICT

Page 10/10

History: Ord. 1188 §1, 1994; Ord. 1323 §1, 2002; Ord. 1499 §1 (Exh. A), 2020.

The Gladstone Municipal Code is current through Ordinance 1512, passed August 10, 2021.

CHAPTER 17.12
R-5 – SINGLE ~~FAMILY~~
HOUSEHOLD RESIDENTIAL
DISTRICT

Chapter 17.12

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

Sections:

- 17.12.010 Purpose.
- 17.12.020 Uses allowed outright.
- 17.12.030 Accessory uses allowed.
- 17.12.040 Conditional uses allowed.
- 17.12.050 Dimensional standards.
- 17.12.060 Design standards.

17.12.010 Purpose.

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

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.12.020 Uses allowed outright.

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

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

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.12.030 Accessory uses allowed.

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

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

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

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

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

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

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

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

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

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

(b) The floor area of an accessory dwelling unit shall not exceed ~~400~~ 800 square feet;

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.12.040 Conditional uses allowed.

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

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

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.12.050 Dimensional standards.

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

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

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

<u>Sufficient Infrastructure</u>	<u>Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a triplex or quadplex development application.</u>	
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(1) Lot Area:

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

(2) Setback Requirements:

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

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

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

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

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

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

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.12.055 Cottage Cluster Standards.

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

(1) Dimensional Standards

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

(b) Setbacks and Building Separation.

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

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

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

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

(d) Off-Street Parking.

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

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

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

17.12.060 Design standards.

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

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

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

(a) Single Household Dwelling.

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

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

(b) Duplex, Triplex, Quadplex and Townhouse.

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

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

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

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

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

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

Statutory Reference: ORS Ch. 197, Ch. 227

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

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

17.12.065 Cottage Cluster Design Standards

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

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

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

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

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

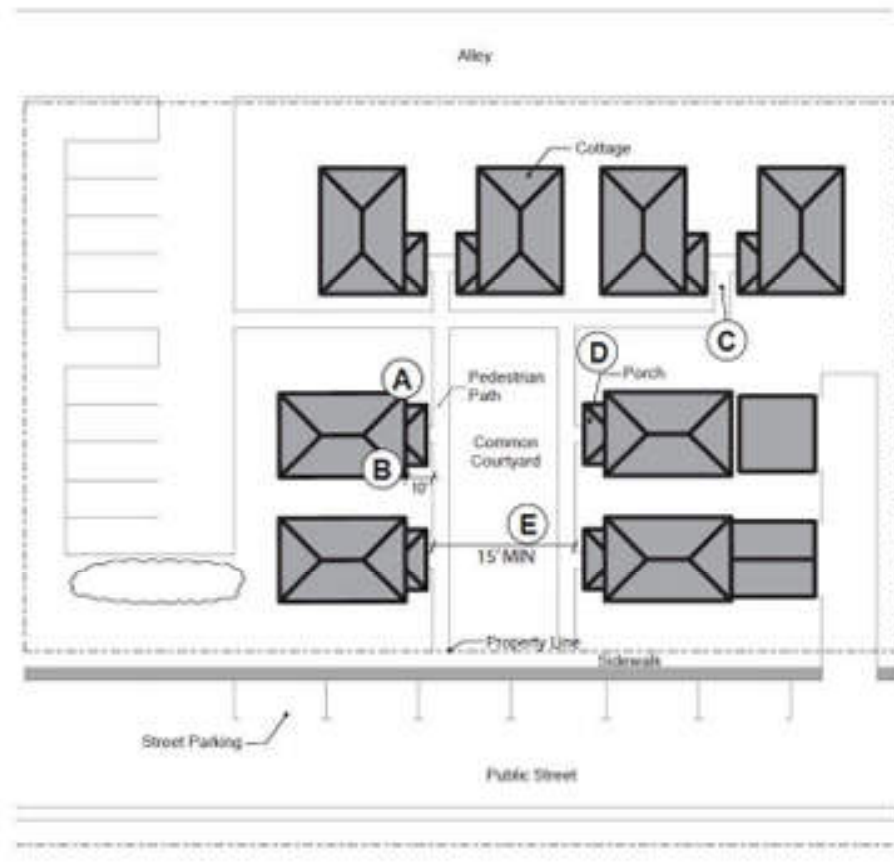
(B) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

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

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

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

Figure 1. Cottage Cluster Orientation and Common Courtyard Standards



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

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

(3) Pedestrian Access.

(a) An accessible pedestrian path that is at least 4 feet wide must be provided that connects the main entrance of each cottage to one or all the following:

(A) The common courtyard;

(B) Shared parking areas;

(C) Community buildings; and

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

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

(4) Parking location and access.

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

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

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

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

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

(6) Garages and carports.

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

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

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

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

CHAPTER 17.14
MR – MULTI-FAMILY
HOUSEHOLD RESIDENTIAL
DISTRICT

Chapter 17.14

MR—MULTI-HOUSEHOLD FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.14.010 Purpose.
- 17.14.020 Uses allowed outright.
- 17.14.030 Accessory uses allowed.
- 17.14.040 Conditional uses allowed.
- 17.14.050 Dimensional standards.

17.14.010 Purpose.

The purpose of an MR district is to: implement the comprehensive plan and to provide land for ~~families and individuals households~~ desiring to live in an environment of higher density ~~multi-family dwellings residential development~~ with proximity to mass transit, shopping and service facilities.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990.

17.14.020 Uses allowed outright.

In an MR zoning district, the following uses and their accessory uses are allowed outright:

- (1) ~~Duplex Two-family dwellings.~~
- (2) ~~Triplex Multi-family dwellings.~~
- (3) Quadplex
- (4) Townhouse
- (5) Cottage Cluster
- (6) Multi-household dwellings

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.14.030 Accessory uses allowed.

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

- (1) Buildings. Garages and carports, storage and other buildings, as follows:
 - (a) Either the side, except a street side, or rear setback may be reduced to zero for one accessory structure provided such structure:
 - (A) Is detached from other buildings;
 - (B) Does not exceed a height of one (1) story; and
 - (C) Does not exceed a floor area of four hundred-fifty (450) square feet;
 - (b) A wall of rated, fire-resistive construction may be required by the Oregon Structural Specialty Code or its successor.

Commented [SG1]: Division 46 does not require that cities allow middle housing in zones that do not also allow single-dwelling developments. However, it is listed out in the event that detached single household dwelling is allowed outright and Division 46 is subsequently implemented, it might mean that the City cannot apply design standards to multi-household dwelling developments that are not also applied to single-household dwellings.

This avoids that scenario by listing each type of middle housing here

OAR 660-046-0010

//

2. Notwithstanding section (1), a Medium or Large City need not comply with this division for:

a)

Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;

b)

Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and

c)

Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(c) When more than one accessory structure is present including a portable storage container as defined in Chapter 5.22, a setback does not apply to the portable storage container.

(2) Courtyards, Patios and Decks. The minimum side, except street side, and rear setbacks for uncovered courtyards, patios and decks in excess of thirty inches (30") in height shall be five feet (5'). The minimum front and street side setbacks for such courtyards, patios and decks shall be fifteen feet (15'). No setback shall be required for uncovered courtyards, patios and decks thirty inches (30") or less in height. When calculating the height of a courtyard, patio or deck, railings and benches shall be excluded from the calculation.

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

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

(b) Fences and walls not subject to Subsection (3)(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.

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

(5) Swimming Pools, Ponds and Hot Tubs. The minimum side, street side and rear setbacks for swimming pools, ponds and hot tubs shall be three feet (3'). The minimum front setback for ponds no greater than five feet (5') wide and no more than two feet (2') deep shall be three feet (3').

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

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990; Ord. 1171 §1(F), 1993; Ord. 1323 §1, 2002; Ord. 1392 § 4, 2007.

17.14.040 Conditional uses allowed.

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

- (1) ~~Detached Single-household family~~ dwelling.
- (2) Church and associated buildings and structures.
- (3) Community center, day care center, meeting hall.
- (4) Mobile home park.
- (5) Nursing homes and homes for the aged.
- (6) School and associated structures and facilities.
- (7) Utility facility provided no outside storage is involved.
- (8) Local commercial uses listed under GMC Section 17.16.020 (uses permitted outright).
- (9) Foster homes.
- (10) Group homes.
- (11) Planned unit development.

