



OCMC – OREGON CITY MUNICIPAL CODE

PROPOSED AMENDMENTS

Planning Commission / City Commission Joint Worksession November 12, 2013

The following Oregon City Municipal Code Amendments are intended to supplement existing city code in order to implement the South End Concept Plan. Many zoning, subdivision and other regulatory code provisions necessary to implement the concept plan already exist within the existing code.

<u>Chapter</u>	<u>Title</u>
12.04	Streets, Sidewalks and Public Places
14.04	Annexations
16.08	Subdivisions – Process and standards
16.16	Minor Partitions – Process and standards
17.18	R-2 Multi-family Zone
17.22 (new)	Single Family Residential Design Standards – SECP
17.24	NC – Neighborhood Commercial Zone
17.29	MUC – Mixed Use Corridor Zone
17.54	Supplementary Zoning Regulations and Exceptions

Please Note: Code Revisions applicable to development city-wide, such as public trail dedication requirements for new development in *Chapter 12.04 Street Sidewalks and Public Places*, and other housekeeping code amendments will be separately considered in public hearings set for a date certain following adoption of the South End Concept Plan by the City Commission, in mid-to late 2014.

- Items shown as underlined indicate new language to be inserted into the code.
- Items shown in ~~strikeout~~ font indicate existing code language to be deleted.
- Comments in the sidebar explain the reason for the code change.

Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

NOTE: The following amendments regarding trails dedication are provided for preliminary information and discussion only and are subject to further review by staff and the Parks and Recreation Advisory Committee (PRAC). These amendments would affect development outside of the immediate South End Concept Plan area, therefore staff is recommending postponing formal review and adoption to a date certain later in 2014 (aka the "6-month review").

Chapter 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES ¹²

Sections:

OCMC CHAPTER 12.04 - STREETS, SIDEWALKS AND PUBLIC PLACES

12.04.003 Applicability

A. Compliance with this chapter is required for all Land Divisions, Site Plan and Design Review, Master Plan, Detailed Development Plan and Conditional Use applications and all public improvements.

B. Compliance with this chapter is also required for new construction or additions which exceed 50 percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan and this Chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:

1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees

The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten (10%) percent of the total construction costs. The value of the alterations and improvements as determined by the Community Development Director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.

C. Where the city engineer determines a conflict exists between these standards and the adopted street standards of a special plan district, concept plan, or corridor plan, the standards in the special plan district, concept plan or corridor plan shall take precedence.

12.04.xx -- Trail Dedication Required

A. Purpose. The public recreational trail requirements are intended to increase recreational opportunities within the City of Oregon City and connect these recreational opportunities with a regional recreational trail system and support alternative modes of transportation; and help create a pleasant, aesthetically pleasing urban environment.

1. Trails and trail corridors shall be provided in accordance with any city-adopted plans for the subject property as a condition of approval of a land division or site plan and design review application for the subject property.

Comment [pw1]: Allows for standards of South End Concept Plan and Park Place Concept Plan to prevail.

Comment [C2]: Discuss with City Attorney the option of requiring dedication or non-remonstrance at time of annexation or zone change.

Comment [C3]: Alternate language from Portland -- All applicants for a land use review or for building permits on lands designated with a recreational trail symbol on the zoning map are required to grant an easement for the recreational trail. The easement must be done as part of recording a land use review and finalized prior to obtaining a final certificate of occupancy. The land may be donated to the City instead of granting an easement when the standards of Section 33.272.080 are met. Trails shown adjacent to public rights-of-way may be constructed in the public right-of-way, subject to approval from the Office of Transportation.

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Chapter 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

2. If the condition of approval is not voluntarily accepted by the applicant, the findings in the approval shall indicate how the dedication and/or improvements roughly proportional to the impact of the proposed development.
3. A public recreational trail must comply with the applicable standards of the Parks and Recreation Division for recreational trails or, where the trail is located in a public right-of-way, it must comply with the standards of the City Engineer.

