

ORDINANCE NO. 1463-21

AN ORDINANCE RELATING TO LAND USE AND MIDDLE HOUSING; AMENDING AND CREATING NEW PROVISIONS IN TUALATIN DEVELOPMENT CODE CHAPTERS 31, 32, 33, 34, 36, 39, 40, 41, 58, 73A, 73B, 73C, and 75.

WHEREAS, the Tualatin Development Code (TDC) establishes the land uses and development requirements in the City;

WHEREAS, the City initiated Plan Text Amendment (PTA) 21-0002 to update the TDC to comply with updates to State law related to middle housing;

WHEREAS, the City provided notice of PTA 21-0002 to the Oregon Department of Land Conservation and Development, as provided in ORS 197.610;

WHEREAS, the City provided notice of the public hearing for PTA 21-0002, as required by TDC 1.031;

WHEREAS, at the public hearing, the Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing, and approved PTA 21-0002; and

WHEREAS, the Council finds the changes provided by this Ordinance are necessary and in the public interest to streamline processes, clarify development standards, and make changes to comply with State law requirements.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.060 (Definitions) is amended by modifying and adding the following definitions, as set forth below. All other definitions remain unchanged.

Common courtyard. An outdoor common area for shared use by residents of a Cottage Cluster.

Cottage. An individual dwelling unit with a building footprint, measured outside of all exterior walls and supporting columns, of not more than 899 square feet in size that is part of and subject to the requirements of a Cottage Cluster. The building footprint does not include: detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, balcony less than 30 inches from finished grade; cantilevered covers, porches, or projections; ramps or stairways required for access.

Cottage Cluster. See Residential Structure Types.

Density Transfer Project. A residential development in a Medium Low Density Residential (RML) zone Planning District consisting of an area of single family development that wherein the single family development contains detached and

~~attached (zero lot line) single family dwellings on lots each on a separate lot approved through a Subdivision or Partition application, where or consisting of both an area of single family development and an area of multi-family development in an identified project area wherein (1) the single family development consists of detached and attached (zero lot line) single family dwellings each on a separate lot approved through a Subdivision or Partition application, (2) the multi-family development consists of multi-family dwellings on a lot or lots approved through a Subdivision or Partition application and (3) an amount of unused density from the area of single family dwellings on individual lots may be transferred to and used in the area of toward multi-family dwellings.~~

Driveway approach. The intersection of an access providing direct vehicle ingress and egress to property and the public right-of-way. Driveway approach includes the concrete or asphalt ramp and public sidewalk located within the public right-of-way between the street travel surface and the property line.

Floor Area Ratio. The ratio of the total amount of enclosed gross floor area within a structure to the amount of buildable acreage. For purposes of calculation, both gross floor area and net site area shall be converted to square feet. Total gross floor area is measured from the exterior faces of a building or structure, and does not include basement or semi-subterranean areas used for storage or parking.

Frontage. Means Lot Line, Front. See, Lot Line, Front definition. See Lot Line, Front. -

~~*Household.* One or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons, who live together in one dwelling unit.~~

Lot. A unit of land that is created by a subdivision of land as set forth in ORS 92.010—92.190. Lot and parcel are used interchangeably in the Tualatin Development Code to refer to a legally established unit of land. See also *Parcel or Lot of Record.*

Lot Line. The property line bounding a lot. (Also known as a property line).

~~*Front Lot Line.* The lot line separating the lot from the street other than an alley. A lot line that abuts a street. If two or more lot lines abut a street, the shortest of the lot lines is the front lot line; if two or more lot lines of equal length abut a street, the front line is the lot line that abuts the street of the lower functional classification; and if two or more lot lines are of equal length and abut streets of the same functional classification, any of the lot lines that abut a street can be designated the front lot line.~~

Rear Lot Line. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other-shaped lot, the rear lot line is the

lot line or lines most distant from the front lot line. For triangular-shaped lots, the rear lot line is a line ten feet in length within the lot, perpendicular to the side lots, and that is parallel to and at a maximum distance from the front lot line.

Side Lot Line. Any lot line that is not a front line or rear lot line.

Lot of Record. A lot of record is a plot of land: (1) which was not created through an approved subdivision or partition; (2) which was created and recorded before July 26, 1979; and (3) for which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder. See also Lot or Parcel.

Lot Types:

Corner Lot. A lot abutting two intersecting streets other than an alley.

Double Frontage Lot. A lot having public right-of-way frontage on two sides, but is not a corner lot; or a lot having frontage on three sides.

Flag Lot. A lot the major portion of which has access to a public street by means of a narrow strip of the lot. Flag Lot. For newly created flag lots, the property owner can designate which lot line is to be the front lot line, so long as the front lot line is one of the lot lines that make up the flag portion of the lot and the rear lot line is the property line most distant from, and opposite, the designated front lot line.

Primary Condominium Lot. A large lot, usually held in common ownership by condominium owners, and containing secondary condominium lots.

Reserve Frontage Lot. A lot which is required by the City to take access across a specified lot line to separate residential development from railroad tracks or crossings, arterial or collector streets, adjacent non-residential uses, or to overcome specific disadvantages of topography and orientation.

Secondary Condominium Lot. A small, individually owned lot, usually encompassing the perimeter of a dwelling unit and located inside the primary condominium lot.

Through Lot. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

Parcel. A unit of land that is created by a partitioning of land, as set forth in ORS 92.010. See, also Lot.

Residential Structure Types and Related (includes but is not limited to definitions for Housing Types in Section 39.200 and Group Living in Section 39.210).

Accessory Dwelling Unit (ADU). An interior attached or detached residential structure that is accessory to a single family dwelling. An Accessory Dwelling Unit is not a ~~separate~~ dwelling unit for density purposes.

Cottage Cluster. A grouping of no fewer than four cottages per acre that includes a common courtyard, subject to the provisions of Chapter 73A.

~~*Duplex.* A type of dwelling that contains two primary dwelling units on one lot in any configuration. The units must share a common wall or common floor/ceiling.~~

Dwelling Unit. A habitable structure designed for occupancy and only having one cooking facility.

~~*Multi-Family Structure.* A structure containing three five or more dwelling units on one lot. The land underneath the structure is not divided into separate lots. Multi-Family Structure includes, but is not limited to structures commonly called apartments, condominiums, and garden apartments, ~~and triplex.~~~~

Garden Apartments. A multi-family housing structure characterized by the emphasis of open landscaped areas.

~~*Triplex.* A multi-family structure containing three primary dwelling units. Each unit must share a common wall or common floor/ceiling with at least one other unit.~~

Quadplex. Four dwelling units on a lot or parcel in any configuration.

Residential Home. A residential training home or residential treatment home for five or fewer individuals exclusive of staff, as defined in ORS 443.400.

Retirement Housing Facility. Retirement housing consisting of dwelling units in a multi-family structure or complex.

Retirement Housing. Housing occupied by persons who are 55 years of age and older, including couples with one person 55 years of age or older, where a more supportive living environment than typically afforded to residents in conventional apartments or single-family residential housing is provided. Retirement housing includes "congregate care facility" and "retirement housing facility," or combinations thereof as defined by this Code. Retirement housing does not include "nursing facility" as defined below by this code.

~~*Single-Family Dwelling (detached).* A single dwelling unit detached or separate from other dwelling units. A dwelling unit not having common walls with another dwelling unit. A detached structure on a lot or parcel that is comprised of a single dwelling unit.~~

Townhouse (or Rowhouse). A type of dwelling unit, located on its own lot, and which shares one or more common or abutting walls with one or more other dwelling units. A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

Triplex. Three dwelling units on a lot or parcel in any configuration.

Triplex. See Residential Structure Types; Multi-Family Structure.

Wall Plane. A wall plane means all vertical surfaces on one side of a structure from the base of the main floor level up, including walls, garage doors, entries, gable ends, dormers, and other architectural features, but excluding any roof areas.

Section 2. TDC 32.010 (Purpose and Applicability), Table 32-1 are amended to read as follows:

TDC 32.010. Purpose and Applicability.

(1) *Purpose*. The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.

(2) *Applicability of Review Procedures*. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

(a) *Type I Procedure (Ministerial Staff Review)*. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion, interpretation, or the exercise of policy or legal judgment (i.e., clear and objective standards). Type I decisions are made by the City Manager without public notice and without a public hearing. Appeals of Type I decisions are to Circuit Court under writ of review.

(b) *Type II Procedure (Administrative/Staff Review with Notice)*. A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-

1. Those Type II decisions which are "limited land use decisions" as defined in ORS 197.015 are so noted in Table 32-1.

(c) *Type III Procedure (Quasi-Judicial Review—Public Hearing)*. Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

(d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing)*. Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

(e) *Type IV-B Procedure (Legislative Review)*. The Type IV-B procedure is used to review proposals to amend the Tualatin Comprehensive Plan, the City's land use regulations, and large-scale changes to the Comprehensive Plan or Plan Maps, and involve the creation, revision, or implementation of broad public policy. Type IV-B reviews are first considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Appeals of Type IV-B decisions are heard by the Land Use Board of Appeals (LUBA).

(3) *Determination of Review Type*. Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1—Applications Types and Review Procedures

Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Annexations						
• Quasi-judicial	TDC 32.260	CC	LUBA	Yes	Yes	TDC 33.010

• Legislative		CC	LUBA	No	No	TDC 33.010
Architectural Review						
• Architectural Review (except as specified below) (limited land use)	II	CM	ARB/CC	Yes	Yes	TDC 33.020
• Single Family Dwelling, <u>Duplexes</u> , <u>Townhouses</u> , <u>Triplexes</u> , <u>Quadplexes</u> , and <u>Cottage Clusters</u> following Clear and Objective Standards • Accessory Dwelling Units (ADUs) following Clear and Objective Standards • Minor AR including façade and landscape modifications	I	CM	Circuit Court	No	No	TDC 33.020
• Commercial Buildings 50,000 square feet and larger • Industrial Buildings 150,000 square feet and larger • Multifamily Housing Projects 100 units and above (or any number of units)	III	ARB	CC	Yes	Yes	TDC 33.020

abutting a single family district) •as requested by the CM						
Public Facilities Decision in conjunction with Architectural Review (limited land use)	II	CM	CC	Yes	Yes	TDC 33.020
Driveway Approach and Closure Permits (limited land use)	II	CM	CC	No	No	TDC 33.030
Conditional Use Permit	III	PC	CC	Yes	Yes	TDC 33.040
Floodplain Development	I	CM	Circuit Court	No	No	TDC Ch 70
Floodplain Variance	IV-A	CC	LUBA	Yes	Yes	TDC Ch 70
Historic Landmark Actions						
• Applying or removing designation— Quasi-judicial	IV-A	CC	LUBA	Yes	Yes	TDC Ch 68
• Applying or removing designation— Legislative	IV-B	CC	LUBA	No	No	TDC Ch 68
• Demolition, relocation, alteration, new construction (limited land use) of a Landmark	II	CM	CC	Yes	Yes	TDC Ch 68
National Register Resources actions: demolition or relocation	IV-A	CC	LUBA	Yes	Yes	TDC Ch 68

Industrial Master Plans	III	PC	CC	Yes	Yes	TDC 33.050
Land Divisions						
• Property line adjustment (PLA)	I	CM	Circuit Court	No	No	TDC Ch 36
• Subdivisions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 36
• Partitions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 36
• Minor (immaterial) modifications to approved plan (prior to plat approval)	I	CM	Circuit Court	No	No	TDC Ch 36
• Expedited Land Divisions	Subject to procedures in ORS 197.365					TDC Ch 36
Nonconforming use— Reinstatement of a nonconforming use	III	PC	CC	No	No	TDC 33.060
Plan Amendments						
• Map or Text Amendments for a specific property	IV-A	CC	LUBA	Yes	Yes	TDC 33.070
• Legislative Map or Text Amendments	IV-B	CC	LUBA	No	No	TDC 33.070
Signs						
• Sign Permit, New or Alteration, including Sign Design Review	I	CM	Circuit Court	No	No	TDC 33.080
• Sign Variance	III	PC	CC	Yes	Yes	TDC 33.080
Temporary Outdoor Sales Permit	I	CM	Circuit Court	No	No	TDC 33.090

Temporary Sales Office	I	CM	Circuit Court	No	No	TDC 33.100
Tree Removal Permit	II	CM	CC	Yes	Yes	TDC 33.110
Variance						
• Variance (including Sign Variance) except as specified below	III	PC	CC	Yes	Yes	TDC 33.120
• Variance for existing single family residence	III	PC	CC	Yes	No	TDC 33.120
• Variance in conjunction with a subdivision or partition (except minor variances)	IV-A	CC	LUBA	Yes	Yes	TDC Ch 36
• Minor variance except as specified below	II	CM	CC	Yes	Yes	TDC 33.120
• Minor variance in conjunction with a property line adjustment, subdivision or partition	II	CM	CC	Yes	Yes	TDC Ch 36
• Minor variance for existing single family residence <u>permitted housing types in the RL and RML zones.</u>	II	CM	CC	Yes	No	TDC 33.120
Wetlands Protection District	I	CM	Circuit Court	No	No	TDC Ch 71

* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

Section 3. TDC 33.020 (Architectural Review) is amended as follows:

TDC 33.020. Architectural Review.

(1) *Purpose.* The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and the lack of proper attention to site development and landscaping, in the business, commercial, industrial, and certain residential areas of the City hinders the harmonious development of the City; impairs the desirability of residence, investment or occupation in the City; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the City; and destroys a proper relationship between the taxable value of property and the cost of municipal services therefore. The purposes and objectives of community design standards are to:

- (a) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of development.
- (b) Discourage monotonous, drab, unsightly, dreary and inharmonious development.
- (c) Promote the City's natural beauty and visual character and charm by ensuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain, natural environment, and landscaping. Exterior appearances of structures and other improvements should enhance these qualities.
- (d) Encourage site planning and development to incorporate bikeways, pedestrian facilities, greenways, wetlands, and other natural features of the environment and provide incentives for dedication of access easements and property to the public through shift of residential density, system development charge credits, landscaping credits and setback allowances.
- (e) Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
- (f) Stabilize and improve property values and prevent blighted areas and thus increase tax revenues.
- (g) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
- (h) Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.

(i) Sustain the comfort, health, safety, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City.

(j) Determine the appropriate yard setbacks, building heights, minimum lot sizes when authorized to do so by City ordinance; and

(k) Ensure all public facilities including right-of-way, water, sewer, and storm systems are adequate to serve the development.

(2) *Applicability.*

(a) The following types of development are subject to Architectural Review:

(i) Any exterior modifications to improved or unimproved real property;

(ii) Any remodeling that changes the exterior appearance of a building;

(iii) Any site alteration which alters the topography, appearance or function of the site; and

(iv) Any change in occupancy from single family use to commercial or industrial use.