Commented [SG2]: ORS 197.307(4) states that cities must apply only clear and objective standards and approval criteria to housing (unless both discretionary and C&O paths for approval are provided). The conditional use permit criteria are not clear and objective.

We may want to ask DLCD staff for their input before publishing the hearing draft. Unless there are plans to develop C&O standards and criteria.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.14.050 Dimensional standards.

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

<u>Minimum Lot Area</u>		
<u>Detached single household</u>	5,000 sf	
<u>Duplex</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Triplex</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Quadplex</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Townhouse</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Cottage Cluster</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Multi-household dwellings</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Other uses</u>	5,000 sf	Or as established by the Planning Commission, as provided by GMC Chapter 17.70 (Conditional Uses).
<u>Minimum Setbacks</u>		
<u>Front Setback</u>	20 ft	Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area
<u>Side Setback</u>	5 ft	
<u>Street Side Setback</u>	20 ft	
<u>Rear Setback</u>	15 ft	<u>Townhouse projects are allowed a zero-foot side setback for lot lines where Townhouse units are attached.</u> <u>Cottage Cluster minimum setbacks can be reduced to 5 feet, if there is more than 150 square feet per dwelling unit of common open space provided, as define in Section 17.12.065(2).</u>
Maximum Building Height	35 ft	Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials,

The Gladstone Municipal Code is current through Ordinance 1512, passed August 10, 2021.

		flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection.
Minimum Vegetation	At least 20% of the total area of the lot	must be left or planted in trees, shrubs, grass, etc.
Minimum Density		
	80% of the maximum number of units allowed under GMC Subsection 17.14.050(1) Minimum Lot Area.	In no case shall the minimum density exceed thirty (30) units per net acre. Exception. Where an existing two-family or multi-family development is being altered or expanded, it shall not be required to comply with the minimum density standard provided the alteration or expansion does not result in a net loss of units. Mobile home parks shall provide a minimum density of eight (8) units per net acre.
Maximum Density	None	

(1) Lot area:

- ~~(a) For a single-family dwelling, the minimum lot area shall be five thousand (5,000) square feet;~~
- ~~(b) For a two-family or multi-family dwelling, the minimum lot area three thousand square (3,000) feet, plus one thousand (1,000) square feet per dwelling unit;~~
- ~~(c) For other uses, the lot area shall be a minimum of five thousand (5,000) square feet or as established by the Planning Commission as provided in GMC Chapter 17.70 (conditional uses).~~

(2) Setback Requirements:

- ~~(a) A front setback shall be a minimum of twenty feet (20');-~~
- ~~(b) A side setback shall be a minimum of five feet (5');~~
- ~~(c) A rear setback shall be a minimum of fifteen feet (15');~~
- ~~(d) A street side setback, shall be a minimum of twenty feet (20');~~
- ~~(e) Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area;~~

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

~~(4) Minimum Vegetation. The minimum area that must be left or planted in trees, shrubs, grass, etc., shall be at least twenty percent (20%) of the total area of the lot.~~

The Gladstone Municipal Code is current through Ordinance 1512, passed August 10, 2021.

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

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

~~(6) Minimum Density.~~

~~(a) Developments of two-family or multi-household family dwellings shall provide a minimum density of eighty percent (80%) of the maximum number of units allowed under GMC Subsection 17.14.050(1). In no case shall the minimum density of any residential dwelling units exceed thirty (30) units per net acre.~~

~~(b) Exception. Where an existing middle housing development two-family or multi-household family development is being altered or expanded, it shall not be required to comply with the minimum density standard provided the alteration or expansion does not result in a net loss of units.~~

~~(c) Mobile home parks shall provide a minimum density of eight (8) units per net acre.~~

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.14.055 Cottage Cluster Standards.

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

(1) Dimensional Standards

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

(b) Setbacks and Building Separation.

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

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

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

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

(d) Off-Street Parking.

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

Commented [SG3]: John and Jacque,

We should discuss what is a large-scale PUD and how that standard is met. I proposed a large-scale PUD definition in 17.06.451 (following 17.06.450) to clearly define the thresholds.

I used 25% but we can also define this in terms of minimum density if that makes more sense. We are trying to avoid a situation where a 50-lot single detached dwelling unit subdivision is proposed with one dupe and one triplex.

Commented [SG4]: Uniform and centralized standards for cottage clusters based on Model Code for all zones where the use is allowed

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

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

(2) Design Standards

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

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

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

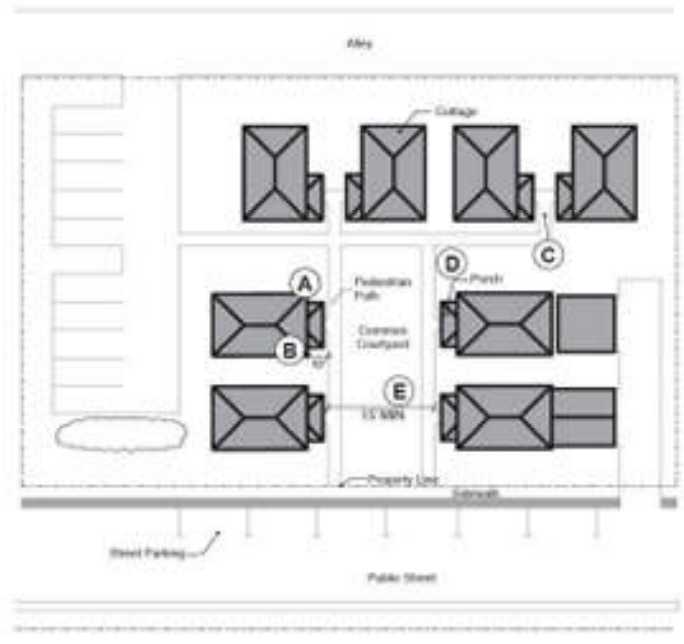
(B) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

- (i) Have a main entrance facing the common courtyard;
- (ii) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
- (iii) Be connected to the common courtyard by a pedestrian path.

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

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

Figure 1. Cottage Cluster Orientation and Common Courtyard Standards



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

(A) The common courtyard must be a single, contiguous piece.

(B) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

(C) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

(D) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

(E) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

(c) Pedestrian Access.

(A) An accessible pedestrian path that is at least 4 feet wide must be provided that connects the main entrance of each cottage to one or all the following:

(i) The common courtyard;

(ii) Shared parking areas;

The Gladstone Municipal Code is current through Ordinance 1512, passed August 10, 2021.

(iii) Community buildings; and

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

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

(d) Parking location and access.

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

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

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

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

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

(f) Garages and carports.

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

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

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

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

**CHAPTER 17.38
PLANNED UNIT
DEVELOPMENT (PUD)**

Chapter 17.38

PLANNED UNIT DEVELOPMENT

Sections:

- 17.38.010 Purpose.
- 17.38.020 Applicability.
- 17.38.030 Uses permitted outright.
- 17.38.040 Accessory uses.
- 17.38.050 Conditional uses.
- 17.38.060 Development standards.
- 17.38.070 Submittal requirements.
- 17.38.080 Review and approval.

17.38.010 Purpose.

The purpose of a planned unit development is to:

- (1) Encourage a more creative and flexible approach in the development of land consistent with the uses of the underlying zoning district(s).
- (2) Promote the retention of open space for integration in an efficient and aesthetically desirable manner with the overall development.
- (3) Provide the opportunity for a mixture of land uses in a creative approach to development by allowing flexibility in design, building placement, circulation, off-street parking areas, and use of open space.
- (4) Foster variety in a development pattern that is consistent with the goals and policies of the comprehensive plan.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.020 Applicability.

A PUD may be established on a site of at least eighty thousand square feet in any zoning district or combination thereof. A PUD shall not be established on less than eighty thousand square feet unless the Planning Commission finds that a smaller site is suitable due to special features, such as topography, geography, size and shape, or other unique features.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.030 Uses permitted outright.