Comment [C4]: This is similar to the language Bend uses in their code when discussing conditions of approval requiring improvements.

Comment [C5]: If Parks and/or the City Engineer don't have standards you could include some here for both width and improvements.

12.04.xx -- Trail Corridors —Dedications, Easements and Setbacks

A. Applicants for development may delineate and show the trail corridor as either a separate tract or public access easement that meets the following requirements, as applicable.

B. Prior to final plat, certificate of occupancy, or construction plan approval by the city, the trail corridor shall be identified to distinguish it from buildable land. The trail corridor may be identified as any one of the following:

1. Private open space held by the owner or a homeowners association, provided easements conveying public access, stormwater and surface water management rights to the city, and preventing the owner of the tract from activities and uses inconsistent with the purpose of the trail corridor are provided through the open space; or
2. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit, provided the Parks and Recreation Department accepts the dedication; or
3. Any other ownership proposed by the owner and approved by the community development director.
4. Trails shall be dedicated to the public on the final plans for the development unless the developer incorporates the trail corridor into a recorded easement or tract that specifically provides for the ownership, liability and maintenance of the accessway.

C. Setbacks. Buildings setbacks shall be measured from the edge of the trail corridor tract or easement, notwithstanding any other setbacks, easements, or vegetated corridor easements required pursuant to applicable overlay districts.

D. When a lot abuts a trail corridor, an area equal to the length of the trail frontage along the lot times the width of the trail corridor measured from the trail centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Comment [pw6]: This section is the same language we already use for alleys in subdivisions, which has worked well in the past.

E. Trail corridors shall not be placed within required public alleys unless the Community Development Director determines that there is no practicable alternative based on one or more of the following physical or jurisdictional constraints. Such evidence may include but is not limited to:

Comment [pw7]: These factors are similar to the pedestrian access way exemption requirements.

1. That other federal, state or local requirements prevent construction of a trail without placing it in an alley.
2. That the nature of abutting existing development makes construction of an trail corridor outside of an alley impracticable;
3. That the trail outside of an alley would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;

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Chapter 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

4. That the trail corridor would cross topography consisting predominantly of slopes over twenty-five percent;
5. That the trail corridor would terminate at the urban growth boundary where extension to another trail corridor is not part of an adopted plan.
6. A proposal to place a trail corridor within a public alley shall demonstrate to the satisfaction of the city engineer that pedestrian, bicycle and vehicular use of the combined alley / trail corridor will not create unsafe conditions.
7. A trail corridor shall within an alley shall be clearly delineated with signs indicating that the alley is also a pedestrian and bicycle trail.

12.04.xx -- Incentives for Trail Corridors

NOTE: We are developing workable incentive language for this section. For simplicity, if subsection D (in red above) is used, this section may not be necessary and may be deleted.

A. Purpose. The purpose of this section is to provide incentives to dedicate trail corridors or provide easements for public recreational trails. These incentives are allows the residential density of otherwise buildable land within a dedicated trail corridor or easement to be transferred outside the corridor to the remainder of the site through the allowance of dimensional adjustments as specified below. This provision applies on-site and density may not be transferred beyond the boundaries of the development site.

B. Permitted modifications to dimensional standards for trail corridor tracts.

An applicant proposing to provide a trail in a dedicated tract or recorded easement pursuant to section 12.04 may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of up to 20% of the underlying zone district in approving a land division or site plan application. if necessary to provide a trail corridor tract, as long as the calculation of average lot size, including the trail corridor tract, meets the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot size reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the trail corridor.

The applicable dimensional standards of the zone district shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 12.04. below.

B. Applications that request a density transfer shall:

1. Provide a map showing the net buildable area of the trail corridor;
2. Provide calculations justifying the requested dimensional adjustments;
3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the trail corridor created pursuant to this section.

Comment [pw8]: This new section provides an incentive for property owners to dedicate trail corridors by allowing the area within the trail corridor to be credited toward the remaining buildable area through the reduction of setbacks, lot size, width and depth up to 20%.

Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

- 4. Demonstrate that, with the exception of the trail corridor, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
- 5. Meet all other standards of the base zone except as modified in section 12.04 below.
- C. The area of land contained in a trail corridor may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

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Title 14 - ANNEXATIONS

Chapter 14.04 CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES

Chapter 14.04 CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES

Sections:

[14.04.050 Annexation procedures.](#)

14.04.050 Annexation procedures.

- A. Application Filing Deadlines. Annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the city commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the state of Oregon.
- B. Preapplication Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by [Section 17.50.050\(A\)](#) with the representative of the planning division appointed by the city manager.
- C. Neighborhood Contact. Prior to filing an annexation application, the applicant is encouraged to meet with the city-recognized neighborhood association or associations within which the property proposed to be annexed is located. If the city manager deems that more than one such association is affected, the applicant is encouraged to meet with each such association, as identified by the city manager. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.
- D. Signatures on Consent Form and Application. The applicant shall sign the consent form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the consent form and application in writing before the city manager may accept the same for review.
- E. Contents of Application. An applicant seeking to annex land to the city shall file with the city the appropriate application form approved by the city manager. The application shall include the following:
 1. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;
 2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS Ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;
 3. A list of property owners within three hundred feet of the subject property and if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the city manager;
 4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;
 5. ~~Twenty five copies of a~~ site plan, drawn to scale (not greater than one inch = fifty feet), indicating:

Comment [pw1]: We do not need 25 copies of an application. It wastes paper and we only need one hard copy and one full electronic copy.

Title 14 - ANNEXATIONS

Chapter 14.04 CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES

- a. The location of existing structures (if any),
 - b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed,
 - c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one hundred year flood shall be shown,
 - d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, identified habitat conservation areas, isolated preservable trees (trees with trunks over six inches in diameter-as measured four feet above ground), and significant areas of vegetation,
 - e. General land use plan indicating the types and intensities of the proposed, or potential development;
6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the city.
7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:
- a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities,
 - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time,
 - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand,
 - d. Statement outlining method and source of financing required to provide additional facilities, if any,
 - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced,
 - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any,
 - g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;
8. The application fee for annexations established by resolution of the city commission and any fees required by metro. In addition to the application fees, the city manager shall require a deposit, which is adequate to cover any and all costs related to the election.
9. Paper and electronic copies of the complete application as required by the Community Development Director.

Comment [pw2]: Annexation maps will need to refer to Metro / County mapped HCAs for UGB expansion areas as part of the application.

Comment [pw3]: New requirement to save paper and improve record keeping.

Title 16 - LAND DIVISIONS

Chapter 16.08 SUBDIVISIONS—PROCESS AND STANDARDS

Chapter 16.08 SUBDIVISIONS—PROCESS AND STANDARDS ^[2]

Sections:

[16.08.025 Preliminary subdivision plat—Required plans.](#)

[16.08.030 Preliminary subdivision plat—Narrative statement.](#)

16.08.025 Preliminary subdivision plat—Required plans.

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

- A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.
- B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. In the preparation of the Traffic / Transportation Plan, the applicant shall reference the adopted Transportation System Plan. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.
- C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume

Comment [pw1]: Ensure that connectivity analyses look at concept plans for future local street connections.

Comment [pw2]: This will help ensure concept plans are referenced and implemented since they amend the TSP.

Title 16 - LAND DIVISIONS

Chapter 16.08 SUBDIVISIONS—PROCESS AND STANDARDS

of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:

1. Proposed and existing street rights-of-way and all other transportation facilities;
2. All proposed lots and tracts;
3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);
4. All natural resource areas pursuant to [Chapter 17.49](#), including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;
5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to [Chapter 17.42](#)
6. The location of any known state or federal threatened or endangered species;
7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
8. All wildlife habitat or other natural features listed on any of the city's official inventories.

Comment [pw3]: Oregon City's and Clackamas County's Title 13 habitat conservation area (HCA) maps for the UGB areas are the same. Owners will be required to provide an on-site survey of these areas prior to development approval.

