

DRAFT

AMENDMENTS TO THE OREGON CITY MUNICIPAL CODE (OCMC)

May 15, 2017

Each proposed amendment below identifies if the proposed changes include modifying existing portions of the code, a replacement of a section, or a new section. Removal of language is ~~struck out~~ and new language is underlined.

The Following Amendments Apply to Definitions in OCMC Chapter 17.04.

17.04.743 - Membrane or fabric covered storage area. [Amend Existing Definition]

A metal sided cargo container or an area covered by a tarp ~~or tensioned metal~~ or fabric membrane or that is either attached to a rigid framework, natural feature or some other structure that is used for storage. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

17.04.177 - Cargo Container [New Definition]

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

17.04.1271 – Temporary Structure [New Definition]

A temporary structure permitted in Chapter 17.62 of the Oregon City Municipal Code, excluding mobile vendors.

17.04.766 – Mobile Vendor [New Definition]

A vendor or seller of merchandise, food, services, etc. from a motorized or towed vehicle including a wheeled trailer capable of being towed by a vehicle.

The Following Amendments Apply to Accessory Structures and Uses in OCMC Chapter 17.54.

17.54.010 - Accessory Structures and Uses. [Replace Existing Section]

Accessory structures and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following standards:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Residential Accessory Structures or Dwellings. The section applies to accessory structures within the R-10, R-8, R-6, R-5 and R-3.5 zoning districts and accessory structures on properties with a primary use as a single or two-family dwelling but within a zoning designation not listed above.
 - 1. Accessory Structures with a Footprint Less than Two Hundred (200) Square Feet:
 - a. Shall be located behind the front line of the primary structure; and
 - b. Shall comply with the dimensional standards of the zoning designation including height and setbacks unless modified pursuant to (c); and
 - c. Side and rear setbacks may be reduced to not less than three (3) feet for the accessory structure and its projections if the height does not exceed seventeen (17) feet as defined in section 17.04.550.
 - 2. Accessory Structures with a Footprint from Two Hundred to Six Hundred Square Feet:
 - a. Shall be located behind the front line of the primary structure; and
 - b. Shall comply with the dimensional standards of the zoning designation, including height, setbacks, and lot coverage unless modified pursuant to (c); and
 - c. Side and rear setbacks may be reduced to not less than three (3) feet for one accessory structure and its projections if the height does not exceed seventeen (17) feet as defined in section 17.04.550.
 - 3. Accessory Structures with a Footprint Over Six Hundred Square Feet.
 - a. Shall not exceed more than one accessory structure with a footprint in excess of six hundred (600) square feet per parcel; and
 - b. The parcel shall be in excess of twenty thousand (20,000) square feet; and
 - c. The footprint shall not exceed the footprint of the primary structure; and
 - d. Shall not exceed eight hundred square feet (800); and
 - e. Shall not exceed the height of the primary structure; and
 - f. Shall be located behind the front line of the primary structure; and
 - g. Shall comply with the dimensional standards of the zoning designation including height, setbacks, and lot coverage.
 - 4. Prohibited:
 - a. Cargo containers
 - b. Membrane and fabric covered storage areas visible from the adjacent right-of-way.
 - c. Metal structures within a historic district, or on an individually designated historic property, unless otherwise authorized by OCMC Chapter 17.40.
 - 5. An accessory structure housing a hooved animal shall be located a minimum of twenty-five (25) feet from any property line.
 - 6. Accessory structures constructed prior to January 1, 2017 which are located behind the front building line of the primary structure are exempt from the setback and height requirements in this chapter, except as otherwise limited through an applicable overlay district.

7. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard setback requirements for the principal structure. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the Building Official.
- C. Temporary Structures for Events in the Right-of-Way
This section applies to temporary structures associated with permitted events in the right-of-way. Temporary structures:
 1. May be constructed of any building material; and
 2. Shall comply with all provisions of the Americans with Disabilities Act; and
 3. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62.

~~17.54.010 - Accessory buildings and uses. [Existing Section Being Removed]~~

~~Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:~~

- ~~A. Signs. Signs shall be permitted as provided in Chapter 15.28.~~
- ~~B. Accessory Buildings Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory buildings and uses:~~
 - ~~1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet (measured from the average grade on the front of the structure to the midpoint of the roof). No portion of any such structure shall project across a lot line and the accessory structure shall be located behind the front building line of the primary structure. A building permit is required for accessory buildings over ten feet in height (measured from the interior floor to the midpoint of the roof) or over two hundred square feet in size.~~
 - ~~2. Building Footprint from Two Hundred to Six Hundred Square Feet. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category provided the structure and its projections:~~
 - ~~a. Are detached and separated from other structures by at least three feet;~~
 - ~~b. Do not exceed a height of fourteen feet;~~
 - ~~3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:~~
 - ~~a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.~~
 - ~~b. The lot must be in excess of twenty thousand square feet.~~

- c. ~~The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.~~
- d. ~~The accessory structure shall not exceed the height of the primary structure and shall be located behind the front building line of the primary structure.~~
- 4. ~~Membrane or Fabric Covered Storage Area. All membrane and fabric structures:~~
 - a. ~~Shall be located behind the front building line of the primary structure.~~
 - b. ~~Shall not be visible from the abutting right-of-way when viewed at pedestrian level.~~
 - c. ~~Exceptions to these standards may be made by the community development director for temporary storage of materials as long as the membrane or fabric covered storage area is removed within ten days, is not erected for more than twenty days in one calendar year and is not seen as a nuisance to the city.~~
 - d. ~~This section shall be effective on January 1, 2011. This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.~~
 - e. ~~This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses.~~
- C. ~~Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.~~
- D. ~~Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the building official.~~