(b) Examples of development subject to Architectural Review, include but are not limited to the following:

(i) New buildings, condominiums, townhouse, single family dwellings, or manufactured dwelling park;

(ii) Construction, installation, or alteration of a building or other structure;

(iii) Landscape improvements;

(iv) New, improved, or expanded parking lots;

(v) New, or alterations to, above ground public utility facilities, pump stations, pressure reading stations, water reservoirs, electrical substations, and natural gas pumping stations;

(vi) New wireless communication facilities, and new attached wireless communication;

(vii) Installation of decorative lighting; and

(viii) Exterior painting, awnings, or murals.

(c) Exceptions to Architectural Review. The following applications for development do not require Architectural Review:

(i) The addition or alteration of an existing single-family dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster if it involves:

(A) Less than 35% of the structure's existing footprint;

(B) An increase in building height of less than 35% ~~No new story~~;

(C) Less than 35% of an existing front or rear wall plane; or

(D) A side wall plane that abuts the side yard of an adjacent dwelling.

(ii) The modification by the City of greenways, parks, other Parks and Recreation Department improvements, and right-of-way landscaping improvements.

(3) *Types of Architectural Review Applications—Procedure Type.*

(a) *Single Family Dwelling and Duplex, Clear and Objective.* Development applications submitted for a single family dwelling or duplex in compliance with the Clear and Objective Standards in TDC 73A.110 through 73A.130 are subject to Type I review.

(b) *Townhouse, Clear and Objective.* Development applications submitted for a townhouse in compliance with the Clear and Objective Standards in TDC 73A.210 are subject to Type I review.

(c) *Triplex and Quadplex, Clear and Objective.* Development applications submitted for a triplex or quadplex in compliance with the Clear and Objective Standards in TDC 73A.310 are subject to Type I review.

(d) *Cottage Cluster, Clear and Objective.* Development applications submitted for a cottage cluster in compliance with the Clear and Objective Standards in TDC 73A.410 are subject to Type I review.

~~(b)~~ (e) *Accessory Dwelling Unit.* Development applications submitted for an accessory dwelling unit in compliance with the Clear and Objective Standards in TDC ~~34.600~~ 73A.170 (Accessory Dwelling Units Standards) are subject to Type I review.

~~(e)~~(f) *General Development*. All development applications, (except Single Family Dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.

~~(d)~~(g) *Large Commercial, Industrial, and Multifamily Development*. Development applications that propose any of the following are subject to Type III Review by the Architectural Review Board as the hearing body:

- (i) New Commercial Buildings 50,000 square feet and larger;
- (ii) New Industrial Buildings 150,000 square feet and larger; and
- (iii) New Multifamily Housing Projects with 100 units or more units (or any number of units abutting a single family district).

~~(e)~~(h) *Minor Architectural Review*. An application for a Minor Architectural Review must be approved, approved with conditions, or denied following review based on finding that:

- (i) The proposed development is in compliance with all applicable standards and objectives in TDC Chapter 73A through 73G;
- (ii) The proposed development is in compliance with all conditions of approval on the original decision; and
- (iii) The modification is listed in 33.020(7)(a).

(4) *Application Materials*. The application must be on forms provided by the City. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:

- (a) The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;
- (b) Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;
- (c) A building materials board plan that includes a written description and image representation of example building facade, windows, trim, and roofing materials, colors, and textures;
- (d) Title report; and
- (e) A Service Provider Letter from Clean Water Services.

(5) *Approval Criteria.*

(a) *Clear and Objective approval Criteria.*

(i) *Single Family Dwelling or Duplex Clear and Objective.* Applications for Single Family Dwelling or Duplex, Clear and Objective, must comply with the standards in TDC 73A.110 through 73A.130.

(ii) *Townhouse.* Applications for a Townhouse, Clear and Objective, must comply with the standards in TDC 73A.110 through 73A.130.

(iii) *Triplex and Quadplex.* Applications for a Triplex or Quadplex, Clear and Objective, must comply with the standards in TDC 73A.110 through 73A.130.

(iv) *Cottage Cluster.* Applications for a Cottage Cluster, Clear and Objective, must comply with the standards in TDC 73A.150.

(b) *Discretionary approval criteria:*

(i) *Applications for Single Family Dwellings or Duplexes (not clear and objective),* must comply with TDC 73A.140.

(ii) *Applications for Townhouses (not clear and objective),* must comply with TDC 73A.140.

(iii) *Applications for Triplexes or Quadplexes (not clear and objective),* must comply with TDC 73A.140.

(iv) *Applications for Cottage Clusters (not clear and objective)* must comply with TDC 73A.160.

~~(b)-(c)~~ *General Development.*

~~(i)~~—Applications for General Single Family Dwellings (not clear and objective), must comply with TDC 73A.140.

~~(ii)~~—Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

~~(e)-(d)~~ *Large Commercial, Industrial, and Multifamily Development.* Applications for Large Commercial, Industrial, and Multifamily Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

(6) *Conditions of Approval.*

(a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:

(i) ~~Protect the public from the potentially deleterious effects of the proposal;~~ Implement identified public facilities and services needed to serve the proposed development;

(ii) ~~Fulfill the need for~~ Implement identified public facilities and services created by the proposal, or needed to be altered or increased or in part attributable to the proposal attributable to the impacts of the proposed development ; and

(iii) ~~Further the implementation~~ Implement of the requirements of the Tualatin Development Code.

(b) Types of conditions of approval that may be imposed include, but are not limited to:

(i) *Development Schedule.* A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.

(ii) *Dedications, Reservation.* Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.

(iii) *Construction and Maintenance Guarantees.* Security from the property owners in such an amount that will assure compliance with approval granted.

(iv) *Plan Modifications.* Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this Chapter.

(v) *Other Approvals.* Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.

(vi) *Access Limitation.* The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

(7) *Modifications to Previously Approved Final Architectural Review Decisions.* An applicant who wishes to modify a previously approved final Architectural Review decision may utilize one of the following procedures:

(a) *Minor Architectural Review (MAR).* Minor Architectural Review is a Type I process. Minor Architectural Review is used to process a proposal for one of the following:

(i) Adding awnings, modifying previously approved exterior paint colors, or murals;

(ii) Relocating windows or doors;

(iii) Changing exterior material;

(iv) Expanding the gross floor area of a development, including primary and accessory buildings, may be expanded by no more than 200 square feet maximum;

(v) Adding or replacing new antennas on an existing Wireless Facility or Attached Wireless Facility or adding equipment within the existing equipment footprint of an existing Wireless Facility equipment space, so long as the modification does not constitute a substantial change. For the purpose of this subsection, "substantial change" means the following:

(A) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than ten percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection by up to an additional five percent if necessary to avoid interference with existing antennas; or

(B) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four) or more than one new equipment shelter; or

(C) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection to the extent

necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(D) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site. Increases to height allowed by this subsection above the existing tower is based on the existing height of the tower, excluding any tower lighting required in the original land use approval or in the proposed modification request. To the extent feasible, additional equipment must maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, mounting configuration, or architectural treatment.

(vi) Replacing an existing Wireless Facility tower, provided the replacement tower must not exceed the height of the original tower by more than ten percent, or the diameter of the original tower by more than 25 percent at any given point;

(vii) Changing structure setback or lot coverage by less than ten percent from the most recently approved Architectural Review approved through a Type II or Type III process;

(viii) Changing access location or parking lots that does not result in an increase of Average Daily trips by more than 100 trips from the Average Daily Trips in an Architectural Review most recently approved through a Type II or Type III process; or

(ix) Removing trees originally required to be retained or planted by a previously approved Architectural Review proposal.

(b) *Full Architectural Review.* Modifications to a previously approved final Architectural Review decision that does not qualify as a Minor Architectural Review (MAR) may only be modified by proceeding through the regular Architectural Review process.

(8) *Effective Date.* The effective date of an Architectural Review decision or Minor Architectural Review decision is the date the notice of decision is mailed.

(9) *Permit Expiration.* Architectural Review decisions (including Minor Architectural Review decisions) expire two years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.

(10) *Extension of Permit Expiration.*

- (a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two years of the effective date.
- (b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.
- (c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:
 - (i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.
 - (ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.
- (d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.
- (e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:
 - (i) The applicant submitted a written extension request prior to the expiration date;
 - (ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;
 - (iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and
 - (iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.
- (f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within ~~60~~ sixty (60) days of receipt of the request for extension. If the decision is

to grant the extension, the extension can be no more than a single one-year extension.

(g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

Section 4. TDC 33.030 (Permit for New Driveway Approach and Closure Decisions) is amended to read as follows:

TDC 33.030. - Permit for New Driveway Approach and Closure Decisions.

~~(1) Purpose. To provide a process for the review of requests for driveway approaches and closures, as provided in TDC 75.020 and TDC 75.030.~~

~~(2) Applicability. All requests for driveway approaches and closures are as provided in this section and TDC 75.020 and TDC 75.030.~~

~~(3) Procedure Type. Driveway approaches and closure applications are subject to Type II Review in accordance with TDC Chapter 32.~~

~~(4) Specific Submittal Requirements. In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the application must be accompanied by a detailed description of factors related to the approval criteria, including, but not limited to a Transportation Impact Analysis, as well as the submittal requirements in TDC 75.020 and TDC 75.030.~~

~~(5) Approval Criteria. If the City Manager finds the applicable criteria in TDC 75.020 and TDC 75.030 have been met.~~

~~(6) Conditions of Approval. The City may impose conditions on the construction of arterial access including, but not limited to:~~

~~(a) Dedication of additional right-of-way;~~

~~(b) Creation of a joint access;~~

~~(c) Construction of left turn lanes;~~

~~(d) Construction of right turn lanes;~~

~~(e) Installation of traffic signals; and~~

~~(f) Limitation of access to right turn in, right turn out by construction of raised median barriers or other means.~~

~~(7) *Permit Expiration.* The expiration date for permits granting a new driveway approach must be as specified in the decision.~~

Section 5. TDC 33.120 (Variances and Minor Variances) is amended to read as follows:

TDC 33.120. Variances and Minor Variances.

(1) *Purpose.* To establish a procedure for the granting of Variance and Minor Variances to the standards of the Tualatin Development Code. Exceptions:

(a) Variances to the requirements of TDC Chapter 70 (Floodplain District) must be in accordance with TDC Chapter 70.

(b) Sign variances must be in accordance with Section 33.080.

(2) *Applicability.* Variances may be granted to the requirements of the TDC as provided in this Section when it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship.

(a) Variances may be requested for the following:

(i) Standards in TDC Chapters 40-69 and 71-73A through 73F.

(b) Minor variances may be requested for the following:

(i) In Residential Low Density Zone (RL) and Residential Medium to Low Density Zone (RML) for detached single family dwellings, accessory structures, duplexes, townhomes, triplexes, quadplexes, cottage clusters, or accessory dwelling units except for Small Lot Subdivisions:

(A) Up to a ten percent variation from the required lot area; and/or

(B) Up to a 20 percent variation from the required lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses.

~~(ii) For single family dwellings in Small Lot Subdivisions in Residential Low Density (RL) and Residential Medium to Low Density Zone (RML):~~

~~(A) Up to a ten percent variation from the required lot area; and/or~~

~~(B) Up to a 20 percent variation from the required lot width, building coverage, setbacks, projections into required yards and structure height development standards.~~

(c) *Prohibited.* Variances and minor variances are not allowed:

(i) To permit a use of land that is not permitted or conditionally permitted in a zone.

~~(ii) For Level I (Clear and Objective) Single-family Architectural Review standards referenced in TDC 40.140 and 41.130 and set forth in TDC 73A.110.~~

(3) *Procedure Type.*

(a) Applications for a Minor Variance are subject to Type II review in accordance with TDC Chapter 32.

(b) Applications for a Variance are subject to Type III review in accordance with TDC Chapter 32.

(4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following additional information:

(a) The name, addresses and telephone numbers of the architect, landscape architect and engineer; and

(b) If requesting a variance to lot width, building coverage, setbacks, projections into required yards and structure height then a property survey stamped by a qualified professional is required.

(5) *Approval Criteria for Granting a Minor Variance.* A minor variance must not be granted unless the application shows the following approval criteria are met:

(a) A hardship is created by an unusual situation that is the result of lot size, lot shape, topography, development circumstances or being able to use the land or public infrastructure more efficiently;

(b) The hardship does not result from regional economic conditions;

(c) The minor variance will not be injurious to property abutting the subject property; and

(d) The minor variance is the minimum remedy necessary to alleviate the hardship.

(6) *Approval Criteria for Granting a Variance that is not a Minor Variance or for a Wireless Communication Facility.* A variance must not be granted unless it can be shown that criterion (a) is met and three of the four approval criteria (b)-(e) are met for non-sign requests:

(a) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.

(b) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.

(c) The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same zone or vicinity.

(d) The variance must not be detrimental to the applicable goals and policies of the Tualatin Comprehensive Plan and must not be injurious to property in the zone or vicinity in which the property is located.

(e) The variance is the minimum remedy necessary to alleviate the hardship.

(7) *Approval Criteria for Granting a Variance for a Wireless Communication Facility.* A variance to the separation or height requirements for wireless communication facilities must not be granted unless it can be shown that the following criteria are met. The criteria for granting a variance to the separation or height requirements for wireless communication facilities is limited to this section, and does not include the standard variance criteria of Section TDC 33.120(6), Approval Criteria for Granting a Variance that is not for a Wireless Communication Facility.

(a) The City may grant a variance from the provisions of TDC 73F, which requires a 1,500 foot separation between WCFs, providing the applicant demonstrates compliance with (i) or (ii) below.

(i) *Coverage and Capacity.*

(A) It is technically not practicable to provide the needed capacity or coverage the tower is intended to provide and locate the proposed tower on available sites more than 1,500 feet from an existing wireless communication facility or from the proposed location of a wireless communication facility for which an application has been filed and not denied. The needed capacity or coverage must be documented with a Radio Frequency report;

(B) The collocation report, required as part of the Architectural Review submittal, must document that the existing WCFs within 1,500 feet of the proposed WCF, or a WCF within 1,500 feet of the

proposed WCF for which application has been filed and not denied, cannot be modified to accommodate another provider; and

(C) There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the tower is intended to provide.

(ii) *Site Characteristics*. The proposed monopole location includes tall, dense evergreen trees that will screen at least 50 percent of the proposed monopole from the RL District or from a small lot subdivision in the RML District.

(b) The City may grant a variance to the maximum allowable height for a WCF if the applicant demonstrates:

(i) It is technically not practicable to provide the needed capacity or coverage the tower is intended to provide at a height that meets the TDC requirements. The needed capacity or coverage must be documented with a Radio Frequency report; and

(ii) The collocation report, required as part of the Architectural Review submittal, must document that existing WCFs, or a WCF for which an application has been filed and not denied, cannot be modified to provide the capacity or coverage the tower is intended to provide.

Section 6. TDC 34.030 (Home Occupations) is amended to read as follows:

TDC 34.030. - Home Occupation Standards.