Title 16 - LAND DIVISIONS

Chapter 16.16 MINOR PARTITIONS—PROCESS AND STANDARDS

Chapter 16.16 MINOR PARTITIONS—PROCESS AND STANDARDS ¹⁶¹

Sections:

[16.16.020 Minor partition application submission requirements.](#)

16.16.020 Minor partition application submission requirements.

A minor partition application shall include twelve copies of the proposed partition to the community development director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:

- A. A completed land use application form as provided by the planning division;
- B. Legal descriptions of the parent parcel(s) and a preliminary plat map;
- C. The name and address of the owner(s) and the representative, if any;
- D. County tax assessment map number(s) of the land to be partitioned;
- E. The map scale and north point;
- F. Approximate courses and dimensions of all parts of the partition;
- G. Around the periphery of the proposed minor partition, the boundary lines and names of adjacent minor partitions and subdivisions, streets and tract lines of adjacent parcels of property;
- H. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;
- I. All areas designated as being within an overlay district;
- J. A connectivity analysis may be required as directed at the pre-application conference. If required, the partition connectivity analysis shall be prepared by an engineer licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.
- K. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:

Comment [pw1]: Ensure that connectivity analyses look at concept plans for future local street connections.

Title 16 - LAND DIVISIONS

Chapter 16.16 MINOR PARTITIONS—PROCESS AND STANDARDS

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
2. A letter or email from the applicable tribal cultural resource representative as designated by the Oregon Legislative Commission on Indian Services (CIS) and the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

Title 17 - ZONING

Chapter 17.18 R-2 MULTI-FAMILY DWELLING DISTRICT

Chapter 17.18 R-2 MULTI-FAMILY DWELLING DISTRICT ¹⁸¹

Sections:

[17.18.020 Permitted uses.](#)

17.18.020 Permitted uses.

Permitted uses in the R-2 district are:

- A. Residential units, multi-family;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- E. Accessory buildings;
- F. Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A)); and
- G. Management and associated offices and building necessary for the operations of a multi-family residential development.
- H. Residential care facility per ORS 443.400.
- I. Live/work units, pursuant to subsection [17.54.105 Live/work units.](#)

Comment [pw1]: Allows live/work units in the multi-family zone, pursuant to Site Plan and Design Review and the standards of section 17.54.105

Title 17 - ZONING

Chapter 17.22 SINGLE-FAMILY RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

Chapter 17.22 SINGLE-FAMILY RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

17.22.010 Purpose.

The intent of this chapter is to ensure new development is compatible with the goals and policies of the South End Concept Plan area. Specifically, these standards achieve the following objectives:

- A. Enhance the quality of the streetscape by providing a welcoming and safe area for pedestrians at the front of homes.
- B. Encourage private outdoor space primarily in the rear or side yards of houses.
- C. Locate new homes relatively close to the street to provide “eyes on the street” and encourage neighborly interaction and safety.
- D. Where alleys are required pursuant to Chapter 12.04, assure convenient garage placement and vehicle access and parking.

17.22.020 Applicability.

These standards apply in addition to the Oregon City Municipal Code 17.20—Residential Design Standards. This chapter applies to all new detached single-family and two-family homes, accessory dwelling units, and cottages located within the South End Concept Plan area.

House plans that conform to these standards may be approved as a Type I Decision. House plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.

17.22.030 Alley Loaded Garages.

- A. Garages on an alley may be attached to or detached from the house.
- B. Detached garages on an alley shall be setback no further than 5 feet from the alley.
- C. Attached garages on an alley shall meet the principal building setback of the zone district.
- D. Additional parking outside of an attached or detached garage shall be located beside the detached garage, not in front of the garage doors.

17.22.040 Modulation and massing.

New homes shall have a massing and footprint that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area.

- A. Houses with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.