Uses permitted outright are those uses listed as primary uses in the zone(s) in which the development is located.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.040 Accessory uses.

The following uses may be allowed when developed in conjunction with a primary use:

- (1) Accessory structures consistent with the primary uses of the underlying zoning district(s).
- (2) Recreational facilities including, but not limited to, swimming pools, tennis courts, and playgrounds.

(3) Offices, buildings, and facilities required for the operation, administration, and maintenance of the PUD and for recreation purposes, such as golf courses, recreation rooms, and vehicle storage areas.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.050 Conditional uses.

Conditional uses may be established within a residentially zoned PUD, pursuant to GMC Chapter 17.70 (conditional use). Approval shall not be granted unless the proposal satisfies the criteria set forth in the special use requirements of GMC Chapter 17.62 (special uses):

- (1) Schools, libraries, community hall.
- (2) Retirement homes, group homes, day care centers.
- (3) Churches.
- (4) Utility facility (provided no outside storage is involved), fire station or similar public service facility.
- (5) Medical/dental office when fronting a collector or minor arterial.
- (6) Convenience establishments of a commercial and service nature, including stores, laundry, dry cleaning, beauty shops, barber shops, and convenience grocery stores (but specifically excluding gas stations, repair garages, drive-in restaurants, and taverns), provided:
 - (a) Such convenience establishments are an integral part of the general plan of development and provide facilities related to the needs of the prospective residents;
 - (b) Such convenience establishments and their parking, loading, and maneuvering areas shall occupy an area not exceeding a ratio of one-half (1/2) acre per one hundred (100) dwelling units;
 - (c) Such convenience establishments will be located, designed, and operated to efficiently service the needs of persons residing in the planned unit development and not persons residing elsewhere;
 - (d) Such convenience establishments will not, by reason of location, construction, manner of hour of operation, signs, lighting, parking, traffic, or other characteristics, have adverse impacts on residential uses within or adjoining the PUD;
 - (e) Such convenience establishments shall not have building permits issued for their construction until at least one hundred (100) dwelling units are constructed within the PUD.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.060 Development standards.

In consideration of a planned unit development, the requirements of the city's development standards shall be observed unless modified by this section or as follows:

- (1) Site Adaption. To the maximum extent possible, the plan and design of the development shall assure the natural and/or unique features of the environment are preserved.
- (2) Lot Arrangement. All lots within the development shall have reasonable access to open space, recreational features, or service amenities. Care shall be taken to ensure adequate lot width for easements and building footprints in residential areas.

(3) Access. No individual lot street frontage is required when such lots are shown to have adequate access in a manner that is consistent with the purposes and objectives of this title.

(4) Setbacks:

(a) The minimum front and street side setbacks shall be twenty feet (20') for residential uses, except for middle housing development as regulated by the underlying base zone. No front or street side setbacks shall be required for other uses;

(b) The minimum side and rear setbacks shall be three feet (3');

(c) Setbacks for the perimeter of the planned unit development shall be the same as required for the underlying zoning district, except for middle housing development as regulated by the underlying base zone. When a lot line abuts a more restrictive zoning district, the setback of the more restrictive zoning district shall apply. Exceptions to this requirement may be granted pursuant to the conditional use review process for the planned unit development and subject to the following criteria:

(A) The size, shape, topography or allowed use of the adjoining property is such that impacts occurring to this property from setback infringement would be negligible, and

(B) The design of the planned unit development would be superior because of such a setback infringement, and

(C) The exception would be consistent with this title and the comprehensive plan.

(5) Community Services. The city may request dedication of proposed open space which is reasonably suited for use as a public park or other recreation or community purpose, taking into consideration such action as size, shape, topography, access, location, or other unique features.

(6) Building Height. Buildings shall not exceed a height of thirty-five feet (35') except as follows:

(a) Limits may be increased by one story if the building is provided with an approved automatic fire-extinguishing system throughout as provided in Section 507 of the Structural Specialty and Fire Life Safety Code edition of the current Uniform Building Code;

(b) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection.

(7) Open Space:

(a) All PUDs shall have a minimum of twenty percent (20%) of the gross site area retained in open space. Such open space shall include school access routes, bicycle trails, natural or landscaped buffer areas, covered bus stops, or recreational facilities;

(b) All improvements associated with the open space shall be constructed or guaranteed consistent with provisions of GMC Chapter 17.96 (improvement guarantees);

(c) Ownership of open space shall be in one of the following manners:

(A) A homeowners association in common for all owners within the development may be approved; membership shall be mandatory and in perpetuity and dissolution of such an association cannot occur without Planning Commission approval;

(B) Dedication of the open space to the city for management as public property may be approved by the Planning Commission and the City Council;

(C) Conservation easements may be approved when the Planning Commission determines such easements will protect the intent and purpose of this code and will be in the public interest.

(8) Off-street parking shall be required pursuant to GMC Chapter 17.48 (off-street parking and loading).
Additionally:

(a) Parking may be provided on each lot or in designated parking areas close to the dwelling units they serve.

1. On-street parking may be counted towards the minimum parking requirements if the applicant can show adequate right of way width and 17.48.030(1)(f) are met.

2. Cluster parking for Cottage Cluster developments are regulated by the design standards regulated by the underlying base zone.

(b) Guest parking may be required in consideration of street width, traffic volume, transit amenities, and pedestrian circulation;

(c) Recreational vehicle parking may be required. If required, it shall be located so as to be compatible with the surrounding development, including adjacent properties.

(9) Density. Planned unit development shall be subject to the residential base densities and minimum densities per net acre identified in the underlying zoning district(s).

Statutory Reference: ORS Ch. 197 and 227

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

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

17.38.070 Submittal requirements.

In addition to complying with the submittal requirements of GMC Chapters 17.32 (subdivisions) and 17.70 (conditional uses), the applicant shall submit the following:

(1) A statement of the general purpose of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form.

(2) A table showing:

(a) The total number of acres;

(b) The percent distribution by use;

(c) The percent of nonresidential uses, such as off-street parking, streets, parks, open space, recreational areas, commercial uses, industrial uses, public facilities, and any other appropriate delineations;

(d) The overall density of residential development, with a breakdown of density by dwelling types;

(e) The construction schedule for the phasing and timing of each portion of the development.

(3) A draft of the proposed restrictive covenants, easements, and reservations of non-dedicated open space.

Statutory Reference: ORS Ch. 197 and 227

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

17.38.080 Review and approval.

Review and approval of a planned unit development shall be subject to GMC Chapters 17.32 (subdivisions) and 17.70 (conditional uses). Approval of a planned unit development shall expire if a final plat consistent with the tentative plan is not submitted to the City Administrator or designee within one year of the date of the final decision unless a time extension is granted pursuant to GMC Section 17.70.040 (time limit on permit).

Statutory Reference: ORS Ch. 197 and 227

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

**CHAPTER 17.48
OFF- STREET PARKING
AND LOADING**

Chapter 17.48

OFF-STREET PARKING AND LOADING

Sections:

- 17.48.010 Applicability.
- 17.48.020 Single-family and two-family residential standards.
- 17.48.030 Standards for developments subject to design review.
- 17.48.040 Design requirements for permanent off-street parking and loading.
- 17.48.050 Bicycle parking standards.
- 17.48.060 Car pool and van pool parking.

17.48.010 Applicability.

Off-street parking and loading standards shall apply to all development permits.

Statutory Reference: ORS Ch. 197 and 227

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

17.48.020 Single-family household and middle housing two-family residential standards.

At the time of construction or substantial exterior improvement of a single-family household dwelling or middle housing dwelling unit, a minimum of one off-street parking space per dwelling unit shall be provided. ~~At the time of construction or substantial exterior improvement of a two-family dwelling duplex, a minimum of one and one-half off-street parking spaces per dwelling unit shall be provided. The off-street parking space or spaces shall be located on the same lot as the dwelling.~~

(a) On-street parking may count towards fulfilling the off-street parking requirements where on-street parking is allowed and the applicant can demonstrate that on-street parking is available. On-street parking must be available on the subject site's frontage in order to be credited towards the off-street parking requirement. On-street parking credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

Statutory Reference: ORS Ch. 197 and 227

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

17.48.030 Standards for developments subject to design review.

At the time of construction, enlargement, or change of use of any structure or development subject to GMC Chapter 17.80 (Design Review), except as provided in the C-2 district, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established under this title:

(1) Calculation of Parking Requirements.