The following standards apply to home occupations in the City of Tualatin:

(1) A residence dwelling unit that houses a home occupation may have only one sign and the sign must comply with TDC 38.110(11).

(2) A person operating a home occupation must obtain a business license from the City of Tualatin. This person must also maintain all other permits required by other agencies for the home occupation.

(3) Home occupations may include the retailing of goods not produced by the home occupation but directly related to the home occupation if:

(a) The retailing is secondary and ancillary to the home occupation; or

(b) The retailing occurs in a presentation and sale of goods or services to a social gathering of invited guests no more than six times in a calendar year at the home occupation location.

(4) All materials and equipment must be stored inside built structures on the premises. Interior storage of materials and equipment must be secondary to the residential use of the dwelling. Storage must not be used as a material or equipment staging area. Equipment may be stored on the home occupation vehicle.

(5) Noise, smoke and odors may not exceed those created by normal residential use.

(6) The home occupation must be owned and operated by a resident at the home occupation site. The home occupation may employ one other on-site employee who is not a resident of the ~~building~~ dwelling unit. Off-site employees are permitted.

(7) The home occupation must not be used as a headquarters or meeting location for the assembly of employees or subcontractors for any reason, including staging or dispatch of employees or subcontractors to other locations, except as specified under TDC 34.030(14). Off-site employees and subcontractors may not keep their motor vehicles at the home occupation during a work day.

(8) The ~~residence~~ dwelling unit must not be altered in a manner that will change its primary residential appearance or use. A home occupation does not change the dwelling unit classification as a dwelling unit in the Oregon Uniform Building Code.

(9) Only one motor vehicle not exceeding 15,000 pounds GVW is permitted for use in the home occupation at the home occupation location. No other motor vehicle storage is permitted for the home occupation. No commercial motor vehicle as defined in ORS 801.208 may be allowed as part of a home occupation.

(10) On-street parking may not prevent access to mailboxes, driveways, fire hydrants, garbage or recycling receptacle pick-up.

(11) The home occupation may generate no more than ten one-way client and subcontractor vehicular trips per day. For home occupations relating to instructional services, no more than 20 one-way client and subcontractor vehicular trips may be permitted per day. Trips attributable to the residential use are not attributed to the home occupation in determining compliance with this section.

(12) No employee, client, subcontractor or delivery trips to the home occupation may be made between 10:00 pm and 7:30 am.

(13) A person may not work on three or more motor vehicles per week at a residence. If a person is, the City will presume that the person is operating an unauthorized home occupation.

(14) A board or staff meeting of the home occupation may be held quarterly at the site of the home occupation.

Section 7. TDC 36.100 (Property Line Adjustments) is amended to read as follows:

TDC 36.100. Property Line Adjustments.

(1) *Applicability.* Property line adjustment approval is required before a property line can be relocated or eliminated. A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a). Property line adjustments cannot be used to create an additional unit of land, or to create units of land that are nonconforming.

(2) *Procedure Type.* A property line adjustment is processed as a Type I procedure under TDC 32.210.

(3) *Submittal Requirements.* In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:

- (a) A copy of recorded deeds for the existing units of land;
- (b) A site plan, drawn to scale, indicating:
 - (i) The dimensions and areas of the units of land before and after the proposed property line adjustment; and
 - (ii) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities.
- (c) A copy of the proposed property line adjustment deed containing:
 - (i) The names of the owners;
 - (ii) Legal description of the adjusted lines;
 - (iii) References to original recorded deeds; and
 - (iv) Place for the signatures of all parties, along with proper acknowledgment.

(4) *Approval Criteria.* A property line adjustment must be approved if all of the following criteria are met:

- (a) The property line adjustment will not create an additional unit of land;
- (b) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;
- (c) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded;

(d) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

(e) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and

(f) The property line adjustment does not adversely ~~affect~~ impact the availability or access to public and private utilities or streets.

(5) *Multiple Property Line Adjustments.* If more than three property line adjustment applications affecting the same unit of land are proposed within a six month period, the property line adjustments must be processed as follows:

(a) When the units of land are within a recorded plat, the property line adjustments affecting the units of land must be by replat; and

(b) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land must be by partition.

(6) *Monumentation.* Property line adjustments must be surveyed and monumented as required by state law.

(7) *Expiration; Recording.*

(a) Property line adjustment approval expires two years from the effective date, unless a property line adjustment deed is recorded in the deed records of the appropriate county.

(b) Multiple property line adjustments processed according to subsection (5) expire as provided in the expiration period specified for replats, partitions, or subdivisions as applicable.

(c) Evidence demonstrating that the property line adjustment deed has been recorded with the appropriate county must be provided to the City Manager after recording.

Section 8. TDC 36.110 (Tentative Partition Plan) is amended to read as follows:

TDC 36.110. Tentative Partition Plan.

(1) *Applicability.* Tentative Partition Plan approval is required before land can be divided into three or fewer parcels within a calendar year. When the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in TDC 36.120 (Tentative Subdivision Plan) apply and any improvements resulting from the application of those standards to the proposed partition must be constructed.

(2) *Procedure Type.* A Tentative Partition Plan is processed as a Type II procedure under TDC 32.220.

(3) *Submittal Requirements.*

(a) Prior to submitting an application for a Tentative Partition Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).

(b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for a Tentative Partition Plan must include the information required in TDC 36.040(2)(Additional Submittal Requirements).

(4) *Approval Criteria.* A Tentative Partition Plan must be approved if all of the following criteria are met:

(a) The Tentative Partition Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to the following:

(i) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;

(ii) City infrastructure standards; and

(iii) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

(b) The Tentative Partition Plan does not impede the future use or development of the property or adjacent land.

(c) Development within the Tentative Partition Plan can be adequately served by City infrastructure.

(d) The street system in and adjacent to the Tentative Subdivision Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and Tualatin Transportation System Plan.

(e) The street system in and adjacent to the Tentative Partition Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition area.

(f) The Tentative Partition Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

(g) The layout, size, and dimensions of the parcels within the Tentative Partition Plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.

(5) *Effective Date.* The effective date of a Tentative Partition Plan approval is the date the notice of decision is mailed.

(6) *Permit Expiration.* Tentative Partition Plan approval expire in two years of the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).

Section 9. TDC 36.115 (Housing Clear and Objective Tentative Partition Plan Approval Criteria) is created to read as follows:

TDC 36.115 - Housing Clear and Objective Tentative Partition Plan Approval Criteria.

Unless the applicant elects to use the discretionary criteria contained in TDC 36.110, for housing applications entitled to clear and objective review pursuant to state statute, the City Manager must approve, conditionally approve, or deny the partition application based on the following criteria:

(1) The proposed land uses is consistent with the land use zone.

(2) The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:

(a) The applicable lot dimensions, setbacks, and density requirements for the subject zone and any applicable overlay zones;

(b) The Residential Design Standards in TDC 73A.100 through 73A.130; or Cottage Cluster Design Standards in 73A.150;

(c) The Landscape Standards in 73B.020, 73B.050, and 73B.080;

(d) The Parking Standards in TDC 73C.010 through 73C.130;

(e) The Public Improvement Requirements in TDC 74.110 through 74.140;

(f) The Right of Way Standards in 74.210, TDC 74.410 through 74.430;

(g) The Greenway, Natural Area, Bike, and Pedestrian Path Requirements in TDC 72 and TDC 74.310;

(h) The Easement Requirements in TDC 74.320 through 74.350;

(i) The Bikeway and Pedestrian Path Requirements in TDC 74.450;

(j) The Accessway Requirements in TDC 74.460;

(k) The Street Name and Sign Requirements in TDC 74.475 and 74.480;

(l) The Street Tree requirements in TDC 74.485;

(m) The Utility Standards in TDC 74.610 through 74.670; TMC 3-02 (Sewer), TMC 3-03 (Water), and TMC 3-5-010 through 35—190 (Stormwater);

(n) The Street Tree Standards in TDC 74.765;

(o) The Access Management Standards in TDC Chapter 75;

(p) The Floodplain Development Standards in TDC Chapter 70;

(q) Any applicable Special Setback Standards;

(r) Vision Clearance Area in 75.040(12);

(s) The Requirements in the Clean Water Services Service Provider Letter;

(t) The Surface Water Management Standards in TMC 3-5-200 through 3-5-460;

(u) For development in the Wetland Protection District, the requirements in TDC 71;

(v) The Existing Structures and Appurtenances Provisions in TDC 36.340; and

(w) The applicable Lot Dimensions in TDC 36.400.

(3) The proposed partition will not cause any existing improvements on the proposed lots to be inconsistent with applicable standards in this land use code.

(4) The proposed partition provides for the provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks,

and industrial parks. “Nearby” means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

(5) The partition complies with development standards explicitly addressed in the application.

Section 10. TDC 36.120 (Tentative Subdivision Plan) is amended to read as follows:

TDC 36.120. Tentative Subdivision Plan.

(1) *Applicability.* Tentative Subdivision Plan approval is required before land is divided into four or more lots within a calendar year. For Phased Subdivisions, see TDC 36.130 (Phased Tentative Subdivision Plan). For Manufactured Dwelling Park Subdivisions, see TDC 36.140 (Manufactured Dwelling Park Tentative Subdivision Plan).

(2) *Procedure Type.* A Tentative Subdivision Plan is processed as a Type II procedure under 32.220.

(3) *Submittal Requirements.*

(a) Prior to submitting an application for a Tentative Subdivision Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).

(b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for subdivision tentative plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).

(4) *Approval Criteria.* A Tentative Subdivision Plan must be approved if all of the following criteria are met:

(a) The Tentative Subdivision Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to, the following:

(i) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.

(ii) City infrastructure standards; and

(iii) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

- (b) The Tentative Subdivision Plan does not impede the future use or development of the property or adjacent land.
- (c) Development within the Tentative Subdivision Plan can be adequately served by City infrastructure.
- (d) The street system in and adjacent to the Tentative Subdivision Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and Tualatin Transportation System Plan.
- (e) The street system in and adjacent to the Tentative Subdivision Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.
- (f) The Tentative Subdivision Plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, existing or planned schools, parks, shopping areas, transit stops, employment centers, and other neighborhood amenities.
- (g) The Tentative Subdivision Plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, ~~where applicable,~~ in TDC Chapters 74 and 75, and the Tualatin Transportation System Plan.
- (h) The Tentative Subdivision Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.
- (i) The Tentative Subdivision Plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.
- (j) All transportation improvements are designed to comply with the requirements in TDC Chapters 74 and 75, and the Tualatin Transportation System Plan.

(5) *Effective Date.* The effective date of a Tentative Subdivision Plan approval is the date the notice of decision is mailed.

(6) *Permit Expiration.* Tentative Subdivision Plan approval expires approval expires two years from the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).

Section 11. TDC 36.125 (Housing Clear and Objective Tentative Subdivision Plan Approval Criteria) is created to read as follows:

TDC 36.125 - Housing Clear and Objective Tentative Subdivision Plan Approval Criteria.

Unless the applicant elects to use the discretionary criteria contained in TDC 36.120, for housing applications entitled to clear and objective review pursuant to state statute, the City Manager must approve, conditionally approve, or deny the subdivision application based on the following criteria:

(1) The proposed land uses is consistent with the land use zone.

(2) The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:

(a) The applicable lot dimensions, setbacks, and density requirements for the subject zone and any applicable overlay zones;

(b) The Residential Design Standards in TDC 73A.100 through 73A.130; or Cottage Cluster Design Standards in 73A.150;

(c) The Landscape Standards in 73B.020, 73B.050, and 73B.080;

(d) The Parking Standards in TDC 73C.010 through 73C.130;

(e) The Public Improvement Requirements in TDC 74.110 through 74.140;

(f) The Right of Way Standards in 74.210, TDC 74.410 through 74.430;

(g) The Greenway, Natural Area, Bike, and Pedestrian Path Requirements in TDC 72 and TDC 74.310;

(h) The Easement Requirements in TDC 74.320 through 74.350;

(i) The Bikeway and Pedestrian Path Requirements in TDC 74.450;

(j) The Accessway Requirements in TDC 74.460;

(k) The Street Name and Sign Requirements in TDC 74.475 and 74.480;

(l) The Street Tree requirements in TDC 74.485;

(m) The Utility Standards in TDC 74.610 through 74.670; TMC 3-02 (Sewer), TMC 3-03 (Water), and TMC 3-5-010 through 35—190 (Stormwater);

(n) The Street Tree Standards in TDC 74.765;

(o) The Access Management Standards in TDC Chapter 75;

- (p) The Floodplain Development Standards in TDC Chapter 70;
- (q) Any applicable Special Setback Standards;
- (r) Vision Clearance Area in 75.040(12);
- (s) The Requirements in the Clean Water Services Service Provider Letter;
- (t) The Surface Water Management Standards in TMC 3-5-200 through 3-5-460;
- (u) For development in the Wetland Protection District, the requirements in TDC 71;
- (v) The Existing Structures and Appurtenances Provisions in TDC 36.340; and
- (w) The applicable Lot Dimensions in TDC 36.400.

(3) The proposed subdivision will not cause any existing improvements on the proposed lots to be inconsistent with applicable standards in this land use code.

(4) The proposed subdivision provides for the provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

(5) The subdivision complies with development standards explicitly addressed in the application.

Section 12. TDC. 36.410 (Small Lot Subdivision) is deleted in its entirety and replaced with the following:

TDC 36.410. - Flexible Lot Subdivisions for RL and RML Zones.

(1) To allow creativity and flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees and other natural and built features. The Flexible Lot Subdivision provisions are selected by the applicant and subject to the discretionary subdivision standards in TDC 36.120 and not the Housing Clear and Objective Standards in TDC 36.125.

(2) Lot Size for Flexible Lots.

(a) *RL Zone.* The minimum lot size may be reduced to 5,000 square feet if:

(i) The density of the proposed subdivision does not exceed the density allowed in the zone; and

(ii) The subdivision consists of:

(A) Less than nine (9) lots; or

(B) At least 5% of gross site area on the plat is dedicated as open space. Stormwater and drainage facilities are not counted toward percentage of open space requirement.

(b) RML Zone. The minimum lot size for Detached Single Family Dwellings, Duplexes, Triplexes, and Quadplexes may be reduced to 3,000 square feet if:

(i) The density of the proposed subdivision does not exceed the density allowed in the zone;

(ii) The site is a minimum of 1 acre;

(iii) At least 5% of gross site area is dedicated on the plat as open space. Proposed open space must be for tree preservation and/or active and passive open space. Stormwater and drainage facilities are not counted toward percentage of open space requirement;

(iv) A minimum of 20% of the dwelling units must include Townhomes, Duplexes, Triplexes, or Quadplexes;

(v) No more than 70% of the approved Single-Family Dwellings may be issued Building Permits prior to the construction and issuance of Certificates of Occupancy for all approved housing types (i.e., non-single-family dwellings) in accordance with a City approved phasing plan; and

(vi) All other requirements of the zone must be followed, except as modified by (i) through (v).