Comment [pw1]: THIS NEW SECTION IS SIMILAR TO PARK PLACE BUT DOES NOT REQUIRE A SPECIFIC ARCHITECTURAL STYLE LIKE PARK PLACE DOES, SUCH AS BUNGALOW, QUEEN ANNE, VERNACULAR, ETC.

THE DECISION TO NOT PRESCRIBE A PARTICULAR ARCHITECTURAL STYLE IS BASED ON GENERAL CONSENSUS FEEDBACK FROM THE COMMUNITY ADVISORY TEAM.

Comment [pw2]: Per OCMC 12.04.255 - Public alleys are required in zone districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC unless other permanent provisions for private access to off-street parking and loading facilities are approved.

Comment [CAR3]: Where are the alleys required?

Title 17 - ZONING

Chapter 17.22 SINGLE-FAMILY RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

- B. Exemption: An exemption from the massing standard of a) above may be approved by the community development director through a Type II process if the resulting plan continues to provide for a pedestrian friendly design and provides sufficient architectural details to mitigate the impact of a house with a large mass on the surrounding neighborhood.

17.22.050 Porches and entries.

- A. Homes within twenty feet of the public sidewalk or front property line, whichever is closer, shall contain a front porch with a front door that faces the street that is a minimum of twenty-four inches above average grade with skirting and is at least eighty square feet in area with no dimension under six feet with the wider dimension parallel to the street. Porch railings are required. The front porch shall be covered.
- B. Exemption: House styles that do not contain porches or require a reduction in the size of the porch or its location may be granted an exemption pursuant to a Type II Land Use process from A. above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.
- C. Each dwelling unit shall have a separate delineated pedestrian connection (including duplexes, cottages and ADUs) from the front door of the unit to the public sidewalk with a minimum width of three feet. At the front of the house, the pedestrian connection shall be separate from any driveway.

17.22.060 Architectural details.

Dwelling units shall contain architectural details. Each architectural detail listed below is worth one point unless otherwise noted. Dwelling units must achieve the equivalent of five points worth of architectural details.

- A. Stonework detailing on columns or across foundation.
- B. Brick or stonework covering more than ten percent of the façade
- C. Wood, clad wood, or fiberglass windows on all four elevations of the building. (two points).
- D. Decorative roofline elements (choose two): roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
- E. Decorative siding elements (choose two) barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.
- F. Decorative porch elements (choose one) scrolls, brackets, or wrapped and finished porch railings and posts.
- G. Decorative shingle design covering ten percent of the façade.

Title 17 - ZONING

Chapter 17.22 SINGLE-FAMILY RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

- H. Exemption: Other architectural detailing may be approved through a Type II process if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.

17.22.070 Approved siding materials.

Dwelling units shall have approved siding materials of one or more the types listed below.

- A. Brick.
- B. Basalt stone or basalt veneer
- C. Narrow horizontal wood or composite siding (five inches wide or less); wider siding will be considered where there is a historic precedent pursuant to a Type II process.
- D. Board and baton siding (wood or composite siding)
- E. Exemption: Other materials may be approved through a Type II process if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

17.22.080 Windows.

- A. All windows on all elevations must be recessed at least two inches from the façade and incorporate window trim at least four inches in width. All elevations must provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- B. Exemption: An exemption may be granted through a Type II process from the window standard of A. above if the proposed windows provide for some amount of recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.

17.22.090 Garages and accessory structures.

- A. All detached garages and accessory structures larger than 200 square feet shall be designed consistent with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim.
- B. Detached garages connected by a breezeway will be subject to the setbacks of the underlying zone. Exceptions to this standard shall be processed as a Type II Land Use decision at time of land division or building permit application.

Title 17 - ZONING

Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT

Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT ⁽¹⁰⁾

Sections:

[17.24.010 Designated.](#)

[17.24.020 Permitted Uses—NC.](#)

[17.24.025 Conditional uses.](#)

[17.24.035 Prohibited uses.](#)

[17.24.040 Dimensional standards.](#)

17.24.010 Designated.

The Neighborhood Commercial District is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar ~~as defined by the community development director.~~ This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a Site Plan and Design Review application pursuant to OCMC 17.62 is required.