(a) Square Footage as Basis for Requirement. Where square feet of the structure or use is specified as the basis for the parking requirement, the calculation shall be based on the gross leasable area (GLA).

(b) Number of Employees as Basis of Requirement. When the number of employees is specified as the basis for the parking space requirement, the calculation shall be based on the number of employees working on the premises during the largest shift at peak season.

(c) If more than one use occupies a single structure or lot, the total minimum and maximum parking requirements for the structure or lot shall be the sum of the requirements for all uses. Where it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day), the total requirements may be reduced accordingly to the use with highest minimum parking requirement.

(d) When calculation of a minimum or maximum parking requirement results in a fractional space requirement, such fraction shall be rounded down to the nearest whole number.

(e) Owners of two or more uses, structures or lots may agree to utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap. Satisfactory legal evidence shall be presented to establish the joint use. Shared parking spaces shall be included in the calculation of the minimum parking requirement for each of the joint users. For the purpose of calculating the maximum permitted parking for each of the joint users, shared spaces shall be apportioned between the joint users.

(f) On-street parking may count towards fulfilling ~~up to one-quarter of~~ the off-street parking requirements where on-street parking is allowed and the applicant can demonstrate that on-street parking is available. On-street parking must be available on the subject site's frontage in order to be credited towards the off-street parking requirement. On-street parking credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

(g) Parking spaces fulfilling the minimum off-street parking space requirement shall not be used for display or storage and shall not be rented, leased or assigned to any other person or organization, except as authorized under subsection (l)(e) of this section.

(h) Off-Site Parking. ~~Except for single-family dwellings~~ For multi-household dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land, provided the parcel is within 500 feet walking distance of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

(2) Minimum and maximum permitted parking.

(a) The number of surface parking spaces provided at no charge for a particular use shall not be less than the minimum nor exceed the maximum parking ratios identified for that use in Table 1. Minimum parking ratios for those uses not identified in Table 1 (below) shall be determined by the Planning commission during design review.

(b) For purposes of the maximum parking ratios identified in Table 1 (below), Zone A shall include those areas where 20-minute peak hour transit service is provided within a one-quarter (1/4) mile walking distance for bus transit stops or stations or one-half (1/2) mile walking distance for high capacity transit stops or stations. Zone B shall include all other areas.

(c) The following types of parking spaces are exempt from the maximum parking ratios:

- (A) Parking spaces in parking structures;
- (B) Fleet parking spaces;
- (C) Parking spaces used to store vehicles that are for sale, lease or rent;
- (D) Employee carpool parking spaces that are clearly delineated with signs;
- (E) Dedicated valet parking spaces.

(d) Upon expansion of a nonconforming development or nonconforming use that does not comply with minimum or maximum parking ratios, additional parking spaces shall be provided as follows:

- (A) If the existing number of parking spaces is less than the minimum parking ratio in Table 1 (below), the number of additional parking spaces required shall be based only on the floor area or capacity added and not on the area or capacity existing prior to the expansion.

(B) If the existing number of parking spaces exceeds the maximum parking ratio in Table 1 (below), additional parking spaces may only be provided if compliance with the maximum parking ratio will be met for the entire development or use following the expansion.

(e) Exceptions to the minimum and maximum parking ratios may be granted pursuant to GMC Section 17.80.090 (minor exception). Exceptions exceeding twenty-five percent (25%) of the requirement shall be subject to GMC Chapter 17.72 (variances).

17.48.030 Table 1				
MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS				
USE	MINIMUM REQUIRED	ZONE A MAX. ALLOWED	ZONE B MAX. ALLOWED	
(1) RESIDENTIAL USES				
(a)	Single-household Family Dwelling	1 space	Not Applicable	Not Applicable
(b)	Duplex Two-Family or Multi-Family Dwelling	1.5 spaces per dwelling unit	Min: None Max: None	Not Applicable
	Triplex/Quadplex	Lot sizes of less than 5,000 square feet, one (1) off-street parking space per development. Lot sizes of 5,000 square feet or more, two (2) off-street parking spaces per development.	Min: None Max: None	
	Townhouse	1 space per Townhouse dwelling unit	Min: None Max: None	
	Cottage Cluster	1 space per dwelling unit	Min: None Max: None	
	Multi-Household Dwelling	1.5 spaces per dwelling unit		Not Applicable
(c)	Rooming-house or Boarding-house	Spaces equal to eighty percent (80%) of the number of guest accommodations plus one additional space for the owner or manager	Not Applicable	Not Applicable
(d)	Senior Housing Center	.5 spaces per residential suite	Not Applicable	Not Applicable
(2) COMMERCIAL RESIDENTIAL USES				
(a)	Hotel or Motel	1 space per guest room or suite plus 1 additional space for the owner or manager and 1 space per 2 employees	Not Applicable	Not Applicable
(3) INSTITUTIONAL USES				
(a)	Welfare or Correctional Institution, Nursing Home or Homes for the Aged	1 space per 10 beds for patients or inmates plus 1 space per 2 employees	Not Applicable	Not Applicable
(b)	Convalescent Hospital	1 space per 4 beds	Not Applicable	Not Applicable
(c)	Hospital	1.5 spaces per bed	Not Applicable	Not Applicable

17.48.030 Table 1				
MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS				
USE		MINIMUM REQUIRED	ZONE A MAX. ALLOWED	ZONE B MAX. ALLOWED
(4) PLACES OF PUBLIC ASSEMBLY				
(a)	Church	1 space per 6 seats or 8 feet of bench length in the main auditorium or 75 square feet of floor area of a main auditorium not containing fixed seats	.6 space per seat or 1.33 feet of bench length in the main auditorium or 12.5 square feet of floor area of a main auditorium not containing fixed seats	.8 space per seat or 1.33 feet of bench length in the main auditorium or 12.5 square feet of floor area of a main auditorium not containing fixed seats
(b)	Library, Reading Room	1 space per 400 square feet plus 1 space per 2 employees	Not Applicable	Not Applicable
(c)	Preschool, Nursery, Kindergarten, Day Care Center	2 spaces per full-time staff person	Not Applicable	Not Applicable
(d)	Primary or Middle School	1 space per classroom plus 1 space per administrative employee plus 1 space per 4 seats or 8 feet of bench length in the main auditorium or 75 square feet of floor area of a main auditorium not containing fixed seats	Not Applicable	Not Applicable
(e)	High School, College or Commercial School for Adults	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater	1.5 spaces per classroom plus 1.5 spaces per administrative employee plus 1.5 spaces for each 6 students or 1.5 spaces per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater	1.5 spaces per classroom plus 1.5 spaces per administrative employee plus 1.5 spaces for each 6 students or 1.5 spaces per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater
(f)	Non-School Auditorium, Meeting Room, Community or Senior Center	1 space per 6 seats or 8 feet of bench length in an assembly room or 75 square feet of floor area of an assembly room not containing fixed seats, plus 1 space for each administrative employee, plus 1 space for each classroom for lounge, plus requirements for other uses included in the building	Not Applicable	Not Applicable
(5) COMMERCIAL AMUSEMENT				
(a)	Stadium, Arena, Theater	1 space per 4 seats or 8 feet of bench length	.4 space per seat or 2 feet of bench length	.5 space per seat or 2 feet of bench length
(b)	Bowling Alley	3 spaces per alley	Not Applicable	Not Applicable
(c)	Dancehall	1 space 100 square feet plus 1 space per 2 employees	Not Applicable	Not Applicable