Section 13. TDC 39.200 (Household Living) is amended to read as follows:

TDC 39.200. Household Living.

(1) *Characteristics.* Household Living is the residential occupancy of an owner-occupied or rented dwelling unit by a family or household. Dwelling units must be self-contained, with cooking, sleeping and bathroom facilities. Occupancy is long-term, 30 days or more, and non-transient.

(2) *Housing Types.* Household Living uses can be accommodated in the following housing types. Housing types are subject to the regulations specific to each planning district or overlay district.

- Single-Family Dwelling (detached) (as defined in TDC 31.060).
- Accessory Dwelling Unit (as defined in TDC 31.060).
- Manufactured Dwelling (as defined in TDC 31.060).
- Manufactured Dwelling Park (as defined in the TDC 31.060).
- Cottage Cluster (as defined in the TDC 31.060).
- Duplex (as defined in the TDC 31.060).
- Townhouse (as defined in the TDC 31.060).
- Triplex (as defined in the TDC 31.060).
- Multi-Family Structure (as defined in the TDC 31.060).
- Retirement Housing Facility (as defined in TDC 31.060).
- Residential Home (as defined in TDC 31.060).
- Quadplex (as defined in the TDC 31.060).

(3) *Exceptions.*

- Bed and breakfast inns are classified as Commercial Lodging.
- Rentals of less than 30 days are classified as Commercial Lodging.

Section 14. TDC 40.220 (Housing Types) and Table 40-2 are amended to read as follows:

TDC 40.220. Housing Types.

Table 40-2 lists housing types permitted in the RL zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N).

**Table 40-2
Housing Types in the RL Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES

Single-Family Dwelling	P/C	Single-family dwellings in a small lot subdivision permitted with conditional use permit, subject to TDC 36.410 All other single-family dwellings permitted outright.
Accessory Dwelling Unit	P	Subject to TDC 34.600 <u>73A.170</u> .
<u>Duplex</u> Townhouse	C <u>P</u>	<u>See TDC definition in 31.060.</u>
<u>Townhouse</u>	<u>P</u>	<u>See TDC definition in 31.060.</u>
<u>Triplex</u>	<u>P</u>	<u>See TDC definition in 31.060.</u>
<u>Quadplex</u>	<u>P</u>	<u>See TDC definition in 31.060.</u>
<u>Cottage Cluster</u>	<u>P</u>	<u>See TDC definition in 31.060.</u>
Manufactured Dwelling	P	Subject to TDC 40.300(4)
Manufactured Dwelling Park	N	
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060

Section 15. TDC 40.300 (Development Standards) and Table 40-3 are amended to read as follows:

TDC 40.300 – Development Standards.

(1) Development standards in the RL zone are listed in Table 40-3. Additional standards may apply to some uses and situations, see TDC 40.310. The standards in Table 40-3 may be modified for ~~small lot subdivision~~ flexible lot subdivisions as provided in TDC 36.410 and for greenway and natural area dedications as provided in TDC 36.420.

(2) Exceptions. Existing non-conforming situations may be developed according to the provisions of TDC Chapter 35.

**Table 40-3
Development Standards in the RL Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Single-Family Dwelling	Maximum: 6.4 units per acre	
<u>Duplex</u>	<u>None</u>	
<u>Townhouse</u>	<u>25 units per acre</u>	
<u>Triplex</u>	<u>None</u>	
<u>Quadplex</u>	<u>None</u>	
<u>Cottage Cluster</u>	<u>None</u>	<u>Minimum density of 4 units per acre.</u>
Retirement Housing or Congregate Care Facility	10 units per acre	
MINIMUM LOT SIZE		
Single-Family Dwelling	Average of 6,500 square feet	May be reduced for <u>Small Flexible Lot Subdivisions</u> , subject to TDC 36.410, or Greenway and Natural Area dedications, subject to TDC 36.420.
<u>Duplex</u>	<u>6,500 square feet</u>	<u>May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.</u>
<u>Townhouse</u>	<u>1,400 square feet</u>	
<u>Triplex</u>	<u>6,500 square feet</u>	<u>May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.</u>
<u>Quadplex</u>	<u>6,500 square feet</u>	<u>May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.</u>
<u>Cottage Cluster</u>	<u>6,500 square feet</u>	<u>May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.</u>
Conditional Uses	6,000 square feet	

Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
MINIMUM LOT WIDTH		
Single-Family Dwelling	50 feet	May be reduced to 30 feet if on a cul-de-sac. Average minimum lot width is 30 feet.
<u>Duplex, Triplex, Quadplex, and Cottage Clusters</u>	<u>50 feet</u>	<u>May be reduced to 30 feet if on a cul-de-sac.</u> <u>Average minimum lot width is 30 feet.</u>
<u>Townhouse</u>	<u>None</u>	
Conditional Uses	50 feet	May be reduced to 30 feet if on a cul-de-sac. Average minimum lot width is 30 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front	15 feet	May be reduced to 12 feet if to an unenclosed porch.
Secondary Frontage on Corner Lot	10 feet	The secondary frontage is determined by the orientation of the structure, based on the location of the front door.
Garage Door	20 feet	
Side	5 feet	<u>Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.</u>
Rear	15 feet	

Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet. Parking and vehicular circulation areas must be set back a minimum of ten feet from any public right-of-way or property line.
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet <u>through Type II Architectural Review with a conditional use permit</u> , if all setbacks are not less than 1½ times the height of the building.
MAXIMUM LOT COVERAGE		
Single Family Dwelling	45%	
<u>Duplex</u>	<u>45%</u>	
<u>Townhouse</u>	<u>75%</u>	
<u>Triplex</u>	<u>60%</u>	
<u>Quadplex</u>	<u>60%</u>	
<u>Cottage Cluster</u>	<u>75%</u>	
Conditional Uses	40%	
MAXIMUM FLOOR AREA RATION (FAR)		
<u>Single Family Dwelling, Duplex, Townhouse, Triplex, Quadplex</u>		<u>FAR does not apply to Cottage Clusters.</u>
<u>Lot size</u>	<u>Maximum FAR</u>	
<u>3,000 sf or less</u>	<u>1.4 to 1</u>	
<u>3,001 to 5,000 sf</u>	<u>1.1 to 1</u>	
<u>5,001 to 10,000 sf</u>	<u>0.7 to 1</u>	
<u>10,001 to 19,999 sf</u>	<u>0.6 to 1</u>	
<u>20,000 sf or more</u>	<u>0.4 to 1</u>	

Section 16. TDC 40.320 (Additional Development Standards) is amended to read as follows:

TDC 40.320. - Additional Development Standards.

(1) ~~Small~~ Flexible Lot Subdivisions. The minimum lot size and other development standards for single-family dwellings in the RL zone may be reduced or modified for lots included as part of a ~~small~~ flexible lot subdivision. See TDC 36.410.

(2) *Greenway and Natural Area Dedications*. The minimum lot size and other development standards for single-family dwellings in the RL zone may be reduced or modified if land is dedicated for a Greenway or Natural Area. See TDC 36.420.

(3) *Manufactured Homes*. Except for manufactured homes placed in manufactured dwelling parks, manufactured homes must meet the following standards:

(a) *Minimum Size*. The manufactured home must be multi-sectional and enclose a space of not less than 1,000 square feet. A manufactured home is not considered multi-sectional by having a tip-out section.

(b) *Foundation Requirements*. The manufactured home must be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than 1 foot above grade. However, a structural concrete foundation (such as that for a single-family dwelling) is not required.

(c) *Roof Form and Materials*. The manufactured home must have a pitched roof with a minimum slope of one foot in height for each four feet of width. The roof must be comprised of shingles, wood shakes, tiles, or other materials which create a similar appearance. Exposed flat, corrugated or ribbed sheet metal, fiberglass, or other materials similar in form or appearance cannot be used as roofing material but may be used for corner and edge flashing.

(d) *Insulation Requirements*. The manufactured home must be certified by the manufacturer to have exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code.

(e) *Garage Requirement*. The manufactured home must have an attached or detached two-car garage constructed of materials similar to the manufactured home.

Section 17. TDC 41.100 (Purpose) is amended to read as follows:

TDC 41.100. - Purpose.

The purpose of this zone is to provide areas of the City suitable for townhouses, condominiums, duplexes, triplexes and other multi-family dwellings, as well as areas for small lot, small home subdivisions, and manufactured dwelling parks in designated areas. household living uses with a variety of housing types at moderately low densities. This district is primarily oriented toward middle housing types including attached dwellings, multi-family development, and manufactured dwelling parks.

Section 18. TDC 41.200 (Use Categories) and Table 41-2 are amended to read as follows:

TDC 41.200. - Use Categories.

(1) *Use Categories.* Table 41-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 41-1 and restrictions identified in TDC 41.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

(2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 41-2
Housing Types in the RML Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	<u>PC</u>	Limited to single-family dwellings in a <u>flexible small lot subdivision, with conditional use permit</u> , subject to TDC 36.410. Limited to single-family dwellings in a small lot subdivision, with conditional use permit, and if the development is located south of Norwood Road and east of Boones Ferry Road (Basalt Creek Area), subject to TDC 36.410(1) and TDC 41.330.
Accessory Dwelling Unit	P	Subject to TDC 34.600 <u>73A.170</u> .
Duplex Townhouse (or Rowhouse)	P	See TDC definition in 31.060.
<u>Townhouse</u>	<u>P</u>	<u>See TDC definition in 31.060.</u>
<u>Triplex</u>	<u>P</u>	<u>See TDC definition in 31.060.</u>

<u>Quadplex</u>	<u>P</u>	<u>See TDC definition in 31.060.</u>
<u>Cottage Cluster</u>	<u>P</u>	<u>See TDC definition in 31.060.</u>
Multi-Family Structure (5 or more units)	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	See TDC definition in 31.060.
Manufactured Dwelling Park	P	Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

Section 19. TDC 41.300 (Development Standards) and Table 41-3 are amended to read as follows:

TDC 41.300. - Development Standards.

(1) Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420.

(2) Exceptions. Existing non-conforming situations may be developed according to the provisions of TDC Chapter 35.

**Table 41-3
Development Standards in the RML Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
<u>Household Living Uses</u>	<u>10 units per acre</u>	
<u>Single Family Dwellings</u>		
<u>Duplex</u>	<u>None</u>	
<u>Townhouse</u>	<u>25 units per acre</u>	
<u>Triplex</u>	<u>None</u>	
<u>Quadplex</u>	<u>None</u>	
<u>Cottage Cluster</u>	<u>None</u>	<u>Minimum density of 4 units per acre.</u>
<u>Multi-Family (5 or more units)</u>	<u>10 units per acre</u>	
<u>Manufactured Dwelling Parks</u>	<u>12 units per acre</u>	<u>Limited to single-wide dwelling parks or any part of a single-wide dwelling park.</u>

Retirement Housing Facility, or Congregate Care Facility	15 units per acre	
Nursing Facility	15 units per acre	
Group Living Uses	15 units per acre	
MINIMUM LOT SIZE		
Single Family Dwelling	3,000 square feet	Only in a Flexible Lot Subdivisions, subject to <u>TDC 36.410</u>
Duplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to <u>TDC 36.410.</u>
Townhouse (or Rowhouse)	1,400 square feet	
Triplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to <u>TDC 36.410.</u>
Quadplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to <u>TDC 36.410.</u>
Cottage Cluster	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to <u>TDC 36.410.</u>
Multi-Family Structure (5 or more units) and Duplex	20,000 square feet	
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 4,195 square feet for each unit exceeding two
• Development on More than One Acre	4,356 square feet per unit	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM AVERAGE LOT WIDTH		
Single Family Detached	26 feet	Only allowed for Flexible Lot Subdivisions, subject to <u>TDC 36.410.</u>
Townhouse (or Rowhouse)	14 feet	
Duplex, Triplex, Quadplex, and Cottage Clusters	50 feet	May be reduced to 30 feet if on a cul-de-sac. May be reduced to 26 feet for Flexible Lot Subdivisions, subject to <u>TDC 36.410.</u>
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.

Multi-Family Structure under Condominium Ownership	100 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
<u>Single Family Detached, Duplex, Townhouse, Triplex, or Quadplex</u>		<u>Single Family Detached only in Flexible Lot Subdivisions, subject to TDC 36.410.</u>
<u>Front</u>	<u>10 feet</u>	
<u>Garage Door</u>	<u>20 feet</u>	
<u>Side</u>	<u>5 feet</u>	<u>Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.</u>
<u>Rear</u>	<u>10 feet</u>	
<u>Multi-family (5 or more units), Conditional Uses, and Other Permitted Uses Not Listed</u>		
<u>Front</u>		
<u><12 feet</u>	<u>20 feet</u>	
<u>12-<25 feet</u>	<u>25 feet</u>	
<u>25- <30 feet</u>	<u>30 feet</u>	
<u>30+ feet</u>	<u>35 feet</u>	
<u>Side</u>	<u>5 feet</u>	
Front Setbacks		
• 1 story structure	20 feet	Minimum setback to a garage door must be 20 feet.
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Townhouse (or Rowhouse)	0-20 feet	As determined through Architectural Review process.
Side and Rear Setbacks		Where living spaces face a side yard, the minimum setback must be ten feet
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	

• 2 story structure	10 feet	
• 2.5 story structure	12 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley <u>except for duplexes, triplexes, and quadplexes where the setback is 10 feet.</u>
Other Development Types		
Cottage Cluster	<u>10 feet on all sides</u>	<u>Minimum distance of 10 feet between units in a cottage cluster.</u>
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be, <u>no greater than 50 feet</u>
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, If all setbacks are equal to or greater not less than 1½ times the height of the building, <u>the height may be increased to a maximum of 50 feet with a conditional use permit.</u>
MAXIMUM LOT COVERAGE		
Duplex	<u>60%</u>	
Townhouse (or Rowhouse)	<u>90%-75%</u>	
Triplex	<u>60%</u>	
Quadplex	<u>60%</u>	
Cottage Cluster	<u>75%</u>	
All Other Permitted Uses	40%	
Conditional Uses	45%	

Section 20. TDC 41.330 (Development Standards for Single-Family Dwellings in a Small Lot Subdivision for Certain Basalt Creek Area Properties) and Table 41-4 (Development Standards in the RML Zone Subject to TDC 41.330) are deleted in their entirety.

Section 21. TDC 58.200 (Use Categories in the CC Zone) and Table 58-1 are amended to read as follows:

TDC 58.200 - Use Categories in the CC Zone.

(1) *Modifications to Base Zone Use Regulations.* Some of the uses permitted in the CC zone are modified in the Central Tualatin Overlay Zone. Table 58-1 lists use categories that are modified in the overlay zone as Permitted Outright (P), Conditionally Permitted (C), or Prohibited (N). Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 58-1 and restrictions identified in TDC 58.210. Use categories not listed in Table 58-1 are regulated as specified in the CC zone see TDC Chapter 53.