Comment [pw1]: Adds a little more background to the purpose of the NC district as it would be applied in South End and Park Place.

17.24.020 Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District.

- A. Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in Sections [17.24.020](#), 17.24.030 or [17.24.040](#)
- B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet.
- C. Live/work units, pursuant to subsection [17.54.105 Live/work units.](#)
- D. Multi-family, single-family attached or two-family residential, when proposed along with any non-residential allowed use in the NC district in a single development application and not exceeding fifty percent of the total building square feet in said application.
- E. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

Comment [CAR2]: What is the difference between single family attached and multi-family in this context?

Comment [pw3]: This existing provision helps assure that residential use does not displace retail uses in the district.

Comment [pw4]: "Attached dwelling" means a dwelling which is joined to another dwelling at one or more sides by a party wall or walls. "Dwelling apartment or multi-family or condominium" is a structure located on one tax lot and containing three or more dwelling units in any vertical or horizontal arrangement.

17.24.025 Conditional uses.

The following conditional uses are may be permitted when approved in accordance with the process and standards contained in [Chapter 17.56](#).

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet.

Title 17 - ZONING

Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT

- B. Emergency and ambulance services;
- C. Drive-thru facilities;
- D. Outdoor markets that do not meet the criteria of [Section 17.24.020](#) are operated before six p.m. on weekdays.**
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas Stations;
- I. Hotels and motels, commercial lodging;
- J. Vet clinic or pet hospital.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.24.035 Prohibited uses.

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage.
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership.**
- ~~D~~G. Hospitals;
- ~~E~~D. Kennels;
- ~~F~~G. Motor vehicle sales and incidental service;
- ~~G~~F. Motor vehicle repair and service;
- ~~H~~G. Self-service storage facilities;
- ~~I~~H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

Comment [CAR5]: Any hour limitations on weekends?

Comment [pw6]: Easier to just reference hours here rather than cross-reference a code provision that does not exist.

Comment [pw7]: No hour limitations on weekends.

Comment [CAR8]: Is this like food carts? If so, is the paved area to accommodate the carts the use or are the carts themselves the use?

Comment [pw9]: If desire is to create active retail environment in certain areas along South End Road, some outdoor sales should be permitted.

Comment [pw10]: An administrative process for food cart permitting effective city wide still needs to be developed if it has support. In the meantime, the outdoor sales would be subject to site plan and design review (poss. Minor).

Title 17 - ZONING

Chapter 17.29 "MUC"—MIXED-USE CORRIDOR DISTRICT

17.29.020 Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast and other lodging facilities for up to ten guests per night;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Parks, playgrounds, play fields and community or neighborhood centers;
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- N. Residential units, multi-family;
- O. Restaurants, eating and drinking establishments without a drive through;
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- R. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060;
- S. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- T. Studios and galleries, including dance, art, photography, music and other arts;
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations;
- X. Research and development activities;
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Z. Residential care facility.

AA. Live/work units, pursuant to subsection 17.54.105 Live/work units.

Comment [pw1]: Live/Work units are regulated as a commercial use for zoning purposes and building code requirements (e.g. sprinklers).

17.29.040 Prohibited uses in the MUC-1 and MUC-2 zones.

Title 17 - ZONING

Chapter 17.29 "MUC"—MIXED-USE CORRIDOR DISTRICT

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor sales or storage;
- ~~C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;~~
- D. Correctional facilities;
- ~~E. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);~~
- ~~F. Kennels;~~
- ~~G. Motor vehicle and recreational vehicle sales and incidental service;~~
- ~~H. Motor vehicle and recreational vehicle repair/service;~~
- ~~G. Outdoor sales or storage;~~
- I. Self-service storage facilities.

Comment [pw2]: If desire is to create active retail environment along south End Road, some outdoor sales should be permitted.

Comment [pw3]: This section was repeated in error in the adopted code.