17.48.030 Table 1				
MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS				
USE		MINIMUM REQUIRED	ZONE A MAX. ALLOWED	ZONE B MAX. ALLOWED
(d)	Skating Rink	1 space per 200 square feet plus 1 space per 2 employees	Not Applicable	Not Applicable
(e)	Sports Club/Recreation Facility	4.3 spaces per 1,000 square feet	5.4 spaces per 1,000 square feet	6.5 spaces per 1,000 square feet
(f)	Tennis/Racquetball Court	1 space per 1,000 square feet	1.3 spaces per 1,000 square feet	1.5 spaces per 1,000 square feet
(6) COMMERCIAL USE				
(a)	Retail Store	1 space per 300 square feet	1 space per 196 square feet	1 space per 161 square feet
(b)	Service or Repair Shop, Retail Store Handling Exclusively Bulky Merchandise Such as Automobiles or Furniture	1 space per 600 square feet	1 space per 294 square feet	1 space per 161 square feet
(c)	Bank	1 space per 300 square feet	1 space per 185 square feet	1 space per 154 square feet
(d)	Office	1 space per 370 square feet	1 space per 294 square feet	1 space per 244 square feet
(e)	Medical, Dental Clinic	1 space per 256 square feet	1 space per 204 square feet	1 space per 170 square feet
(f)	Eating or Drinking Establishment Except Fast Food Restaurant with Drive-Thru	1 space per 300 square feet	1 space per 52 square feet	1 space per 44 square feet
(g)	Fast Food Restaurant with Drive-Thru	1 space per 300 square feet	1 space per 81 square feet	1 space per 67 square feet
(h)	Mortuary	1 space per 6 seats or 8 feet of bench length in chapels	Not Applicable	Not Applicable
(7) INDUSTRIAL USES				
<i>(a) Manufacturing and Processing</i>				
Less than 25,000 square feet		1 space per 600 square feet	Not Applicable	Not Applicable
Greater than or equal to 25,000 square feet and less than 50,000 square feet		1 space per 700 square feet	Not Applicable	Not Applicable
Greater than or equal to 50,000 square feet and less than 80,000 square feet		1 space per 800 square feet	Not Applicable	Not Applicable
Greater than or equal to 80,000 square feet and less than 200,000 square feet		1 space per 1,000 square feet	Not Applicable	Not Applicable
Greater than or equal to 200,000 square feet		1 space per 2,000 square feet	Not Applicable	Not Applicable
<i>(b) Warehousing and Distribution</i>				
Less than 50,000 square feet		1 space per 2,000 square feet	Not Applicable	Not Applicable
Greater than or equal to 50,000 square feet and less than 150,000 square feet		1 space per 5,000 square feet	Not Applicable	Not Applicable
Greater than or equal to 150,000 square feet		1 space per 5,000 square feet	Not Applicable	Not Applicable

17.48.030 Table 1				
MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS				
USE		MINIMUM REQUIRED	ZONE A MAX. ALLOWED	ZONE B MAX. ALLOWED
(c)	Rail and Trucking Terminal	1 space per employee	Not Applicable	Not Applicable
(d)	Wholesale Establishment	1 space per employee plus 1 space per 700 square feet of patron service area	Not Applicable	Not Applicable

17.48.030 FIGURE 1	
OFF-STREET PARKING DESIGN STANDARDS	
Parallel Parking	45° Parking
Minimum Turning Radius	60° Parking
	90° Parking

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1269 §1, 1998; Ord. 1282 §1, 1998; Ord. 1298 §1, 2000; Ord. 1483 §2 (Exh. 5), 2017.

17.48.040 Design requirements for permanent off-street parking and loading.

All structures and developments subject to design review shall provide permanent off-street parking and loading as follows:

(1) Parking and Loading:

- (a) Parking and loading areas shall be paved with asphalt and/or concrete meeting city standards, maintained adequately for all weather use and so drained as to avoid flow of water across public sidewalks;
- (b) Off-street parking and loading areas shall be screened from abutting properties located in a residential zoning district unless such abutting properties are developed with nonresidential uses. Required screening shall be accomplished by building placement, a landscaped earth berm or a sight-obscuring fence or hedge. Required screening shall be a minimum of six feet high and shall not conflict with GMC Chapter 17.54 (clear vision).
- (c) Areas for standing and maneuvering vehicles, other than for the off-street parking and storage of truck tractors and/or semitrailers, shall be paved with an asphalt and/or concrete surface meeting city standards. The parking of truck tractors and/or semitrailers in off-street parking areas used exclusively for the parking and/or storage of said vehicles may be allowed utilizing a durable and dustless surface other than an asphalt and/or concrete surface. Such surface must be graded, compacted and surfaced in such a manner that it will adequately support these vehicles, including trailer standing gear, will not produce dust, will not produce tracking of mud or other materials onto adjoining streets or properties, and otherwise complies with other applicable provisions of this code.

(2) Parking:

- (a) Required parking spaces shall be located not further than 200 feet from the building or use they are required to serve, measured in a straight line from the building;

- (b) Required parking shall be provided in the same zoning district or a different zoning district of a more intensive use;
- (c) In no case shall required parking for a commercial or industrial use be provided in a residential district, except for approved conditional uses;
- (d) Groups of more than four parking spaces shall be permanently marked and so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;
- (e) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and setback a minimum of five feet from the property line. A bumper rail may be substituted for a curb;
- (f) Off-street parking and loading areas, including parking spaces and access aisles, shall meet or exceed the minimum dimensional standards identified in Tables 2 and 3 and Figure 1 (of this chapter). Access aisles shall be of sufficient width for all vehicular turning and maneuvering;
- (g) Up to 50 percent of required parking spaces may be provided for compact cars;
- (h) Parking areas shall be designed, to the maximum extent practicable, to avoid large, uninterrupted rows of parking spaces.

(3) Loading:

- (a) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school having a capacity greater than 25 students;
- (b) Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use;
- (c) Off-street parking areas used to fulfill the requirements of this section shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs;
- (d) Loading facilities shall be located at least 20 feet from residential property. Loading spaces shall be located on the site and directly accessible to the main structure.

17.48.040 Table			
STANDARD PARKING DIMENSIONS IN FEET			
Parking Angle	Stall Width	Stall Depth	Aisle Width
45°	9.5'	18.0'	14.0'
60°	9.5'	18.0'	16.0'
90°	9.5'	18.0'	24.0'

17.48.040 Table			
COMPACT PARKING DIMENSIONS IN FEET			
Parking Angle	Stall Width	Stall Depth	Aisle Width
45°	8.5'	16.0'	14.0'
60°	8.5'	16.0'	16.0'
90°	8.5'	16.0'	24.0'

(e) Exceptions and Adjustments. Loading areas within a street right-of-way in areas zoned mixed-use commercial in the C-2 zoning district may be approved when all of the following conditions are met:

(A) Loading areas must be signed to limit the duration of the activity, which may not exceed one hour for each loading operation.

(B) Proposed loading areas must support a use that requires infrequent loading activity. Infrequent loading activity is defined as less than three operations that occur daily between 5:00 a.m. and 12:00 a.m., or all operations that occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone.

(C) The proposed loading area:

- (i) Does not unreasonably obstruct traffic;
- (ii) Will be limited to one loading activity at a time;
- (iii) Notwithstanding Portland Avenue, does not obstruct a primary emergency response route; and
- (iv) Is acceptable to the applicable roadway authority.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1298 §1, 2000; Ord. 1483 §2 (Exh. 5), 2017.

17.48.050 Bicycle parking standards.

(1) General Provisions.

(a) Applicability. Standards for bicycle parking apply to full-site design review of new construction for multi-family residential (four units and larger) and new commercial/industrial developments. The Planning Commission may grant exemptions to bicycle parking requirements in connection with temporary uses or uses that are not likely to generate the need for bicycle parking.

(b) Types of Spaces. Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides a weather-protected place to park bicycles for employees, students, residents, commuters, and others who generally stay at a site for at least several hours.

(c) Minimum Number of Spaces. All developments required to comply with this section shall provide a minimum five percent bicycle parking spaces based on the city's required minimum number of automobile parking spaces. In addition, the following applies:

- (A) All development shall have a minimum two short-term bicycle parking spaces; and

(B) If more than seven bicycle parking spaces are required, at least 50 percent of the spaces shall be provided as long-term bicycle parking.

(C) Notwithstanding subsection (1)(a)(A) of this section, 100 percent of all bicycle parking spaces for multi-family development of four units and more shall be provided as long-term bicycle parking.

(2) Location and Design.

(a) Short-Term Bicycle Parking. Short-term bicycle parking facilities are lockers or racks that meet the standards of this section and that are located inside a building, or located outside within 30 feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer;

(b) Long-Term Bicycle Parking. Long-term bicycle parking includes:

(A) Racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security).

(B) Covered outside bicycle parking spaces that meet the requirements of subsection (2)(g) of this section and are located within 100 feet of an entrance to the building;

(c) Signs. If the bicycle parking is not visible from the street or main building entrance, then a sign conforming to the city's standards for on-site traffic control, GMC Section 17.52.060(1), shall be posted indicating the location of the parking facilities;

(d) Rack Type and Dimensions.

(A) Bicycle racks must hold bicycles securely by the frame and be securely anchored;

(B) Bicycle racks must accommodate:

(i) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock, or approved substitute; or

(ii) Locking the frame and both wheels to the rack with a chain or cable not longer than six feet;

(C) The Planning Commission may approve alternate bicycle racks provided they are convenient and secure;

(e) Bicycle parking spaces must be at least six feet long and two feet wide. An aisle five feet wide for bicycle maneuvering must be provided;

(f) Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only;

(g) Covered Parking (Weather Protection).

(A) When required, covered bicycle parking shall be provided in one of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

(B) Where required covered bicycle parking is not proposed to be located within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.

(C) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1175 §3 (A), 1993; Ord. 1483 §2 (Exh. 5), 2017.

17.48.060 Car pool and van pool parking.

New industrial, institutional and office developments requiring full site design review, including government offices, with 50 or more employee parking spaces, shall designate at least 10 percent of the parking spaces for car pool or van pool parking. The car pool/van pool spaces shall be clearly marked “reserved – car pool/van pool only.”

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1175 §3 (B), 1993.

**CHAPTER 17.62.070
MOBILE HOME
PARK**

17.62.070 Mobile home park.

Mobile home parks shall meet the requirements of Chapter 446, Oregon Revised Statutes, and the Rules and Regulations Governing the Construction and Sanitary Operation of Travelers' Accommodations and Trailer Parks adopted by the Oregon State Board of Health. In addition, the following minimum standards shall apply:

(1) Parking Space Requirement. A parking space shall be provided for each mobile home space on the site. In addition, guest parking spaces shall be provided in every mobile home park within two hundred feet (200') of the mobile home spaces served and at a ratio of one parking space for each two (2) mobile home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.

(2) Fencing and Landscaping. A sight-obscuring fence or hedge not more than six feet (6') high shall enclose the mobile home park except at points of ingress and egress. A built-up fence, as distinguished from a hedge, shall be so located as to conform to front and side yard requirements of the zoning district and suitable landscaping shall be provided in the required yard.

(3) Density Standards:

(a) Maximum density shall be ten (10) units per net acre;

(b) Minimum density shall be eight (8) units per net acre.

(4) Yard Requirements. Front yard from abutting street shall be at least twenty-five feet (25') but no closer than fifty feet (50') from the center of the road. Side and rear yards shall be at least thirty feet (30') from any interior property line abutting property zoned R-7.2. Side and rear yard shall be at least ten feet (10') from any interior property line. ~~Mobile homes situated in one space shall be separated by at least ten feet (10') from mobile homes in an adjoining space. Each mobile home park shall be divided into spaces for each dwelling unit and each space shall have a~~ minimum side and rear yard of five feet (5') from an adjoining space.

(5) Recreation Area. A minimum of four thousand (4,000) square feet of recreation area shall be provided for each gross acre of land in the proposed mobile home park. The recreation area may be in one or more locations in the park. At least one recreation area shall have a minimum size of ten thousand (10,000) square feet. The recreational site or sites are to be of a size and shape adequate for the intended use and location shall be convenient to all mobile home sites in the park.

(6) Area. The minimum area of a mobile home park shall be one (1) acre.

Statutory Reference: ORS Ch. 197 and 227

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

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

CHAPTER 17.76

EXCEPTIONS

Chapter 17.76
EXCEPTIONS

Sections:

- 17.76.010 Exceptions—Generally.
- 17.76.020 Nonconforming uses and nonconforming developments.
- 17.76.030 Lot size requirements.
- 17.76.040 Setback requirements.

17.76.010 Exceptions—Generally.

Exceptions to the requirements of this title may be granted under the provisions of this chapter.

Statutory Reference: ORS Ch. 197 and 227

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

17.76.020 Nonconforming uses and nonconforming developments.

(1) Continuance of a Nonconforming Use or a Nonconforming Development: Alteration of a Nonconforming Development. Except as provided herein, a nonconforming use may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a development which was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this title is not an enlargement or expansion of a nonconforming use. A nonconforming development which conforms with respect to use may be altered or extended provided the alteration or extension conforms to the standards of this title.

(2) Discontinuance of a Nonconforming Use. If a nonconforming use is discontinued for a period of one (1) year, further use of the property shall conform to this title.

(3) Maintenance. Normal maintenance of structures and premises that are part of a nonconforming use shall be permitted provided there are no significant use or structural alterations. Normal maintenance may include painting, roofing, siding, interior remodeling, electrical work, plumbing work, re-paving of access roads and parking/loading areas, replacement of landscaping elements or other similar tasks. Normal maintenance does not include increasing the number of dwelling units, constructing new structures or constructing additions to existing structures except to the extent that an addition is necessary to render a structure accessible to the disabled.

(4) Alterations Required by Law. Alteration of a nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration of the use or structures and premises associated with the use. Such alteration shall be subject to building, plumbing, electrical and other permit requirements in effect at the time the alteration is begun.

(5) Alterations Not Required by Law. A nonconforming use may be altered, expanded or changed to another nonconforming use pursuant to GMC Division VII (administrative procedures) and subject to the following criteria:

(a) The alteration, expansion or change of use will, after the imposition of conditions as authorized below, have no greater adverse impact on the neighborhood than the existing use. At a minimum, factors that shall be considered under this criterion include traffic generation, noise, vibration, smoke, dust, fumes, glare and visual compatibility with surrounding uses;

(b) Conditions of approval may be imposed on any alteration, expansion or change of use when deemed necessary to ensure the mitigation of any adverse impacts of such alteration, expansion or change of use. 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;

The Gladstone Municipal Code is current through Ordinance 1512, passed August 10, 2021.

- (C) Requiring increased setbacks, lot area, lot depth and lot width;
- (D) Limiting the 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; and
- (J) Requiring a sight-obscuring fence or hedge to screen the nonconforming use from adjacent or nearby property.

(6) Destruction of a Nonconforming Use or a Nonconforming Development. If a nonconforming use or a nonconforming development is destroyed by any cause to an extent exceeding seventy-five percent (75%) of its fair market value as indicated by the records of the Clackamas County Assessor, a future use or development on the site shall conform to the requirements of this title. Nonconforming single-~~family household and multi-household~~ dwellings shall not be deemed nonconforming for the purpose of this subsection and may be replaced regardless of the extent of destruction provided ~~the development is within the same structure footprint and~~ that replacement commences within one (1) year of destruction. ~~Nonconforming two-family dwellings in the R-5 zoning district shall not be deemed nonconforming for the purpose of this subsection and may be replaced regardless of the extent of destruction provided that the number of stories and the area of the structure footprint of a replacement two-family dwelling shall not exceed those of the two-family dwelling being replaced and provided that replacement commences within one (1) year of destruction.~~

Commented [KG1]: My thinking was that adding multi-household dwellings to this section would address the issue of non-conforming multi-household dwellings being able to rebuild only up to 8 units in cases of being damaged or destroyed. It seems like we would not want to permanently lose dwelling units because of destruction or make them go through the CU process for an already existing use.

Commented [SG2]: Removing because the amendments to R-5 allow duplexes outright

(7) Plans Otherwise Approved. Nothing contained in this chapter shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been approved by the city and issued by Clackamas County and for which construction has commenced prior to the adoption of the ordinance codified in this title provided that the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one year of the date the building permit is issued.

(8) Residential Uses. Nonconforming single-~~family household~~ dwellings, nonconforming two-~~household family~~ and multi-~~household family~~ dwellings in commercial and industrial zoning districts and nonconforming two-~~family household~~ dwellings in the R-5 zoning district shall not be deemed nonconforming for the purpose of expansion, remodeling or alteration for residential use or for residential accessory uses provided that there is no increase in the number of dwelling units other than the addition of an accessory dwelling unit when otherwise permitted by this title. The number of stories and the area of the structure footprint of a two-~~family household~~ dwelling in the R-5 zoning district shall not be increased. .

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1 (G), 1993; Ord. 1267 §1, 1998; Ord. 1291 §1, 2000; Ord. 1323 §1, 2002; Ord. 1374 §2, 2006.

17.76.030 Lot size requirements.

A lot of record that has an area less than the minimum lot area standard of the zoning district in which it is located may be developed with a use allowed in the zoning district. ~~In, except that in~~ a zoning district where dwellings are an allowed use, residential development shall be limited to one (1) single-~~family household~~ dwelling. Development on an undersized lot of record shall comply with other applicable standards of this title.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1323 §1, 2002. Ord. 1374, 2006.

17.76.040 Setback requirements.

The following exceptions to setback requirements may be authorized for a lot in any zoning district:

- (1) Average of Adjacent Front Setbacks. If there are buildings on both abutting lots which are within one hundred feet (100') of the intervening lot, and the buildings have front setbacks of less than the minimum for the zoning district, the front setback for the intervening lot need not exceed the average front setback of the abutting lots or ten feet (10'), whichever is greater. However, in all cases the minimum front setback requirement of the zoning district shall be maintained for a garage or carport if the garage vehicle entrance or an open side of the carport faces the front lot line.
- (2) Related to Abutting Front Setbacks. If there is a building on one (1) abutting lot which is within one hundred feet (100') of the lot, and this building has a front setback of less than the minimum for the zoning district, the front setback for the lot need not exceed the average of the front setback of the abutting lot and the minimum front setback for the zoning district, or ten feet (10'), whichever is greater. However, in all cases the minimum front setback requirement of the underlying zoning district shall be maintained for a garage or carport if the garage vehicle entrance or an open side of the carport faces the front lot line.
- (3) Corner Lots with Frontage on a Private Street. Where a corner lot has frontage on a public street and also has frontage on a private street from which it does not receive vehicular access, the lot line abutting the private street shall be considered a side lot line for the purpose of determining the minimum setback requirement.
- (4) Front Setbacks from Private Streets or Flag Lot Accesses. Where the front lot line of a lot in an R-5 or R-7.2 zoning district abuts a private street or the narrow deeded strip of land or easement providing access to a flag lot, the front setback may be reduced to ten feet (10'). However, if a garage vehicle entrance or an open side of a carport faces the front lot line, a minimum setback of twenty feet (20') shall be maintained between the garage or carport and the interior edge of the private street or flag lot access drive.
- (5) Flag Lots. For the purpose of determining the minimum setback requirements for a flag lot, the designation of front, rear and side property lines may be modified to allow flexibility in the placement of structures when one or both of the following conditions apply:
 - (a) It is not possible to extend the narrow deeded strip of land or easement providing access to the flag lot to serve additional lots due to physical conditions such as topography or existing development; or
 - (b) It is not necessary to extend the narrow deeded strip of land or easement providing access to the flag lot to serve additional lots because the subject property and adjacent property are fully developed or have adequate alternative access from existing streets.
- (6) Fences and walls. There shall be no minimum setback requirements for fences and walls. Compliance with GMC Chapter 17.54 (clear vision) shall be required.
- (7) Through lots. In the case of a through lot, either of the lot lines separating the lot from a street other than an alley may be designated by the property owner as the front lot line with the other such lot line designated as a rear lot line. However, in a residential zoning district, a minimum setback of twenty feet (20') shall be maintained between a garage vehicle entrance or an open side of a carport and a street.

Statutory Reference: ORS Ch. 197 and 227

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

CHAPTER 17.80

DESIGN REVIEW

Chapter 17.80
DESIGN REVIEW*

Sections:

- 17.80.011 Objectives.
- 17.80.021 Applicability.
- 17.80.061 Submittal requirements.
- 17.80.080 Maintenance.
- 17.80.090 Minor exceptions.
- 17.80.100 Compliance.

* Prior history:

- 17.80.010 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.020 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.020 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.030 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.031 **History:** Ord. 1254 §2, 1998; Repealed by Ord. 1323 §1, 2002.
- 17.80.040 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.041 **History:** Ord. 1254 §2, 1998; Repealed by Ord. 1323 §1, 2002.
- 17.80.050 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.051 **History:** Ord. 1254 §2, 1998; Repealed by Ord. 1323 §1, 2002.
- 17.80.070 **History:** Ord. 1254 §2, 1998; Repealed by Ord. 1323 §1, 2002.

17.80.011 Objectives.

The following objectives of the regulations in this chapter are as follows:

- (1) To preserve the natural environment and protect and enhance the visual character of the city, and to ensure compliance with the goals, objectives and policies of the Gladstone Comprehensive Plan, zoning and subdivision ordinances.
- (2) To encourage orderly development and to assure that structures, signs and other improvements are appropriately related to their site, and to surrounding sites and structures. Due regard shall be given to the aesthetic qualities of the terrain and landscaping, and proper attention given to exterior appearance of structures, signs, energy conservation and other improvements.
- (3) To ensure significant site development will be compatible with land use on adjacent properties.
- (4) To protect neighboring owners and users by assuring that reasonable provisions have been made for such matters as surface water drainage, the preservation of views, light, air and solar access and those effects on neighboring land uses.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998.

17.80.021 Applicability.

(1) This chapter shall apply to new structures; additions to existing structures; site development, such as grading, parking lot construction or commercial/industrial use of an undeveloped property; change of use; and major remodeling, with the following exceptions:

- (a) Single ~~family Household d~~wellings, Middle Housing, and their allowed accessory uses;
- ~~(b) Duplexes, and their allowed accessory uses in the R-7.2, and R-5, and MR zoning districts;~~
- ~~(eb)~~ Utility lines and equipment cabinets, not including towers or substations, provided such equipment cabinets are no greater than one hundred twenty (120) square feet in area and ten feet (10') in height;
- ~~(ec)~~ Fences unless associated with a primary, accessory or conditional use in the Office Park District or unless design review is required to grant an exception to the maximum fence height standard of the zoning district;
- ~~(ed)~~ Fabric-covered awnings;
- ~~(fe)~~ Playground equipment;
- ~~(gf)~~ Grading that does not require a permit under the Clackamas County Excavation and Grading Code;
- ~~(hg)~~ Signs reviewed by the City Administrator or designee pursuant to GMC Chapter 17.52 (signs);
- ~~(hh)~~ Vehicular or pedestrian right-of-way improvements provided such improvements are not associated with additional development that is subject to design review;
- ~~(ji)~~ Changes of use where:
 - (A) The proposed change is not from a residential, commercial/industrial or institutional use to a use in a different one of these categories;
 - (B) The new use is not required by this title to have a greater number of off-street parking spaces than the previous use or at least the minimum number of off-street parking spaces required by this title for the new use currently exists. However, where applicable parking requirements are not identified in Table 1 of GMC Section 17.48.030 (standards for developments subject to design review) or where on-street parking is proposed to fulfill a portion of the minimum off-street parking requirement, design review shall be required;
- ~~(kj)~~ Normal maintenance of structures and premises provided there are no significant use or structural alterations. Normal maintenance may include painting, roofing, siding, interior remodeling, electrical work, plumbing work, re-paving of access roads and parking/loading areas, replacement of landscaping elements or other similar tasks. Normal maintenance does not include increasing the number of dwelling units, constructing new structures or constructing additions to existing structures except to the extent that an addition is necessary to render a structure accessible to the disabled. Normal maintenance performed shall be consistent with previous design review approvals for the site.

(2) If a design review application is required, no building, sign, grading or blasting permit shall be issued until design review approval has been granted.

(3) An application for design review shall be reviewed pursuant to GMC Division VII (administrative procedures) and shall be reviewed for compliance with standards of the underlying zoning district and GMC Division IV (development standards).

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998; Ord. 1289 §1, 2000; Ord. 1323§1, 2002.

17.80.061 Submittal requirements.

(1) An application for design review shall include a minimum of twelve (12) copies of the following plans drawn to scale. A project summary shall accompany the application when necessary to describe special circumstances such as a request for a minor exception pursuant to GMC Section 17.80.090 (minor exceptions).

(a) Vicinity Map: The vicinity map shall show the location of the subject property relative to well-known landmarks in all directions and shall be at least four inches (4") by four inches (4") in size.

(b) Site Plan: The site plan shall include the following:

(A) The applicant's entire property and the surrounding area to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development;

(B) Lot lines, dimensions and area of the subject property;

(C) Complete names, addresses and telephone numbers of the property owner, applicant and project designer;

(D) Natural features including, but not limited to, individual trees greater than six inches (6") in diameter at five feet (5') above the ground (identify the species), wooded areas, wildlife habitat areas, streams and stream corridors, marsh and wetland areas, underground springs, surface features such as earth mounds and large rock outcroppings, significant views, natural drainage on the subject property and adjacent properties, areas of special flood hazard and potential geologic hazards such as areas of mass movement and soil hazards. Identify proposed alterations to natural features;

(E) Location, dimensions and names of all proposed rights-of-way and all existing rights-of-way within or adjacent to the subject property. Include proposed new curbs and sidewalks. Include existing curbs and sidewalks where necessary to show a connection to new curbs and sidewalks;

(F) Location and dimensions of existing and proposed easements, to which property they are conveyed and for what purpose(s). Include easements on the subject property and off-site easements conveyed to the subject property;

(G) Identification of existing uses of the subject property, including the location and exterior dimensions of existing structures. Identify whether existing structures will remain on the property or be removed;

(H) Location of proposed and existing utilities on the subject property and the location of adjacent off-site utilities to which on-site utilities will connect. Include water, sanitary sewer, storm drainage, gas, electric (including power poles) and other utilities;

(I) Location and exterior dimensions of all proposed structures;

(J) Relation of the subject property to nearby transit stops;

(K) Location and dimensions of individual parking spaces, parking lot access aisles, driveways and pedestrian and bicycle circulation;

(L) Lighting (include type);

(M) Service areas for trash disposal, recycling, loading and delivery and bicycle parking;

(N) Location of potential noise sources in the proposed development;

(O) Information about significant climatic variables including, but not limited to, solar potential, wind direction and wind velocity.

(c) Grading Plan: The preliminary grading plan shall indicate where and to what extent grading will occur and shall include approximate proposed contour lines, slope ratios, slope stabilization proposals and natural resources protection proposals. Existing contour lines shall also be shown. Proposed and existing contour lines shall be shown at maximum intervals of two feet (2') for slopes less than ten percent (10%), five feet (5') for slopes between ten (10) and twenty percent (20%) and ten feet (10') for slopes exceeding twenty percent (20%). A slope analysis shall be provided showing portions of the site according to the following slope ranges: less than ten percent (10%), ten (10) to less than twenty percent (20%), twenty (20) to less than thirty-five percent (35%), thirty five percent (35%) to less than fifty percent (50%) and fifty percent (50%) or greater. Approximate area calculations shall be provided for each of these slope ranges.

(d) Architectural Drawings:

(A) Building elevations and sections;

(B) Building materials, including color and type;

(C) Sufficient architectural details pertaining to exterior building materials, including samples and views from roads and other properties, as determined by the City Administrator or designee, to assure compliance with 17.44.020(4);

(D) Floor plans.

(e) Landscape Plan: The landscape plan shall be at the same scale as the site plan and shall include:

(A) Lot lines and adjacent rights-of-way;

(B) Proposed structures and existing structures to remain;

(C) Parking and loading areas and driveways;

(D) Locations of proposed plants and existing plants to remain, keyed to a legend identifying botanical names, common names, sizes at planting and numbers;

(E) Description of soil conditions and plans for soil treatment such as stockpiling of topsoil. Include plant selection requirements relating to soil conditions;

(F) Erosion controls, including plant materials and soil stabilization, if any;

(G) Irrigation systems;

(H) Landscape-related structures such as fences, terraces, decks, patios, shelters, play areas, etc.;

(I) Boundaries of open space, recreation or reserved areas to remain, access to open space and any alterations proposed;

(J) Locations of pedestrian and bikeway circulation within landscaped areas;

(K) Method of planting and maintenance.

(f) Signs:

(A) Freestanding signs:

(i) Location on-site plan;

(ii) Elevation drawing (indicate size, total height, height between bottom of sign and ground, color, materials and means of illumination).

(B) On-building signs:

- (i) Building elevation with location of sign (indicate size, color, materials and means of illumination);
- (ii) Site plan showing location of on-building sign in relation to adjoining property.

(2) A transportation impact analysis shall be submitted if deemed necessary by the City Administrator or designee to assess the impacts of the proposed development.

(3) The City Administrator or designee may waive any submittal requirements of this chapter if they are deemed not necessary or not applicable due to the scale or nature of the development proposal.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2 (pan), 1998, Ord. 1395 2007.

17.80.080 Maintenance.

All approved on-site improvements shall be the ongoing responsibility of the property owner or occupant.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998.

17.80.090 Minor Exceptions.

(1) Authority. In conjunction with the design review plan approval, the Planning Commission may grant minor exceptions from the following requirements:

- (a) Dimensional standards for yards required in the primary district;
- (b) Dimensional standards for off-street parking as required in GMC Chapter 17.48 (Off-Street Parking and Loading);
- (c) Minimum and maximum number of off-street parking spaces required in GMC Chapter 17.48 (Off-Street Parking and Loading).

(2) Limitations. No minor exceptions shall be greater than twenty-five percent (25%) of the requirement from which the exception is requested. Requests greater than twenty-five percent (25%) shall be subject to variance procedures.

(a) In the case of a minor yard exception for landscaping, the Planning Commission shall find that approval will result in:

- (i) More efficient use of the site;
- (ii) Preservation of natural features, where appropriate;
- (iii) Adequate provision of light, air and privacy to adjoining properties;
- (iv) Energy conservation; and

(v) Adequate emergency access.

(b) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Commission shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:

- (i) Special characteristics of users which indicate low demand for off-street parking (e.g. low income, elderly);
- (ii) Opportunities for joint use of nearby off-street parking facilities;

(iii) Availability of public transit; and

(iv) Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.

(c) In the case of a minor exception to the maximum allowed number of off-street parking spaces, the Planning Commission shall find that approval will not result in excessive off-street parking relative to the user demand. The following factors shall be considered in granting such an exception:

(i) Special characteristics of users that indicate high demand for off-street parking. Characteristics generally attributable to the use classification upon which the maximum parking ratio is based shall not be considered “special characteristics” for purposes of this provision.

(ii) Lack of sufficient available on-street parking, public off-street parking or shared parking within one-quarter (1/4) mile walking distance of the subject site.

(iii) A study of parking demand, submitted by the applicant, for a use substantially similar to the one proposed.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998; Ord. 1289 §1, 2000.

17.80.100 Compliance.

(1) Approval of design review shall expire if construction has not begun within two years of the date of the final decision. Upon request and in accordance with GMC Section 17.66.015(4)(a), the two-year period may be renewed once by the City Administrator or designee for not more than one year.

(2) Prior to issuance of a final certificate of occupancy, the development site shall be checked by the City Administrator or designee to insure compliance with the approved design review plans. Approval of a final certificate of occupancy shall not be granted until all conditions of design review approval are met.

(3) Any departure from the approved design review plans may be cause for revocation of the building permit or denial of a final certificate of occupancy. Any changes in the approved design review plans shall be submitted to the City Administrator or designee for review and approval prior to execution. Changes to the substance of an approval or the substance of conditions of approval shall require the submittal of a new design review application.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998; Ord. 1323 §1, 2002; Ord. 1498 §1 (Exh. A), 2019.