(2) *Sub-Districts.* Modifications to use regulations may vary by the sub-district within the overlay zone. There are three sub-districts within the CC zone in the Central Tualatin Overlay Zone. These sub-districts are defined by the block numbers listed below, except as otherwise noted.

(a) Residential Sub-District. Blocks 2, 3, 15, 16, 17, 18, 19, 20, 22 and 23.

(b) Commercial Sub-District. Block 30.

(c) Central Design District. Central Design District shown on Figure 73-4 and Map 8 of the Central Urban Renewal Plan.

**Table 58-1
Modifications to Use Regulations in the CC Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P (L)	Residential Sub-District: Permitted housing types limited to: <ul style="list-style-type: none"> • <u>Duplexes;</u> • <u>Triplexes;</u> • <u>Quadplexes;</u> • <u>Cottage Clusters;</u> • Multi-Family Structure and duplex; • Retirement Housing Facility, subject to Subject to TDC 58.210(1); and • Residential Homes.

Group Living	P (L)	Residential Sub-District: Permitted uses limited to: <ul style="list-style-type: none"> • Residential Facilities; and • Congregate Care Facility, subject to 58.210(1)
COMMERCIAL USE CATEGORIES		
All uses permitted in the CG zone	P (L)	Commercial Sub-District: All uses permitted in the CG zone, pursuant to TDC 54.200, are permitted.
Eating and Drinking Establishments	N	Central Design District: Take-out restaurant drive-up uses are prohibited.
Retail Sales and Service	C/N	Central Design District: <ul style="list-style-type: none"> • Photo service drive-up uses are prohibited. • Bank drive-up uses and other drive-up uses are permitted as a conditional use.

Section 22. TDC 58.800 (Central Tualatin Overlay Development Standards) and Table 58-7 are amended to read as follows:

TDC 58.800 Central Tualatin Overlay Development Standards.

(1) Development standards in the Central Tualatin Overlay Zone are listed in Table 58-7 by zone and by block. Where no standard is listed, the standards of the base zone apply.

(2) Exceptions. Existing non-conforming situations may be developed according to the provisions of TDC Chapter 35.

**Table 58-7
Development Standards in the Central Tualatin Overlay District**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
CENTRAL COMMERCIAL (CC)		
Density within the Residential Sub-District	16-25 dwelling units per acre	
Minimum Lot Size within Core Area Parking District	5,000 square feet	For mixed use developments, and

Minimum Lot Size outside Core Area Parking District	25,000 square feet	common-wall multi-family dwellings on separate lots, lot areas, widths and frontages are determined through the Architectural Review Process.
Minimum Lot Width	40 feet	
Minimum Lot Width at the Street	40 feet	
Minimum Lot Width at the Street on a Cul-De-Sac Street	35 feet	
GENERAL COMMERCIAL (CG)		
Minimum Lot Size	25,000 square feet	—
Minimum Lot Width	100 feet	—
Minimum Lot Width at the Street	40 feet	—
Minimum Lot Width at the Street on a Cul-De-Sac Street	40 feet	—
COMMERCIAL OFFICE (CO)		
Density	16-25 dwelling unit per acre	
Minimum Lot Size	25,000 square feet	Lot sizes for townhouses must conform to the lot size standards of the RH District.
LIGHT MANUFACTURING (ML)		
Minimum Lot Size, Block 28	20,000 square feet	—
Minimum Lot Size, Block 29	25,000 square feet	—
GENERAL MANUFACTURING (MG)		
Minimum Lot Size, Block 24	25,000 square feet	
RESIDENTIAL HIGH DENSITY (RH)		
Density	16—25 dwelling units per acre	

Minimum Lot Size, Block 25	40,000 square feet	When permitted uses are mixed with the uses permitted in the CC zone, lot sizes are determined through the Architectural Review Process.
Minimum Setbacks, Block 25	—	When permitted uses are mixed with the uses permitted in the CC zone, setbacks are determined through the Architectural Review Process.
Maximum Structure Height	45 feet	When permitted uses are mixed with the uses permitted in the CC zone.
RESIDENTIAL HIGH DENSITY HIGH RISE (RH/HR)		
Density	26-30 dwelling units per acre	
Minimum Lot Size, Blocks 31 and 33	40,000 square feet	—
Minimum Lot Size, Block 26	25,000 square feet	—

Section 23. TDC 73A.110 (Single-Family Design Standards Applicability; Exceptions) is amended to read as follows:

TDC 73A.100. - ~~Single-Family~~ Residential Design Standards Applicability; Exceptions.

(1) *Applicability.* The ~~single-family~~ Residential Design Standards apply to:

(a) New single-family dwelling;

(b) Duplex; Triplex, or Quadplex;

(c) Townhouses;

~~(b)-(d)~~ (d) An addition or alteration to an existing single-family dwelling, duplex, triplex, quadplex, or townhouse ~~an existing single-family dwelling~~ when it results in:

(i) A 35 percent or more expansion of the structure's existing footprint.

(ii) An increase in building height of 35 percent or more.~~A new second or higher story; or~~

(iii) A 35 percent or more alteration of an existing wall plane. ~~For purposes of this section wall plane means all vertical surfaces on one side of a dwelling from the base of the main floor level up including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas.~~

(e) The creation of a new dwelling unit or units through conversion of an existing residential structure, resulting in a duplex, triplex, or quadplex.

(2) *Exceptions.*

(a) ~~The single-family Residential Design Standards in subsection (1) do not apply to a side wall plane that abuts the side yard of an adjacent dwelling.~~

(b) Facades adjacent to a street are exempt from meeting the standards in TDC 73A.110. (1) and (2).

Section 24. 73A.110 (Clear and Objective (Type I) Single Family Design Standards) is amended to read as follows:

TDC 73A.110. - Clear and Objective Residential (Type I) ~~Single Family Design Standards.~~

~~Single-Family uses Residential housing types~~ using the Clear and Objective (Type I) standards must comply with the following:

(1) *Front Face.* The front face of a ~~single-family dwelling~~ residential structure must contain:

(a) Windows that occupy at least 12 percent of the wall plane.

(i) This requirement may be reduced to ten percent if one additional Residential Wall Design Element is provided beyond the minimum.

(ii) This requirement may be reduced to eight percent if two or more additional Residential Wall Design Elements are provided beyond the minimum.

(iii) Garage door windows may be counted toward the window coverage percentage.

(b) At least three Residential Roof Design Elements; and

(c) At least five of the Residential Wall Design Elements.

(2) *Rear*. The rear of a ~~single-family dwelling~~ residential structure must contain:

(a) Windows that occupy at least 12 percent of the wall plane.

(i) This requirement may be reduced to ten percent if one or more additional Residential Wall Design Element is provided beyond the minimum.

(ii) Garage door windows may be counted toward the window coverage percentage.

(b) At least two Residential Roof Design Elements; and

(c) At least four Residential Wall Design Elements

(3) *Side-Corner Lot*. If the side of a ~~single-family dwellings~~ residential structure abuts a public street, the side must contain:

(a) Windows that occupy at least eight percent of the wall plane;

(i) This requirement may be reduced to six percent of the wall plane if one or more additional Residential Wall Design Elements are provided on the same side elevation.

(ii) Garage door windows may be counted toward the window coverage percentage.

(b) At least two Residential Roof Design Elements; and

(c) At least four Residential Wall Design Elements.

Section 25. TDC 73A.120 (Single-Family Residential Roof Design Elements) is amended to read as follows:

TDC 73A.120. - Type I Residential ~~Single-Family Residential~~ Roof Design Elements.

The following are the Type I Residential ~~single-family residential~~ roof design elements:

(1) Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window, vent, or decorative element;

- (2) Pitched or sloping roof, such as a gable roof, which slopes downward in two parts from a central ridge forming a gable at each end, or hip roof, which has sloping ends and sides that meet at an inclined projecting angle;
- (3) Roof eave of at least 12 inches;
- (4) Roof overhang (barge-board or verge board) of at least six inches measured outward from the face of the dwelling wall or wall plane;
- (5) Window, decorative vent, door, decorated verge boards, trusses, false beams, corbels, brackets, or other decorative element(s) in gable ends; and
- (6) Variation in roof pitch, height of roof planes, or roof orientation, such as in a roof with multi-level eaves.

Section 26. TDC 73A.120 (Single-Family Residential Wall Design Elements) is amended to read as follows:

TDC 73A.130. - Type I Residential ~~Single-Family Residential~~ Wall Design Elements.

The following are the Type I Residential ~~single-family residential~~ wall design elements:

- (1) Recessed entry—Front facade only;
- (2) Portico—Front facade only. A roofed porch-like space, open along at least one side, connected to the main dwelling entrance, supported by columns or pillars, and either protruding from or recessed within the main dwelling structure;
- (3) Covered porch at least 36 square feet in area and at least four feet deep;
- (4) Balcony, which development from the wall plane and is enclosed by a railing or parapet (low protective wall);
- (5) Vertical offsets, at least two, either projecting or recessed, and at least six inches deep and a minimum of four feet long;
- (6) Horizontal offset, either projecting or recessed, at least five inches deep;
- (7) Bay window, box window, or box bay, which development at least six inches outward from the wall plane and forms a bay, alcove, or window seat;
- (8) Column or pilaster, either complete or engaged (where one part of its surface is in contact with a wall plane), and in the wall plane, at a change in wall plane, or at a corner of the dwelling;

- (9) Exterior chimney of brick, stone, composite masonry or similar materials;
- (10) Engaged tower, either square, rectangular, circular or polygonal in form;
- (11) Window trim or surround (casing) at least three and one-half inches wide that completely surrounds the window, either with or without a sill beneath the window;
- (12) Window grids, windows with multi-paned sashes, or elliptical, palladian, segmental arch, semicircular, or similarly shaped windows;
- (13) Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane;
- (14) Shutters, as a matched pair for or on a window, either movable or fixed, designed to cover a window and filter light, and usually of wood or similar construction and paneled or fitted with louvers;
- (15) Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar;
- (16) Decorative or "architectural" garage door(s), with or without windows, and including patterning relief at least five-eighths inches deep over the door(s) surface, excepting the window area if windows are present;
- (17) Decorative trellis or trellis-work, consisting of open rafter ends or beams and cross pieces to create the appearance of a structure over which climbing plants might be trained to grow; and
- (18) Band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection marking a division in the wall plane and adding architectural interest to a facade or elevation.

Section 27. TDC 73A.120 (Discretionary (Type II) Single Family Design Standards.) is amended to read as follows:

TDC 73A.140. - Discretionary (Type II) Single Family Residential Development Design Standards.

~~Single Family uses using Type II discretionary standards, and not using the clear and objective standards, must demonstrate compliance the following discretionary standards: As an alternative to the clear and objective Type I standards, residential housing (including detached single-family dwellings, duplexes, triplexes, quadplexes, and townhomes), may be reviewed under Type II discretionary standards. Such applications must demonstrate compliance with the following discretionary standards:~~

- (1) All roofs must be pitched or sloping and articulated by use of such elements as dormers, gables, overhangs or eaves, and must have variations in roof pitch, height of roof planes, or roof orientation to create visual interest and avoid monotony in appearance;
- (2) Architectural articulation and other design elements, such as balconies, porches, dormers, bay windows, vertical or horizontal offsets, variations in cladding, or moldings must be used on all sides of the dwelling (except for the side of a dwelling adjacent to another dwelling) to avoid stark unarticulated building facades (elevations), to minimize the scale and visual impact of a continuous flat wall surface, and to create a sense of visual interest for passersby and neighboring property owners;
- (3) The architectural character (i.e., exterior materials, architectural articulation, design elements, etc.) of the front facade (elevation) of the dwelling must be utilized on all sides of the structure to create a unified appearance and to avoid a single block or box appearance;
- (4) New dwellings must be designed and situated on a property in order to create and maintain a visual sense of harmony with surrounding development and must not overwhelm the scale of surrounding development; and
- (5) The overall architectural design of the dwelling must foster a compatible, positive relationship with the scale and character of the street, and the scale and character of surrounding existing development.

Section 28. TDC 73A.150 (Clear and Objective (Type I) Cottage Cluster Design Standards) is created to read as follows:

TDC 73A.150. – Clear and Objective (Type I) Cottage Cluster Design Standards.

(1) Applicability. The Cottage Cluster Design Standards apply to:

(a) New cottage cluster developments as defined in TDC 31.060.

(b) An addition or alteration in one or more structures within a developed cottage cluster when it results in:

(i) A 35% or more expansion of a structure's existing footprint, or an expansion of multiple cottage or community building footprints;

(ii) An increase in building height of 35% or more; or

(iii) A 35 percent or more alteration of an existing wall plane.

(2) Cottage Standards. Cottage Cluster developments using the Clear and Objective (Type I) standards must comply with the following:

(a) Unit Size. The maximum footprint for a cottage is 899 square feet. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings must be included in the average floor area calculation for a cottage cluster.

(b) Cottage Orientation. Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 1):

(i) Each cottage within a cluster must either abut the common courtyard or be directly connect to the common courtyard by a pedestrian path.

(ii) A minimum of 50 percent of cottages within a cluster must:

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

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

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

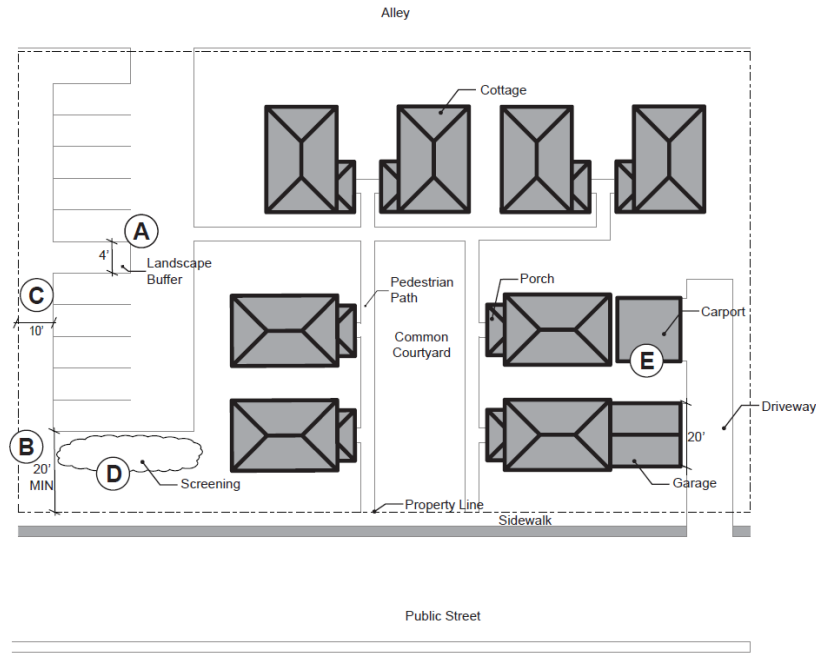
(iii) Cottages within 20 feet of a street property line may have their entrances facing the street.