Title 17 - ZONING

Chapter 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

Chapter 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS ^[28]

Sections:

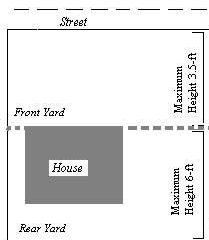
[17.54.100 Fences.](#)

[17.54.105 Live/work units.](#)

17.54.100 Fences.

Fence, Setback and Height Limitations.

A fence may be located on the property or in a yard setback area subject to the following:



;sz=7.5q; Any fence, hedge or wall located in front of your home may be up to three and one-half feet in total height.

;sz=7.5q; fence, hedge or wall located next to and behind your home may be up to six feet in total height.

A. Generally. Fence, hedge, or wall.

1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front ~~fence facade~~ or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted Section 17.54.100B.
2. Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.
3. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
4. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city Manager.

Comment [pw1]: Should this distance be wider, say 2-5 feet?

Title 17 - ZONING

Chapter 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

- B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:
1. When the retaining wall or artificial berm is 30 inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
 2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.
 3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be setback a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.
 4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.

17.54.105 Live/work units.

Live/work units provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work units. Live/work units that conform to the standards will be approved as a Type II Decision and a live/work permit will be granted for the property. For all zones where live/work units are permitted, the following standards shall apply. Conditions of approval may be implemented to ensure compliance with the standards.

- A. The ground floor business ~~has shall provide~~ visibility, signage and access from the primary street. The building in which the live work dwelling is located shall architecturally differentiate the ground floor commercial/office space from the rest of the building by meeting the following requirements:
1. The main front elevation shall provide at least fifty percent transparency at the pedestrian level through the use of a storefront ~~window~~ system. The transparency is measured in lineal fashion (For example, a twenty-five foot long building elevation shall have at least twelve a half feet (fifty percent of twenty-five feet) of transparency in length).
 2. Windows shall begin thirteen to thirty inches above the sidewalk rather than continue down to street level. Large single paned windows over ten feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.
 3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building facades. Exceptions to this prohibition may be granted for LEED certified buildings when documented as part of the application and requested as part of the land use application. Any glazing materials shall have a maximum fifteen percent

Comment [CAR2]: Reviewed through a Type II process?

Comment [pw3]: Changed to a requirement.

Comment [pw4]: Clarification

Title 17 - ZONING

Chapter 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

~~outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.~~

Comment [pw5]: Intent is to minimize glare from new commercial windows.

- B. A live/work dwelling is allowed instead of, or in addition to, a home occupation as defined by OCMC [17.04](#). The business portion of the dwelling shall be limited to the ground floor and may not exceed fifty percent of the square footage of the entire dwelling, excluding the garage or one thousand square feet whichever is the smaller number.
- C. The primary entrance to the business must be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided an alternative parking and refuse and recycling service plan may be approved by the community development director if it meets the intent of the standards.
- D. The applicant must show that there is adequate on street or off-street parking for the proposed use. One parking space is required for every five hundred square feet of commercial, personal service, or office use or a portion thereof. For example, seven hundred square feet of commercial use requires two parking spaces. Adequate parking can be shown by meeting one of the following:
 - 1. Shared Parking. Required parking may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
 - 2. On-Street Parking. On-street parking dimensions for livework units shall conform to the standards set forth in OCMC 17.52010C.
 - 3. Onsite Parking. Parking spaces are provided onsite and meet the requirements of OCMC [17.52](#).-Offstreet Parking and Loading.
- E. The number of employees permitted onsite for employment purposes shall be limited to five persons at one time.
- F. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat (if applicable) and a deed restriction shall be placed on all units describing the restrictions placed upon these units. These include, but are not limited to, the following:
 - 1. The work use shall not generate noise exceeding 55-decibel level as measured at the lot line of the lot containing the live/work dwelling.
 - 2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building and can be set out no more than four hours before the solid waste pickup.
 - 3. No dust or noxious odor shall be evident off the premises.
 - 4. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before seven a.m. or after eight p.m.