17.54.060 – Seasonal sales. [Delete Existing Section]

The following standards shall apply to seasonal outdoor sales which are limited to:

- A. ~~Fireworks Sales. The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5. A business license shall be required pursuant to Title 5 of this code.~~
 - B. ~~Christmas Tree and Wreath Sales. The annual season for Christmas tree and wreath sales shall commence no sooner than the day after Thanksgiving and shall continue no later than December 26.~~
- ~~A business license shall be required pursuant to Title 5 of this code.~~

The Following Amendment Applies to Hooved Animals

6.07 Hooved Animals [Relocated from OCMC Chapter 17.54.010.C]

One horse or other domestic hoofed animal is permitted for each twenty thousand square feet of lot area.

The Following Amendments Apply to Temporary Structures in Commercial, Industrial, Mixed Use, Multi-Family, and Institutional Districts

17.62.035 - Minor site plan and design review. [Amend Existing Section]

This section provides for a minor site plan and design review process. Minor Site Plan Review is a Type I or Type II decision, as described in OCMC Section 17.62.035(A), subject to administrative proceedings described in OCMC Section 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II-IV review.
 - b. Any use which is not permitted outright, unless otherwise noted.
 - c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.
 - d. Any proposal in which modifications are proposed under Section 17.62.015.
2. The following projects may be processed as a Type I application.
 - a. Addition or removal of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
 - b. Addition or removal of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
 - c. Temporary Structures, excluding mobile vendors.
 - df. Removal, replacement or addition of awnings, or architectural projections to existing structures.
 - et. Addition, modification, or relocation of refuse enclosure.
 - fm. Changes to amount, location, or design of bicycle parking.
 - gp. Installation of mechanical equipment.
 - hi. Repaving of previously approved parking lots with no change to striping.
 - je. Replacement of exterior building materials.
 - jd. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
 - ke. Addition or alteration of parapets or rooflines.
 - lg. Modification of building entrances.
 - mh. Addition to or alteration of a legal nonconforming single or two-family dwelling.
 - nj. Change to parking lot circulation or layout, excluding driveway modifications.
 - ok. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
 - pl. Adoption of shared parking agreements.

- qn. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Chapter 13.12.
 - re. New or changes to existing pedestrian accessways, walkways or plazas.
 - sq. Installation of or alterations to ADA accessibility site elements.
 - tf. Modification of a fence, hedge, or wall, or addition of a fence, hedge or wall at least twenty feet away from a public right-of-way.
 - us. Addition of or alterations to outdoor lighting.
3. Submittal requirements. A Type I application shall include:
- a. A narrative describing the project.
 - b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - d. A completed application form.
 - e. Any other information determined necessary by the Community Development Director.
- B. Type II Minor Site Plan and Design Review.
1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per Section 17.62.035(A):
- a. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
 - b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.
 - c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
 - d. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
2. Application. The application for the Type II minor site plan and design review shall contain the following elements:
- a. The submittal requirements of Chapter 17.50.
 - b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035(C) below.
 - c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - e. Additional submittal material may be required by the community development director on a case-by-case basis.
3. Development Standards for Type II Minor Site Plan and Design Review.
- a. All development shall comply with Section 17.62.050(1—7 and 8—15 and 20—22) when deemed applicable by the community development director. Other sections may apply, as directed by the community development director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of Section 17.62.055.

17.62.050.A.23 Temporary Structures [New Section]

Temporary structures are permitted pursuant to the following standards:

- A. For Structures up to 200 Square Feet:
 - a. Shall not be on a property for more than three (3) consecutive days; and
 - b. Shall not be on a property more than six (6) times per year; and
 - c. Shall comply with the dimensional standards of the zoning designation; and
 - d. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - e. Shall not disturb ingress or egress to the site; and
 - f. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.
- B. Temporary structures larger than 200 square feet may be permitted up to two (2) times per year; and
 - a. Structure larger than 200 square feet up to 800 Square Feet
 - i. Shall not be on a property for more than thirty (30) consecutive days;
 - ii. Shall comply with the dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.
 - b. Structures Larger Than 800 Square Feet
 - i. Shall not be on a property for more than seven (7) consecutive days;
 - ii. Shall comply with the dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.
- C. Government owned properties are exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23.D, 17.62.050.A.21 and the dimensional standards of the zoning designation.

17.62.050.A.21 Building Materials [Amend Existing Section]

- a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:
 - i. Brick.
 - ii. Basalt stone or basalt veneer.
 - iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.
 - iv. Board and baton siding.
 - a. Other materials subject to approval by the community development director.
 - vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
 - vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

- b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
- i. Vinyl or plywood siding (including T-111 or similar plywood).
 - ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
 - iii. Corrugated fiberglass.
 - iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).
 - v. Crushed colored rock/crushed tumbled glass.
 - vi. Non-corrugated and highly reflective sheet metal.
 - vii. Tarps, except for the protection of outside storage.
- c. Special material standards: The following materials are allowed if they comply with the requirements found below:
1. Concrete block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
 2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.
 3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
 4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
 5. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.