(iv) 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.

(3) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard that must meet the following standards (see Figure 1):

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

Figure 1. Cottage Cluster Orientation and Common Courtyard Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

(4) Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

(a) Each cottage cluster is permitted one community building, which counts toward the maximum average floor area of 1,400 square feet per dwelling unit.

(b) A community building that meets the development code's definition of a dwelling unit must meet the cottage standards, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

(5) Pedestrian Access.

(a) An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

(i) The common courtyard;

(ii) Shared parking areas;

(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.

(6) Windows. Cottages within 20 feet of a street property line must have windows that occupy at least 12% of the wall plane.

(7) Parking Design (see Figure 2).

(a) Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

(i) Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

(ii) Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.

(iii) Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

(iv) Clustered parking areas may be covered.

(b) Parking location and access.

(i) Off-street parking spaces and vehicle maneuvering areas must not be located:

(A) Within 10 feet from any street property line, except alley property lines.

(B) Between a street property line and the front facade of cottages located closest to the street property line. This standard does not apply to alleys.

(ii) Off-street parking spaces must 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) Screening. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.

(d) Garages and carports.

(i) Garages and carports (whether shared or individual) must not abut more than 25% of the rear or side perimeters of a common courtyard.

(ii) Individual attached garages of up to 200 square feet are exempt from the calculation of the maximum building footprint for cottages.

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

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

(8) Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

(9) Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following provisions:

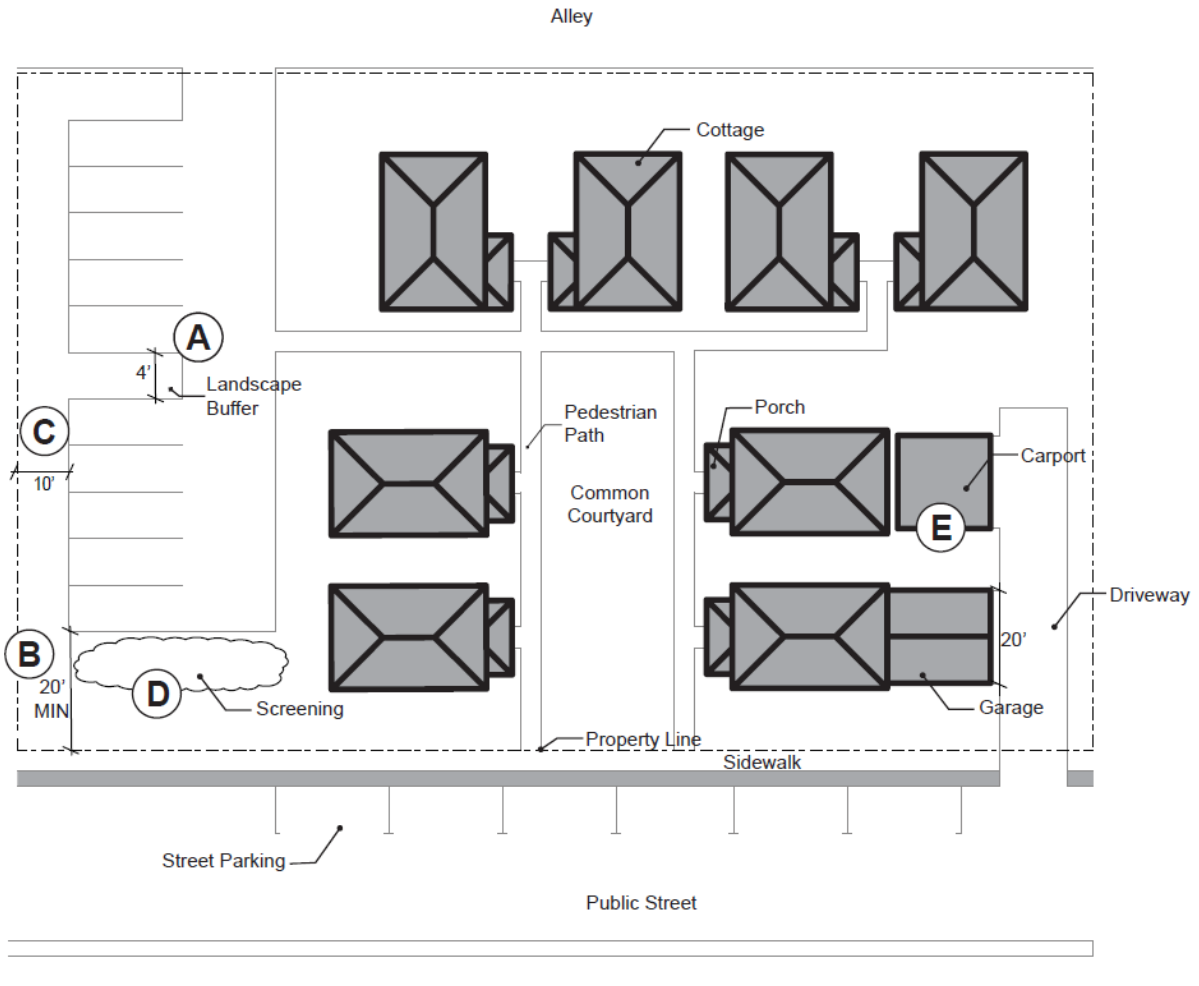
(a) The existing dwelling may be nonconforming with respect to the requirements of this code.

(b) The existing dwelling may be expanded up to the maximum height permitted in the base zone.

(c) The floor area of the existing dwelling does not count towards the maximum average floor area of a cottage cluster.

(d) The existing dwelling may optionally be excluded from the count of cottages that must be oriented to the common courtyard under TDC 73A.200(1)(b).

Figure 2. Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Section 29. TDC 73A.150 (Discretionary (Type II) Cottage Cluster Design Standards) is created to read as follows:

TDC 73A.160. - Discretionary (Type II) Cottage Cluster Design Standards.

Cottage Cluster uses using Type II discretionary standards, and not using the clear and objective standards, must demonstrate compliance by following the discretionary standards:

(1) Special attention should be given to designing the primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass surface, or finish to emphasize the entrance.

(2) Architectural articulation and other design elements, such as balconies, porches, dormers, bay windows, vertical or horizontal offsets, variations in cladding, or moldings must be used on at least one street-facing side of the dwelling (except for the side of a dwelling adjacent to another dwelling) to avoid stark unarticulated building facades (elevations), to minimize the scale and visual impact of a continuous flat wall surface, and to create a sense of visual interest for passersby and neighboring property owners.

(3) Windows and primary entrances should be oriented to encourage “eyes on the street” within the cluster to encourage a sense of safety and communal responsibility of common spaces.

(4) Building elevations facing streets should include ample levels of window glazing to ensure articulation on the facade, daylighting of interior spaces, and visibility.

(5) Driveway approaches and access must be consistent with Chapter 75 or approved by the City Engineer to ensure there are no impediments or obstruction to oncoming traffic or pedestrian pathways and connections.

(6) Parking bays should be designed with a direct pedestrian pathway to the front entrances and be lit with pedestrian scaled lighting features.

Section 30. TDC 34.600 is renumbered TDC 73A.170 and amended to read as follows:

TDC 73A.160. – Accessory Dwelling Unit Design Standards.

(1) The purpose of accessory dwelling units, as defined in TDC 31.060, is to increase the variety and availability of housing with the goal of increasing housing affordability.

(2) Accessory Dwelling Units are allowed on lots or parcels with one or more primary dwelling units and must comply with the following standards:

(a) An accessory dwelling unit is allowed in the RL and RML Zones.

;-and

~~(ii) In the RML Planning District if part of a Small Lot Subdivision as specified under TDC 36.410;41.020(13);~~

(b) There must be no more than one accessory dwelling unit per lot or parcel;

(c) An accessory dwelling unit must not exceed 800 square feet of gross floor area;

~~(d) A garage, or a former garage, may be converted to an accessory dwelling unit;~~

~~(e) In addition to the parking spaces required in TDC 73C for the detached single-family dwelling, one paved on-site parking space must be provided for the accessory dwelling unit and the space must not be within five feet of a side or rear property line;~~

~~(f) The accessory dwelling unit's front door must not be located on the same street frontage as the detached single family dwelling's front door unless the door for the accessory dwelling unit already exists;~~

~~(g) The accessory dwelling unit must not be sold separate from the single family dwelling or as a condominium;~~

~~(h)~~(d) The accessory dwelling unit must be served by the same water meter, electric meter, and natural gas meter as the primary dwelling, except if prohibited by State building code requirements;

~~(i) The accessory dwelling unit must be served by the same electric meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it;~~

~~(j) The accessory dwelling unit must be served by the same natural gas meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it;~~

~~(k) An attached accessory dwelling unit must be connected to the single family dwelling by an internal doorway;~~

~~(l) If the gross floor area of the existing single family dwelling is to be enlarged when an accessory dwelling unit is created, the proposed enlargement must not increase the gross floor area of the single family dwelling more than ten percent;~~

~~(m)~~(e) An accessory dwelling unit must provide at least two Residential Roof Design Elements in TDC 73A.120 (Site Design), and at least four Residential Wall Design Elements in TDC 73A.130 (Site Design); and

(f) An accessory dwelling unit must be set back at least one foot from a line parallel to the main entrance of the primary dwelling.

Section 31. TDC 73A.200 (TDC 73A.200. - Common Wall Design Standards) is amended to read as follows:

TDC 73A.200. – ~~Common Wall~~ Multi-Family Design Standards.

The following standards are the minimum standards for all other residential development in all zones that does not meet the definition of single-family dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster or is 5 or more dwelling units. ~~The following standards are minimum standard for all duplex, townhouse, and multi-family developments in all zones.~~ These standards do not apply to development in the Central Design District and Mixed Use Commercial (MUC) zone, which have separate standards and may be less than the minimums provided below.

(1) *Private Outdoor Areas.* ~~Common wall~~ Multi-family uses must provide private outdoor area features as follows:

(a) A separate outdoor area of not less than 80 square feet must be attached to each ground level dwelling unit; and

(b) The private outdoor area must be separated from common outdoor areas within a manner that enables the resident to control access from common areas with elements, such as walls, fences or shrubs.

(2) *Balconies, Terraces, and Loggias.* ~~Common wall~~ Multi-family uses must provide balconies, terraces, and loggias features as follows:

(a) A separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias must be provided for each unit located above the ground level; ~~and~~

~~(b) The balconies, terraces, and loggias standard does not apply to duplexes and townhouses.~~

(3) *Entry Areas.* ~~Common wall~~ Multi-family uses must provide entry area features as follows:

(a) A private main entry area must be provided as a private extension of each dwelling unit;

(b) The entry area must be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, or walls or other means that enable the resident to supervise and control access and to retain privacy;

(c) The entry area must be a minimum of 24 square feet in area for each dwelling unit; and

(d) The entry area may be combined to serve more than one unit as determined by the City; ~~and~~

~~(e) The entry area standard does not apply to duplexes and townhouses.~~

(4) *Shared Outdoor Areas.* ~~Common wall~~ Multi-family uses must provide shared outdoor area features as follows:

(a) Must provide year round shared outdoor areas for both active and passive recreation;

(b) The shared outdoor area must be a minimum of:

(i) Three hundred square feet per dwelling unit; or

(ii) Four hundred fifty square feet per dwelling unit for 55 and older communities.

(c) Gazebos and other covered spaces are encouraged to satisfy this requirement;

~~(d) The shared outdoor area must provide approximately the same accessibility to the maximum number of dwelling units possible;~~

~~(e) The shared outdoor area must allow residents to watch over these areas from windows in at least two adjacent dwelling units;~~

~~(d)(f)~~ The shared outdoor area must be separated from all entryway and parking areas with a landscaped transition area measuring a minimum of ten feet wide;

~~(e)(g)~~ The shared outdoor area must have controlled access from off-site as well as from on-site parking and entrance areas with a minimum 4-foot high fence, wall, or landscaping features such as fencing, walls and landscaping; and

~~(h) The shared outdoor area must provide both sunny and shady spots;~~

~~(i) The shared outdoor area must provide a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify); and~~

~~(f)(j)~~ The shared outdoor area ~~must~~ standard does not apply to:

(i) Duplexes and townhouses; and

(ii) any development with less than 12 dwelling units.

(5) *Children's Play Areas.* ~~Common-wall~~ Multi-family uses must provide children's play area features as follows:

~~(a) The children's play area must provide year round shared outdoor areas for both active and passive recreation;~~

~~(a)(b)~~ The children's play area must be a minimum of 150 square feet per dwelling unit;

~~(c) The children's play area must provide approximately the same accessibility to the maximum number of dwelling units possible;~~

~~(d) The children's play area must allow residents to watch over these areas from windows in at least two adjacent dwelling units;~~

~~(b)(e)~~ The children's play area must provide a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of ten feet wide;

~~(c)(f)~~ The children's play area must have controlled access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with a minimum 4-foot high fence, wall, or landscaping features such as fencing, walls and landscaping; and

~~(g) The children's play area must provide both sunny and shady spots; and~~

~~(d)(h)~~ The children's play area must provide a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify); and

~~(e)(i)~~ The children's play area standard does not apply to:

(i) Duplexes and townhouses;

(ii) Fifty-five and older communities; and

(iii) Any development with less than 12 dwelling units.

(6) *Storage.* ~~Common-wall~~ Multi-family uses must provide storage features as follows:

(a) Enclosed storage areas are required for each unit and must be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc.

(i) Garages do not satisfy the storage requirements. An enclosed storage area may be located within the garage of the individual unit. Enclosed storage areas may also be located within commonly accessible shared garage.

(b) Each storage area must be a minimum of six feet in height and have a minimum floor area of:

(i) 24 square feet for studio and one bedroom units;

(ii) 36 square feet for two bedroom units; and

(iii) 48 square feet for greater than two bedroom units.

(7) *Walkways.* ~~Common wall~~ Multi-family uses must provide walkways as follows:

(a) Walkways for duplexes and townhouses must be a minimum of three feet in width;

(b) All other multi-family development must have walkways of a minimum of six feet in width;

(c) Walkways must be constructed of asphalt, concrete, pervious concrete, ~~or a pervious surface such as pavers,~~ or grasscrete. Gravel or bark chips are not acceptable. ~~(not gravel or woody material);~~ and

(d) The walkways must meet ADA standards applicable at time of construction or alteration.

(8) *Accessways.*

(a) *When Required.* Accessways are required to be constructed when a ~~common wall~~ multi-family development is adjacent to any of the following:

(i) Residential property;

(ii) Commercial property;

(iii) Areas intended for public use, such as schools and parks; and

(iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.

(b) *Design Standard.* Accessways must meet the following design standards:

(i) Accessways must be a minimum of eight feet in width;

(ii) Public accessways must be constructed in accordance with the Public Works Construction Code;

(iii) Private accessways must be constructed of asphalt, concrete, ~~or a pervious surface such as pavers or grasscrete.~~ Gravel or bark chips are not acceptable;

(iv) Accessways must meet ADA standards applicable at time of construction or alteration;

(v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;

(vi) Accessways must not be gated to prevent pedestrian or bike access;

(vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and

(viii) Must be constructed, owned and maintained by the property owner.

(c) *Exceptions.* The Accessway standard does not apply to the following:

(i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and

(ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.

(9) *Carports and Garages.* ~~Common wall~~ Multi-family uses must provide Carports and Garage features as follows:

~~(a) At least one garage space must be provided for each duplex or townhouse. The form, materials, color, and construction must be compatible with the unit served; and~~

~~(a)(b)~~ If carports or garages are provided for multi-family development, the The form, materials, color, and construction must be compatible with the complex they serve.

(10) *Safety and Security.* ~~Common-wall~~ Multi-family units must provide safety and security features as follows:

(a) Private outdoor areas must be separated from shared outdoor areas and children's play areas with a minimum 4-foot high fence, wall, or landscaping elements such as walls, buildings, landscaping, and changes in grade in a manner which enables residents to utilize these areas as an extension of their units;

~~(b)~~ Windows must be located to encourage watching over entry areas, shared outdoor areas, walkways and parking areas;

~~(b)(c)~~ An outdoor lighting system that does not produce direct glare on adjacent properties and must be provided which facilitates police observation and resident observation through strategic location, orientation and brightness without shining into residential units, public rights-of-way, or fish and wildlife habitat areas; and

~~(c)(d)~~ Building identification must be provided consistent with the Oregon Fire Code. An identification system must be established which clearly orients visitors and emergency services as to the location of residential units. Where possible, this system must be evident from the primary vehicle entryway; and

~~(e)~~ The safety and security standard does not apply to duplexes and townhouses.

(11) *Service, Delivery and Screening.* ~~Common-wall~~ Multi-family uses must provide service, delivery, and screening features as follows:

(a) Provisions for postal delivery must be made consistent with US Postal Service regulations conveniently located and efficiently designed for residents and mail delivery personnel;

(b) Safe Ppedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas must be provided via accessways; and Elements include, but not limited to:

(i) ~~Concrete paths;~~

(ii) ~~Raised walkways; and~~

(iii) ~~Bark chip trails~~

(c) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping.

Section 32. TDC 73A.300 (Commercial Design Standards) is amended to read as follows:

TDC 73A.300. - Commercial Design Standards.

The following standards are minimum requirements for commercial development in all zones, except the Mixed-Use Commercial (MCU) zone, which has its own standards:

(1) *Walkways.* Commercial development must provide walkways as follows:

(a) Walkways must be a minimum of six feet in width;

(b) Walkways must be constructed of asphalt, concrete, pervious concrete, ~~or a pervious surface such as pavers,~~ or grasscrete. Gravel or bark chips are not acceptable. ~~(not gravel or woody material);~~

(c) Walkways must meet ADA standards applicable at time of construction or alteration;

(d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;

(e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;

(f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and

(g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

(2) *Accessways.*

(a) *When Required.* Accessways are required to be constructed when a ~~common wall~~ multi-family development is adjacent to any of the following:

(i) Residential property;

(ii) Commercial property;

(iii) Areas intended for public use, such as schools and parks; and

(iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.

(b) *Design Standard.* Accessways must meet the following design standards:

(i) Accessways must be a minimum of eight feet in width;

(ii) Public accessways must be constructed in accordance with the Public Works Construction Code;

(iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material;

(iv) Accessways must meet ADA standards applicable at time of construction or alteration;

(v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;

(vi) Accessways must not be gated to prevent pedestrian or bike access;

(vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and

(viii) Must be constructed, owned and maintained by the property owner.

(c) *Exceptions.* The Accessway standard does not apply to the following:

(i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and

(ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the

adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.

(3) *Drive-up Uses.* Drive-up uses must comply with the following:

(a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:

(i) Banks—Each lane must be 100 feet long;

(ii) Restaurants—Each lane must be 160 feet long; and

(iii) Other uses—Each lane must be between 80 and 160 feet long, as determined by the City.

(b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.

(c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.

(d) The width and turning radius of drive-up aisles must be approved by the City.

(e) A wall or other visual or acoustic may be required by the City.

(4) *Safety and Security.* Commercial development must provide safety and security features as follows:

(a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;

(b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

(c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;

(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and

(e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.

(5) *Service, Delivery, and Screening.* Commercial development must provide service, delivery, and screening features as follows:

(a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;

(b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and

(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

(6) *Adjacent to Transit.* Commercial development adjacent to transit must comply with the following:

(a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.

(b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:

(i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;

(ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;

(iii) Provide a transit passenger landing pad accessible to disabled persons;

(iv) Provide an easement or dedication for a passenger shelter as determined by the City; and

(v) Provide lighting at the major transit stop.

Section 33. TDC 73A.500 (Industrial Design Standards) is amended to read as follows:

TDC 73A.500. Industrial Design Standards.

The following standards are minimum requirements for industrial development in all zones, except the Mixed-Use Commercial (MUC) zone, which has its own standards:

(1) *Walkways.* Industrial development must provide walkways as follows:

(a) Walkways must be a minimum of five feet in width;

(b) Walkways must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers, or grasscrete. Gravel or bark chips are not acceptable. ~~(not gravel or woody material);~~

(c) Walkways must meet ADA standards applicable at time of construction or alteration;

(d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;

(e) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; and

(f) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

(2) *Accessways.*

(a) *When Required.* Accessways are required to be constructed when a ~~common wall~~ multi-family development is adjacent to any of the following:

(i) Residential property;

(ii) Commercial property;

(iii) Areas intended for public use, such as schools and parks; and

(iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.

(b) *Design Standard.* Accessways must meet the following design standards:

(i) Accessways must be a minimum of eight feet in width;

(ii) Public accessways must be constructed in accordance with the Public Works Construction Code;

(iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material;

(iv) Accessways must meet ADA standards applicable at time of construction or alteration;

(v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;

(vi) Accessways may be gated for security purposes;

(vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and

(viii) Must be constructed, owned and maintained by the property owner.

(c) *Exceptions.* The Accessway standard does not apply to the following:

(i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and

(ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.

(3) *Drive-up Uses.* Drive-up uses must comply with the following:

(a) Must provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:

(i) Banks—each lane must be 100 feet long;

(ii) Restaurants—each lane must be 160 feet long; and

(iii) Other uses—each lane must be between 80 and 160 feet long, as determined by the City.

(b) Stacking area must not interfere with safe and efficient access to other parking areas on the property;

(c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones;

(d) The width and turning radius of drive-up aisles must be approved by the City;
and

(e) A wall or other visual or acoustic may be required by the City.

(4) *Safety and Security.* Industrial development must provide safety and security features as follows:

(a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;

(b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

(c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;

(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and

(e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.

(5) *Service, Delivery, and Screening.* Industrial development must provide service, delivery, and screening features as follows:

(a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;

(b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and

(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

(6) *Adjacent to Transit.* Industrial development adjacent to transit must comply with the following:

(a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street; and

(b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:

- (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
- (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
- (iii) Provide a transit passenger landing pad accessible to disabled persons;
- (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
- (v) Provide lighting at the major transit stop.

Section 34. TDC 73A.600 (Institutional Design Standards) is amended to read as follows:

TDC 73A.600. Institutional Design Standards.

The following standards are minimum requirements for institutional development in all zones:

(1) *Walkways.* Institutional development must provide walkways as follows:

- (a) Walkways must be a minimum of six feet in width;
- (b) Walkways must be constructed of asphalt, concrete, pervious concrete, ~~or a pervious surface such as pavers,~~ or grasscrete. Gravel or bark chips are not acceptable. ~~(not gravel or woody material);~~
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;
- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;
- (e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;
- (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and

(g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

(2) *Accessways.*

(a) *When Required.* Accessways are required to be constructed when a ~~common wall~~ multi-family development is adjacent to any of the following:

- (i) Residential property;
- (ii) Commercial property;
- (iii) Areas intended for public use, such as schools and parks; and
- (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.

(b) *Design Standard.* Accessways must meet the following design standards:

- (i) Accessways must be a minimum of eight feet in width;
- (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
- (iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material;
- (iv) Accessways must meet ADA standards applicable at time of construction or alteration;
- (v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;
- (vi) Accessways must not be gated to prevent pedestrian or bike access;
- (vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and
- (viii) Must be constructed, owned and maintained by the property owner.

(c) *Exceptions.* The Accessway standard does not apply to the following:

(i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and

(ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.

(3) *Safety and Security.* Institutional development must provide safety and security features as follows:

(a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;

(b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

(c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;

(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and

(e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.

(4) *Service, Delivery, and Screening.* Institutional development must provide service, delivery, and screening features as follows:

(a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;

(b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and

(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

(5) *Adjacent to Transit.* Institutional development adjacent to transit must comply with the following:

(a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street; and

(b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:

(i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;

(ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;

(iii) Provide a transit passenger landing pad accessible to disabled persons;

(iv) Provide an easement or dedication for a passenger shelter as determined by the City; and

(v) Provide lighting at the major transit stop.

Section 35. TDC 73B.030 (Additional Minimum Landscaping Requirements for Common Wall Residential Uses) is amended to read as follows:

TDC 73B.030. - Additional Minimum Landscaping Requirements for ~~Common Wall~~ Multi-Family Residential Uses.

(1) *General.* In addition to requirements in TDC 73B.020, ~~Common Wall~~ Multi-Family Residential Uses must comply with the following additional standards.

(a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.

(i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

~~(b) Duplex and Townhouse developments may include hard surfaces in outdoor areas such as patios and storage areas as determined in the Architectural Review process~~

Section 36. TDC 73B.080 (Minimum Landscaping Standards for All Zones) is amended to read as follows:

TDC 73B.080. Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

<p>(1) Required Landscape Areas</p>	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement. • A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: <ul style="list-style-type: none"> • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
<p>(2) Fences</p>	<ul style="list-style-type: none"> • Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
<p>(3) Tree Preservation</p>	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: <ul style="list-style-type: none"> ◦ Must provide above and below ground protection for existing trees and plant materials identified to remain; ◦ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; ◦ If it is necessary to fence within the drip line, such

	<p>fencing must be specified by a qualified arborist;</p> <ul style="list-style-type: none"> ◦ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; ◦ Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and ◦ Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100 percent of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
(4) Grading	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas

	except where the landscape area is a water quality facility.
(5) Irrigation	<ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system • Exceptions: <ul style="list-style-type: none"> ◦ Irrigation requirement does not apply to duplexes and townhouses.
(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

Section 37. TDC 73C.010 (Off-Street Parking and Loading Applicability and General Requirements) is amended to read as follows:

TDC 73C.010. - Off-Street Parking and Loading Applicability and General Requirements.

(1) *Applicability.* Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:

- (a) Establishment of a new structure or use;
- (b) Change in use; or
- (c) Change in use of an existing structure.

(2) *General Requirements.* Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.

- (a) The following apply to property and/or use with respect to the provisions of TDC 73C.100:

- (i) The requirements apply to both the existing structure and use, and enlarging a structure or use;
- (ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;
- (iii) Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;
- (iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;
- (v) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;
- (vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;
- (vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;
- (viii) Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;
- (ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;
- (x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; ~~and~~

(xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage;

(xii) Where uses are mixed in a single building, parking must be a blend of the ratio required less ten (10) percent for the minimum number of spaces. The maximum number of spaces must be ten (10) percent less than the total permitted maximum for each use; and

(xiii) If the applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.

Section 38. TDC 73C.020 (Parking Lot Design Standards) is amended to read as follows:

TDC 73C.020. - Parking Lot Design Standards.

A parking lot, whether an accessory or principal use, intended for the parking of automobiles or trucks, must comply with the following:

(1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;

(a) Exception: Parking structures and underground parking where stall length and width requirements for a standard size stall must be reduced by .5 feet and vehicular access at the entrance if gated must be a minimum of 18 feet in width.

(2) Parking ~~lots and parking areas~~ lot drive aisles must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel is not an acceptable material;

(3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. ~~but not~~ Gravel or woody material are not an acceptable materials. Pavers, pervious concrete, or grasscrete ~~Pervious surfaces,~~ are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;

(4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;

(5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.

(6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;

(7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;

(8) Groups of more than four parking spaces must be 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;

(9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;

(10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;

(11) Artificial lighting, must be deflected to not shine or create direct glare on adjacent properties in a residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;

(12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and

(13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.

Section 39. TDC 73C.100 (Off-Street Parking Minimum/Maximum Requirements) are amended to read as follows:

TDC 73C.100. Off-Street Parking Minimum/Maximum Requirements.

(1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC 73C.110.

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(a) Residential Uses				

<p>(i) Detached single-family dwelling, residential home, residential facilities (located in low density (RL) zones) Townhouse and Duplexes</p>	<p>2.00 vehicle parking spaces per dwelling unit, residential home or residential facility in addition to a garage. (stalls or spaces within a residential garage not included, except as approved in Architectural Review).</p>	<p>None</p>	<p>None Required</p>	<p>N/A</p>
<p><u>(ii) Duplexes</u></p>	<p><u>1.00 vehicle parking space per dwelling unit</u></p>	<p><u>None</u></p>	<p><u>None Required</u></p>	
<p><u>(iii) Townhouses</u></p>	<p><u>1.00 vehicle parking space per dwelling unit</u></p>	<p><u>None</u></p>	<p><u>None Required</u></p>	
<p><u>(iv) Triplexes and (v) Quadplexes</u></p>	<p><u>1.00 space in total for lots less than 3,000 SF.</u> <u>2.00 spaces in total for lots greater than or equal to 3,000 SF and less than 5,000 SF.</u> <u>3.00 spaces in total for lots greater than 5,000 SF and less than 7,000 SF.</u></p>	<p><u>None</u></p>	<p><u>None Required</u></p>	

	<u>4.00 spaces in total for lots equal to or greater than 7,000 SF.</u>			
<u>(vi) Cottage Clusters</u>	<u>1.00 space per dwelling unit in a Cottage Cluster. Spaces may be provided for individual cottages or in shared parking clusters.</u>	<u>None</u>	<u>None Required</u>	
<u>(vii) (ii) Multi-family dwellings in subdivisions</u>	<u>1.50 spaces per unit, in addition to garage</u>	<u>None</u>	Developments with <u>five</u> four or more units; none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit	100
<u>(viii) (iii) Multi-family dwellings in complexes with private internal driveways</u>	<u>1.0 space/studio, 1.25 space/1 bedroom, 1.50 space/2 bedrooms, 1.75 space/3 bedrooms in addition to garage</u>	<u>None</u>	Developments with <u>five</u> four or more units; none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit	100
<u>(ix) (iv) Retirement housing facility</u>	<u>1.00 space per dwelling unit</u>	<u>None</u>	<u>0.50 space per unit</u>	<u>50</u>

(x)(v) Boarding house, lodging	1.00 space per guest house accommodation	None	0.25 space per guest house accommodation	50
(xi)(vi) Congregate care, assisted living and residential care facilities	0.50 space per dwelling unit	None	2, or 0.20 spaces per dwelling unit, whichever is greater	50
(xii)(vii) Residential facilities (located in other than low density residential zones)	1.00 space per three beds, plus 1.00 space per employee	None	2, or 1.00 space for every six beds, whichever is greater	50
(xiii)(viii) Dwelling units within the Central Design District except as specified in (d), (e), and (f) above	1.50 space per dwelling unit, including garage	None	<u>Multi-family residential developments with five four or more units; none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit</u>	100
(b) Institutions				
(i) Convalescent home, nursing home or sanitarium	1.00 space per 2 beds for patients or residents	None	2, or 1.00 space for every six beds, whichever is greater	50
(ii) Hospital	1.00 space per 500 square feet of gross floor area	None	1 space per 1,000 gross square feet	First ten spaces or 40 percent

				whichever is greater
(c) Places of Public Assembly				
(i) Library, reading room	1.00 space per 400 square feet of public area	None	2, or 1.5 spaces per 1,000 gross square feet, whichever is greater	10
(ii) Nursery, primary, elementary or middle school, child day care center	2.00 spaces per employee	None	4, or 1.00 space per five students based on the design capacity of the facility, whichever is greater	75
(iii) Senior high school	0.2 spaces per student and staff	Zone A and Zone B: 0.3 spaces per student plus 1.00 space per staff	4, or 1.00 space per five students based on the design capacity of the facility, whichever is greater	25
(iv) Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length	Zone A: 0.6 spaces per seat Zone B: 0.5 spaces per seat	1.0 space per 40 seats or 80 feet of bench length	35
(d) Commercial Amusements				
(i) Theater	1.00 space per four seats	Zone A: 0.4 spaces per seat Zone B: 0.5 spaces per seat	1.0 space per 30 seats	10
(ii) Bowling alley	5.00 spaces per lane	None	4 <u>spaces</u> ; or 0.50 spaces	40

			per lane, whichever is greater	
(iii) Dance hall, skating rink	4.3 spaces per 1,000 square feet of gross floor area	Zone A: 5.4 spaces per 1,000 square feet of gross floor area Zone B: 6.5 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 square feet of floor area	50
(iv) Racquet court, health club	1.00 space per 1,000 square feet of gross floor area	Zone A: 1.3 spaces per 1,000 square feet of gross floor area Zone B: 1.5 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 square feet of exercise area	50
(e) Commercial				
(i) Retail shops (under 100,000 square feet of gross floor area)	4.00 spaces per 1,000 square feet of gross floor area	Zone A: 5.1 spaces per 1,000 square feet of gross floor area Zone B: 6.2 spaces per 1,000 square feet of gross floor area	0.50 space per 1,000 square feet of gross floor area	50
(ii) Retail store handling exclusively bulky merchandise such as	1.00 space per 400 square feet of sales floor area	Zone A: 5.1 spaces per 1,000 square feet of gross floor area Zone B: 6.2	2 <u>spaces</u> ; or 0.20 space per 1,000 square feet of sales floor area,	50

furniture or automobiles and service or repair shops		spaces per 1,000 square feet of gross floor area	whichever is greater	
(iii) Shopping center (over 100,000 square feet of gross floor area)	4.1 spaces per 1,000 square feet of gross floor area	Zone A: 5.1 spaces per 1,000 square feet of gross floor area Zone B: 6.2 spaces per 1,000 square feet of gross floor area	0.50 space per 1,000 square feet of gross floor area	50
(iv) Banks/Savings and loans	4.30 spaces per 1,000 square feet of gross floor area	Zone A: 5.4 spaces per 1,000 square feet of gross floor area Zone B: 6.5 spaces per 1,000 square feet of gross floor area	<u>2 spaces</u> ; or 0.33 spaces per 1,000 square feet, whichever is greater	10
(v) Medical & dental offices	3.90 spaces per 1,000 square feet of gross floor area	Zone A: 4.9 spaces per 1,000 square feet of gross floor area Zone B: 5.9 spaces per 1,000 square feet of gross floor area	<u>2 spaces</u> ; or 0.33 spaces per 1,000 gross square feet, whichever is greater	First ten spaces or 40 percent, whichever is greater
(vi) General office	2.70 spaces per 1,000 square feet of gross floor area	Zone A: 3.4 spaces per 1,000 square feet of gross floor area Zone B: 4.1	<u>2 spaces</u> ; or 0.50 spaces per 1,000 gross square feet, whichever is greater	First ten spaces or 40 percent, whichever is greater

		spaces per 1,000 square feet of gross floor area		
(viii) <u>(vii)</u> Restaurant	10.00 spaces per 1,000 square feet of gross floor area	Zone A: 19.1 spaces per 1,000 square feet of gross floor area Zone B: 23.0 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 gross square feet	25
(ix) <u>(viii)</u> Drive-up restaurant	9.90 spaces per 1,000 square feet of gross floor area	Zone A: 12.4 spaces per 1,000 square feet of gross floor area Zone B: 14.9 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 gross sq. feet	25
(x) <u>(ix)</u> Motel	1.00 space per room	None	0.20 space per room	10
(xi) <u>(x)</u> Mortuary	1.00 space per four seats or an eight feet of bench length in chapels	None	1.0 space per 40 seats or 80 feet of bench length	10
(xii) <u>(xi)</u> Office furniture and office furniture sales	1.00 space per 550 gross square feet	None	2 <u>spaces</u> ; or 0.20 space per 1,000 square feet of sales floor area, whichever is greater	10
(xiii) <u>(xii)</u> Park and ride lots	None	None	5 percent of auto spaces	100

(xiv) (xiii) Major transit stops (not Park and Ride lots)	None	None	4	100
(xv) (xiv) Wireless communication facility	1.0 space	None	N/A	N/A
(f) Industrial				
(i) Manufacturing	1.60 spaces per 1,000 square feet of gross floor area	None	2 <u>spaces</u> ; or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(ii) Warehousing	0.30 spaces per 1,000 square feet of gross floor area	Zone A: 0.4 spaces per 1,000 square feet of gross floor area Zone B: 0.5 spaces per 1,000 square feet of gross floor area	2 <u>spaces</u> ; or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(iii) Wholesale establishment	3.00 spaces per 1,000 square feet of gross floor area	None	2 <u>spaces</u> ; or 0.50 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(g) Exempt Uses				
(i) Parking Structures	Exempt	Exempt	Exempt	Exempt
(ii) Fleet Parking	Exempt	Exempt	Exempt	Exempt
(iii) Parking for vehicles for sale, lease, or rent	Exempt	Exempt	Exempt	Exempt

(iv) Car/Vanpool Parking	Exempt	Exempt	Exempt	Exempt
(v) Dedicated Valet Parking	Exempt	Exempt	Exempt	Exempt
(vi) User-Paid Parking	Exempt	Exempt	Exempt	Exempt

(2) In addition to the general parking requirements in subsection (1), the following are the minimum number of off-street vanpool and carpool parking for commercial, institutional, and industrial uses.

Number of Required Parking Spaces	Number of Vanpool or Carpool Spaces
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

Section 40. TDC 73C.130 (Parking Lot Driveway and Walkway Minimum Requirements) is amended to read as follows:

TDC 73C.130. Parking Lot Driveway and Walkway Minimum Requirements.

Parking lot driveways and walkways must comply with the following requirements:

(1) *Residential Use.* Minimum requirements for residential uses:

(a) Ingress and egress for single-family residential uses and duplexes, including ~~townhouses, and duplexes~~ must be paved to a minimum width of ten feet. Maximum driveway widths must not exceed 26 feet for one and two car garages, and 37 feet for three or more car garages. For the purposes of this section, driveway widths must be measured at the right-of-way line.

(b) Parking lots driveways and walkways for townhouses, triplexes, quadplexes, and cottage clusters must be provided consistent with the provisions of Chapter 73A.

(c)(b) Ingress and egress for multi-family residential uses must not be less than the following:

Dwelling Units	Minimum Number Required	Minimum Width	Walkways, etc.
2	4	16 feet	No walkways or curbs required

53-19	1	24 feet	No walkways or curbs required
20-49	1 or 2	24 feet 16 feet (one way)	6-foot walkway, 1 side only; curbs required
50-499	1 or 2	32 feet 24 feet	6-foot walkway, 1 side only; curbs required
Over 500	As required by City Manager	As required by City Manager	As required by City Manager

(2) *Commercial Uses.* Ingress and egress for commercial and institutional uses must not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, etc.
1-99	1	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

(3) *Industrial Use.* Ingress and egress for industrial uses must not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, etc.
1-250	1	36 feet for first 50' from ROW, 24 feet thereafter	No curbs or walkway required
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

(4) *Institutional Uses.* Ingress and egress must not be less than 24 feet. In all other cases, ingress and egress for institutional uses must not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, etc.
1-99	1	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

(5) *One-way Ingress or Egress.* When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements. However, the hard surfaced pavement of one-way drives must not be less than 16 feet for multi-family residential developments (as defined in TDC 31.060), commercial, or industrial uses.

(6) *Maximum Driveway Widths and Other Requirements.*

(a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.

(b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC 73C.040.

(c) The provisions of subsection (b) do not apply to townhouses, ~~and duplexes, triplexes, quadplexes, and cottage clusters~~ which are allowed to construct driveways within five feet of adjacent property lines.

(d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

(e) Must comply with the distance requirements for access as provided in TDC 75.

(f) Must comply with vision clearance requirements in TDC 75.

Section 41. TDC 73C.200 (Parking Lot Landscaping Standards Purpose and Applicability) is amended to read as follows:

TDC 73C.200. - Parking Lot Landscaping Standards Purpose and Applicability.

(1) *Purpose.* The goals of the off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns, reduce the total number of spaces, reduce the impervious surface area and stormwater runoff, and enhance the visual environment. The design of the off-street parking area must be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics.

(2) *Applicability.* Off-street parking lot landscaping standards apply to any surface vehicle parking or circulation area. The following standards do not apply to the following residential development: single family detached or attached; duplexes; townhouses; triplexes; quadplexes; or cottage clusters.

Section 42. TDC 73C.210 (Common Wall Parking Lot Landscaping Requirements) is amended to read as follows:

TDC 73C.210. - ~~Common Wall~~ Multi-Family Parking Lot Landscaping Requirements.

~~Common wall~~ Multi-family residential uses (as defined in TDC 31.060) must comply with the following landscaping requirements for parking lots in all zones:

- (1) *General.* Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.
- (2) *Clear Zone.* Clear zone must be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of eight feet as measured from the ground level.

(a) Exceptions: does not apply to parking structures and underground parking.

(3) *Setback.* Minimum 10-foot landscape setback must be provided between the property lines and parking areas and must comply with the following:

(a) Must be planted with deciduous trees an average of not more than 30 feet on center and shrubs at least 30 inches in height which provide screening of vehicular headlights; and

(b) Native trees and shrubs are encouraged.

~~(c) Exceptions: Minimum 10-foot landscape setback does not apply to Duplexes and Townhouses.~~

(4) *Perimeter.* Minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following:

(a) Deciduous trees located not more than 30 feet apart on average as measured on center;

(b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;

(c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;

(d) Native trees and shrubs are encouraged; and

(e) Exceptions:

(i) Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.

(ii) Minimum of ten feet in width for all conditional uses in residential zones. However perimeter landscaping does not apply to small lot subdivisions.

(5) *Transition*. Minimum 10-foot landscaped transition area between parking and vehicle circulation areas and buildings and shared outdoor areas and must comply with the following:

(a) Deciduous shade trees located at not less than 30 feet on center must be located in this transition area;

(b) Groundcover plants mixed with low shrubs must completely cover the remainder of this area within three years;

(c) Native trees and shrubs are encouraged; and

(d) Exceptions: Minimum 10-foot landscaped transition area does not apply to Duplexes and Townhouses.

(6) *Landscape Island*. Minimum 25 square feet per parking stall must be improved with landscape island areas and must comply with the following:

(a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;

(b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;

(c) Landscape separation required for every eight continuous spaces in a row;

(d) Must be planted with one deciduous shade trees for every four parking spaces. Required trees must be evenly dispersed throughout the parking lot;

(e) Must be planted with groundcover or shrubs;

(f) Native plant materials are encouraged;

(g) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);

(h) Required plant material in landscape islands must achieve 90 percent coverage within three years; and

(i) Exceptions:

(i) Landscape island requirements do not apply to Duplexes and Townhouses; and

(ii) Landscape square footage requirements do not apply to parking structures and underground parking.

Section 43. TDC 75.040 (Driveway Approach Requirements) and Table 75-1 are amended to read as follows:

TDC 75.040. Driveway Approach Requirements.

(1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this Code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this Code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.

(3) *Joint and Cross Access.*

(a) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.

(b) A system of joint use driveways and cross access easements may be required and may incorporate the following:

(i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

(ii) A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

(iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and

(iv) An unified access and circulation system plan for coordinated or shared parking areas.

(c) Pursuant to this section, property owners may be required to:

(i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

(ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and

(iv) If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.

(4) Requirements for Development on Less than the Entire Site.

(a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the

maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

(b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

(5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.

(6) Except as provided in TDC 53.100, all driveway approaches must connect directly with public streets.

(7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.

(8) The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.

(9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):

**TABLE 75-1
Driveway Approach Width**

Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Single-Family Residential, <u>Duplexes, Triplexes, Quadplexes, Townhomes,</u>	10 feet	26 feet for one or two care garages

<u>Cottage Clusters</u> townhouses, and duplexes		37 feet for three or more garages
Multi-family	2 Units = 16 feet 35 -49 Units = 24 feet 50-499 = 32 feet Over 500 = as required by the City Manager	May provide two 16 foot one-way driveways instead of one 24-foot driveway May provide two 24-foot one-way driveways instead of one 32-foot driveway
Commercial	1-99 Parking Spaces = 32 feet 100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Industrial	36 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Institutional	1-99 Parking Spaces = 32 feet 100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet

(10) *Driveway Approach Separation.* There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

(11) *Distance between Driveways and Intersections.* Except for single-family dwellings, duplexes, townhouses, triplexes, quadplexes, and cottage clusters, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.

(a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.

(b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.

(c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.

(d) When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.

(12) *Vision Clearance Area.*

(a) *Local Streets.* A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

(b) *Collector Streets.* A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 73-2 for illustration).

(c) *Vertical Height Restriction.* Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

Section 44. Findings. The Council adopts the Findings as set forth in Exhibit 1, which are attached and incorporated by reference.

Section 45. Corrections. Consistent with Tualatin Municipal Code Chapter 1-1, the City Attorney is authorized to renumber any and all existing figures to correspond to the updated Chapters, and correct any errors.

Section 46. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance will remain in full force and effect.

Section 47. Effective Date. As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption

ADOPTED by the City Council this ____ day of _____, _____.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder