

Middle Housing Code – Draft Tualatin Development Code Text

Additions are designated in **bold underline**, deletions are designated in ~~strikethrough~~.

All references are to the Tualatin Development Code (e.g. TDC 35 or Chapter 35).

[...] have been used to identify sections of code that have not been modified are not included for the sake of brevity. The full TDC can be found at:

<https://www.tualatinoregon.gov/planning/comprehensive-plan-development-code>

CHAPTER 31 - GENERAL PROVISIONS

TDC 31.060. - Definitions.

As used in this Code, the masculine includes the feminine and the neuter, and the singular includes the plural. For the purposes of the TDC, the following words and phrases, unless the context otherwise requires, mean:

[...]

Building Footprint. The horizontal area measured from outside of all exterior walls and supporting columns. The following are not included in the building footprint: 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.

Building Line. A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site.

[...]

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

[...]

Cottage. An individual dwelling unit with a building footprint of not more 899 square feet in size that is part of and subject to the requirements of a Cottage Cluster.

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. The total floor area of a building, both above and below ground with a clear ceiling height of at least seven feet. Floor area is measured from the interior walls of a building or structure and does not include the following:

- (1) ~~Roof area;~~
- (2) ~~Rooftop mechanical equipment;~~
- (3) ~~Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter; and~~
- (4) ~~Vents, shafts, courtyards, stairwells, elevator shafts, rooms designed and used for the purpose of storage and operations of maintenance equipment and enclosed or covered parking areas.~~

Floor Area. The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area does not include the following:

- (1) **Stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking;**
- (2) **Areas where the elevation of the floor is 4 feet or more below the adjacent right-of-way;**
- (3) **Roof area, including roof top parking;**
- (4) **Roof top mechanical equipment; and**
- (5) **Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.**

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. ~~See Lot Line, Front.~~ **The portion of a lot or parcel that abuts a street.**

[...]

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. Lot or parcel are used interchangeably in the Tualatin Development Code to refer to a **legally established unit of land.** **Lot of Record. See also Parcel.**

[...]

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.~~ **Front lot line is a lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the**

front lot line. However, on a through lot, the applicant or property owner can choose which lot line is to be the front lot line and which lot line is to be the rear lot line, regardless of whether the street lot lines are of equal or unequal length. On a flag lot, the applicant or property owner can choose which lot line is to be the front lot line, so long as it is one of the lot lines that makes up the flag portion of the lot, and the rear lot line is the property line most distant from, and opposite from, the chosen 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, a line ten feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street is considered a rear lot line.

The property line most distant from, and opposite from, the front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

Side Lot Line. Any lot line not a front or rear lot line. **A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line.**

Street Lot Line. A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines.

[...]

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.**

[...]

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, garden apartments, and triplex.

~~*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.

[...]

~~*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.**~~

~~*Townhouse project.* **One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.**~~

~~**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.**

[...]

CHAPTER 32 - PROCEDURES

TDC 32.010. - Purpose and Applicability.

[...]

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
[...]						
Architectural Review						
<ul style="list-style-type: none"> Architectural Review (except as specified below) (limited land use) 	II	CM	ARB/CC	Yes	Yes	TDC 33.020
<ul style="list-style-type: none"> 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
<ul style="list-style-type: none"> Commercial Buildings 50,000 square feet and larger Industrial Buildings 150,000 square feet and larger Multifamily 	III	ARB	CC	Yes	Yes	TDC 33.020

Housing Projects 100 units and above (or any number of units 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
[...]						
• Minor variance for existing single family residence <u>for permitted housing types in the RL and RML zones.</u>	II	CM	CC	Yes	No	TDC 33.120
[...]						

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

[...]

CHAPTER 33 - APPLICATIONS AND APPROVAL CRITERIA

[...]

TDC 33.020. - Architectural Review.

[...]

- (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 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 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.**
 - ~~(e)~~(b) *Accessory Dwelling Unit.* Development applications submitted for an accessory dwelling unit in compliance with the Clear and Objective Standards in TDC 34.600(Accessory Dwelling Units Standards) are subject to Type I review.
 - ~~(f)~~(c) *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.
 - ~~(g)~~(d) *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).
 - ~~(h)~~(e) *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 photographic representation of example building façade, windows and 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, Duplex, Clear and Objective.*** Applications for Single Family Dwelling or Duplex, Clear and Objective, must comply with the standards in TDC 73A.110 through 130.
 - (ii) *Townhouse. Applications for a Townhouse, Clear and Objective, must comply with the standards in TDC 73A.110 through 130.***
 - (iii) *Triplex and Quadplex. Applications for a Triplex or Quadplex, Clear and Objective, must comply with the standards in TDC 73A.110 through 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.***
 - ~~(c)(b)~~ ***General Development approval criteria.***
 - ~~(i)~~ ~~Applications for General Single Family Dwellings (not clear and objective), must comply with TDC 73A.140.~~
 - (i)(ii)** Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

~~(d)(e)~~ *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;~~

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

(iii) **Implement** ~~Further the implementation 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 **1,000**200 square feet maximum.

[...]

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 on an arterial right-of-way where no other land use case is under review, 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.

[...]

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 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:~~
- (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.

[...]

CHAPTER 34 - SPECIAL REGULATIONS

Home Occupations

Microwave Receiving Dishes

Automobile Service Station Spacing Requirements

Congregate Care and Retirement Housing Facilities

Manufactured Dwelling Parks

Accessory Dwelling Units

Religious Uses

HOME OCCUPATIONS

[...]

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.

[...]

ACCESSORY DWELLING UNITS

[MOVED TO CHAPTER 72A]

[...]

CHAPTER 36 - SUBDIVIDING, PARTITIONS, AND PROPERTY LINE ADJUSTMENTS

[...]

TDC 36.100. - Property Line Adjustments.

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

TDC 36.110. - Tentative Partition Plan.

[...]

- (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 Chapters 74 and 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.~~

[...]

TDC 36.120. - Tentative Subdivision Plan.

[...]

- (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 Chapters 74 and 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.~~
- (e)(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 **consistent with the requirements of Chapters 73A, 73C, and 74 and the TSP.** .
- (f)(g)** The Tentative Subdivision Plan and associated public improvements are designed ~~mitigates impacts to the transportation system~~ consistent with ~~the approved~~ Traffic Impact Analysis **that meets the requirements of Chapters 74 and 75 and the Tualatin Transportation System Plan,** where applicable.
- ~~(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.~~

[...]

TDC 36.130. - Phased Tentative Subdivision Plan.

[...]

- (4) *Approval Criteria.* A Phased Tentative Subdivision Plan must be approved if all of the following criteria are met:
 - (a) The Phased Tentative Subdivision Plan meets all of the criteria for Tentative Subdivision Plan approval in TDC 36.110 (Tentative Subdivision);
 - ~~(b) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases;~~
 - (b)(c)** Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements; and
 - (c)(d)** Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

[...]

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

(1) Conditional Use Permit Required. Purpose. 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.

~~(a) A conditional use permit is required before lots smaller than 6,500 square feet are permitted in RL and RML zones. An applicant must comply with the provisions of TDC [33.040](#) (Condition Use Permit).~~ **RL District. Provided that the overall density of the subdivision does not exceed the allowable density of the district, the minimum lot size may be reduced to 5,000 square feet, except that:**

- (i) A flexible lot subdivision of 10 or more lots shall dedicate a minimum of 5% of gross site area on the plat as open space. Stormwater and drainage facilities are not counted toward percentage of open space requirement**

~~(b) In addition to the submittal requirements for a Conditional Use Permit in TDC [33.040](#), a Tree Survey is required. The purpose of the tree survey is to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions.~~ **RML District. Provided that the overall density of the subdivision does not exceed the allowable density of the district, and subject to all other requirements of the district, except as provided below, the minimum lot size for Detached Single Family Dwellings, Duplexes, Triplexes, and Quadplexes may be reduced to 3,000 square feet, subject to the following requirements:**

- (i) The site is a minimum of 1 acre;**
- (ii) 5% of gross site area shall be dedicated on the plat as open space. Proposed open space shall be for tree preservation and/or active and passive open space. Stormwater and drainage facilities are not counted toward percentage of open space requirement;**
- (iii) A minimum of 20% of the dwelling units in the small lot subdivision must include Townhomes, Duplexes, Triplexes, or Quadplexes; and**
- (iv) A phasing plan for the timing of construction is allowed provided 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 attached housing types (i.e., non-single-family dwellings).**

~~(2) Small Lot Standards. In addition to the general subdivision requirement in TDC [36.120](#), a subdivision that includes the small lots must also meet the following standards:~~

~~(a) RL Zone. In the RL zone, small lot subdivisions must comply with the following:~~

- ~~(i) Small lots must be no less than 5,000 and no more than 6,499 square feet;~~
- ~~(ii) Maximum building coverage for lots between 5,000 and 6,499 square feet must be 45 percent and for lots greater than 6,499 square feet must be 35 percent;~~
- ~~(iii) Minimum lot width must be at least 30 feet. Lots that have frontage on a public street must have a minimum lot width of 50 feet or 30 feet for lots on a cul-de-sac bulb. For flag lots, the minimum lot width at the street must be sufficient to comply with at least the minimum access requirements contained in TDC [73C](#);~~

- ~~(iv) The minimum number of lots for the entire subdivision is 10;~~
- ~~(v) The small lots must be part of a subdivision that contains lots of at least 7,000 square feet that are necessitated by trees, steep terrain or other topographic constraints. The number of small lots cannot exceed 35 percent of the total number of lots in the subdivision;~~
- ~~(vi) When a small lot abuts an existing lot or is across from a lot on a local street of a City-approved and recorded subdivision or partition, the small lot must be no more than 500 square feet smaller than the size of the abutting lot or lot across the street. For purposes of this subsection, a small lot is directly across the street if one or more of its lot lines—when extended in a straight line across the local street—intersect the property line of the lot across the street;~~
- ~~(vii) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase; and~~
- ~~(viii) When a tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition, the small lot must be separated from the existing lot by at least 50 feet.~~
- ~~(b) RML Zone. In the RML zone, small lot subdivisions must comply with the following:~~
 - ~~(i) Small lots must be no less than 4,500 square feet;~~
 - ~~(ii) Maximum building coverage must not exceed 45 percent;~~
 - ~~(iii) Minimum lot width must be at least 30 feet. Lots that have frontage on a public street must have a minimum lot width of 50 feet or 30 feet for lots on a cul-de-sac bulb. For flag lots, the minimum lot width at the street must be sufficient to comply with at least the minimum access requirements contained in TDC [73C](#);~~
 - ~~(iv) Front yard setback must be a minimum of 20 feet to the garage and 12 feet to the house;~~
 - ~~(v) Side yard setback must be a minimum of five feet;~~
 - ~~(vi) On corner lots, the setback for yards adjacent to streets must be a minimum of 20 feet to the garage and 12 feet to the house in the yard where a driveway provides access to a street other than an alley and must be a minimum of 12 feet in the yard where no driveway access exists; and~~
 - ~~(vii) Rear yard setback must be a minimum of 15 feet.~~

[...]

CHAPTER 39 - USES

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.
- [...]

CHAPTER 40 - LOW DENSITY RESIDENTIAL ZONE (RL)

[...]

**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>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>
Multi-Family Structure	C	See TDC definition in 31.060.
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

TDC 40.300. - Development Standards.

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 as provided in TDC 36.410 and for greenway and natural area dedications as provided in TDC 36.420.

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

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Single-Family Dwelling	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		
<u>All Permitted Uses</u>	=	<u>Permitted uses in the RL District may be established on a Lot of Record that was established prior to January 1, 2022, provided Minimum Setbacks, Maximum Lot Coverage, Maximum Structure Height, and Maximum FAR can be met.</u>
Single-Family Dwelling	Average of 6,500 square feet	May be reduced for <u>Flexible Small 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 LOT FRONTAGE		
<u>Townhouse</u>	<u>20 feet</u>	
MINIMUM SETBACKS		
<u>Single-Family Dwelling, Duplexes, Townhouses, Triplexes, and Quadplexes</u>		
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	
<u>Other Development Types</u>		

<u>Cottage Cluster</u>	<u>10 feet on all sides</u>	<u>Minimum distance of 10 feet between units in a cottage cluster.</u>
[...]		
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet <u>through Type II Architectural Review</u> with a conditional use permit, 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 RATIO (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>	

[...]

TDC 40.320. - Additional Development Standards.

(1) **Flexible Small 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 **flexible small lot subdivision**. See TDC [36.410](#).

[...]

CHAPTER 41 - MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

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.

This district supports 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.

[...]

**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 flexible small lot subdivision, with conditional use permit , 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.
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 <u>(5 or more units)</u>	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.

TDC 41.300. - Development Standards.

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.

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

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses Single Family Dwellings	10 units per acre	
Duplex	None	
Townhouse	25 units per acre	
Triplex	None	
Quadplex	None	
Cottage Cluster	None	Minimum density of 4 units per acre.
Multi-Family (5 or more units)	10 units per acre	
Manufactured Dwelling Parks	12 units per acre	Limited to single-wide dwelling parks or any part of a single-wide dwelling park.
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 TDC 36.410
Duplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Townhouse (or Rowhouse)	1,400 square feet	
Triplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Quadplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Cottage Cluster	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
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		
<u>Single Family Detached</u>	<u>26 feet</u>	<u>Only allowed for Flexible Lot Subdivisions, subject to TDC 36.410.</u>
Townhouse (or Rowhouse)	14 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. May be reduced to 26 feet for Flexible Lot Subdivisions, subject to 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>Multi-family (5 or more units), Conditional Uses, and Other Permitted Uses Not Listed Below</u>	<u>Variable by structure height; see Table 41-3a below</u>	
<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>	
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	10 feet on all sides	Minimum distance of 10 feet between units in a cottage cluster.
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. <u>No minimum setback must be, no</u> greater than 50 feet
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 <u>equal to or greater</u> 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	60%	
Townhouse (or Rowhouse)	90% 75%	
Triplex	60%	
Quadplex	60%	

Cottage Cluster	75%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

Table 41-3a
Height-Based Setbacks for Multi-Family Developments with Five or More Units, Conditional Uses, and Other Permitted Uses Not Specified in Table 41-3

Number of Stories on Structure	Front Setback	Side Setback
<12 feet	20 feet	5 feet
12-<25 feet	25 feet	
25- <30 feet	30 feet	
30+ feet	35 feet	

TDC 41.330. — Development Standards for Single Family Dwellings in a Small Lot Subdivision for Certain Basalt Creek Area Properties.

This section applies only to small lot subdivisions, with a conditional use permit as provided in TDC 36.410(1), in RML zoned properties located south of Norwood Road and east of Boones Ferry Road (Basalt Creek Area). Development standards for Single Family Dwellings in a small lot subdivision, with conditional use permit are listed in Table 41-4. Additional conditions may be placed on the small lot subdivision through the conditional use process. The small lot subdivision standards in TDC 36.410(2) do not apply to small lot subdivisions subject to this section.

Table 41-4
Development Standards in the RML Zone subject to TDC 41.330

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Single Family Dwelling	10 units per acre	<ul style="list-style-type: none"> • Limited subject to the requirement that a minimum of 20% of the dwelling units in the small lot subdivision must include attached housing types, as provided in TDC <u>41.300</u> and Table 41-3. • A phasing plan for the timing of construction will be approved through the small lot subdivision process, with conditional use permit, but provided no more than 70% of the approved Single Family Dwellings may be issued Building Permits prior to the construction and issuance of

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
		Certificates of Occupancy for all approved attached housing types (i.e., non single family dwellings), or as otherwise determined through the conditional use process.
Minimum Open Space		
	5% of gross site acreage	<ul style="list-style-type: none"> ▲ Proposed open space shall be for tree preservation or active and passive open space, as approved through the conditional use process for small lot subdivisions. Stormwater and drainage facilities are not counted toward percentage of open space requirement. ▲ Compliance with this section satisfied TDC <u>36.410(1)(b)</u>.
MINIMUM AVERAGE LOT SIZE		
Single Family Lot	3,000 square feet	
MINIMUM AVERAGE LOT WIDTH		
Single Family Detached Lot	26 feet	Must be sufficient to comply with minimum access requirements of TDC <u>73C</u> .
Single Family Flag Lots		Must be sufficient to comply with minimum access requirements of TDC <u>73C</u> .
MINIMUM SETBACKS		
Single Family Front Setback		
▲ building	10 feet	
▲ garage	20 feet	
Single Family Side Setback	5 feet	

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
Single Family Rear Setback	10 feet	
Single Family Street-side setback	10 feet	
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
Single Family Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1% times the height of the building.
MAXIMUM LOT COVERAGE		
Single Family Detached Lot	55%	

CHAPTER 58 - CENTRAL TUALATIN OVERLAY ZONE

[...]

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"> • Townhouse; • <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.
[...]		

Table 58-4

Modifications to Use Regulations in the CO Zone (Block 1)

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P (L)	Permitted housing types limited to: <ul style="list-style-type: none"> • Townhouse; • <u>Duplexes;</u> • <u>Triplexes;</u> • <u>Quadplexes;</u> • <u>Cottage Clusters;</u> and • Multi-Family Structure and duplex • <u>Residential Home.</u>
[...]		

[...]

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 common wall multi-family dwellings on separate lots, lot areas, widths and frontages are determined through the Architectural Review Process.
Minimum Lot Size outside Core Area Parking District	25,000 square feet	
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	

[...]

[...]

CHAPTER 73A - SITE DESIGN STANDARDS

General Purpose and Objectives of Site and Building Design Standards

Residential Design Standards

~~Common Wall~~ Multi-Family Design Standards

Accessory Dwelling Unit Design Standards

Commercial Design Standards

Industrial Design Standards

Institutional Design Standards

[...]

RESIDENTIAL DESIGN STANDARDS

TDC 73A.100. - ~~Single-Family Residential~~ 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;

~~(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% 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 of dwellings that are separated from a street lot line by another dwelling are exempt from meeting the standards in TDC 73A.110. (1) and (2).

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 Element 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~~ 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.

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.

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.

TDC 73A.140. - Discretionary (Type II) ~~Single-Family~~ Design Standards Applicable to Residential Developments.

~~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 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.

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 an 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.

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

(1) Cottage standards

(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 shall be included in the average floor area calculation for a cottage cluster.

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

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

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

i. Have a main entrance facing the common courtyard;

ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

iii. Be connected to the common courtyard by a pedestrian path.

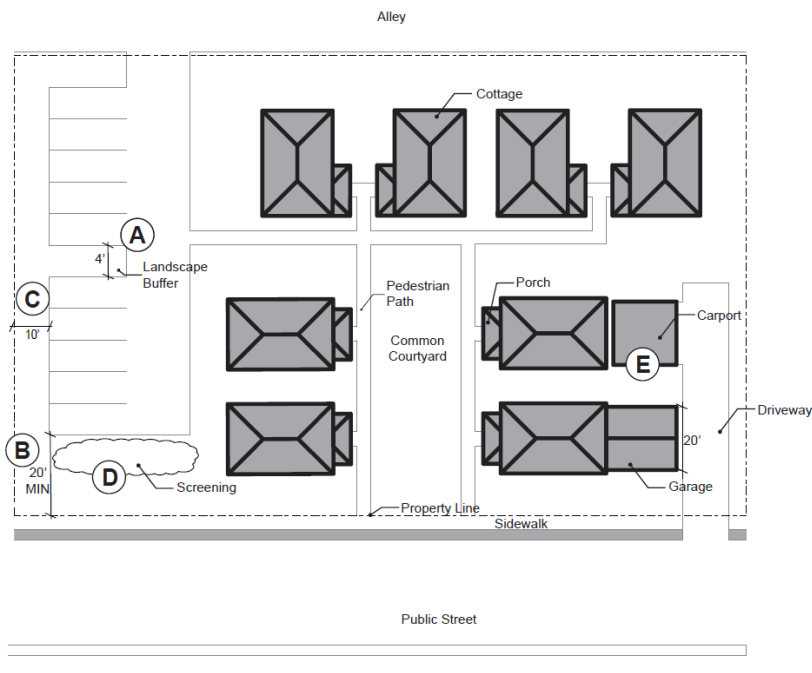
(c) Cottages within 20 feet of a street property line may have their entrances facing the street.

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

(2) **Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community for residents. Common courtyards must meet the following standards (see Figure 1):**

- (a) **The common courtyard must be a single, contiguous piece.**
- (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 per cottage 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 shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.**
- (f) **Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas and driveways do not qualify as part of a common courtyard.**

Figure 1. Cottage Cluster Orientation and Common Courtyard Standards

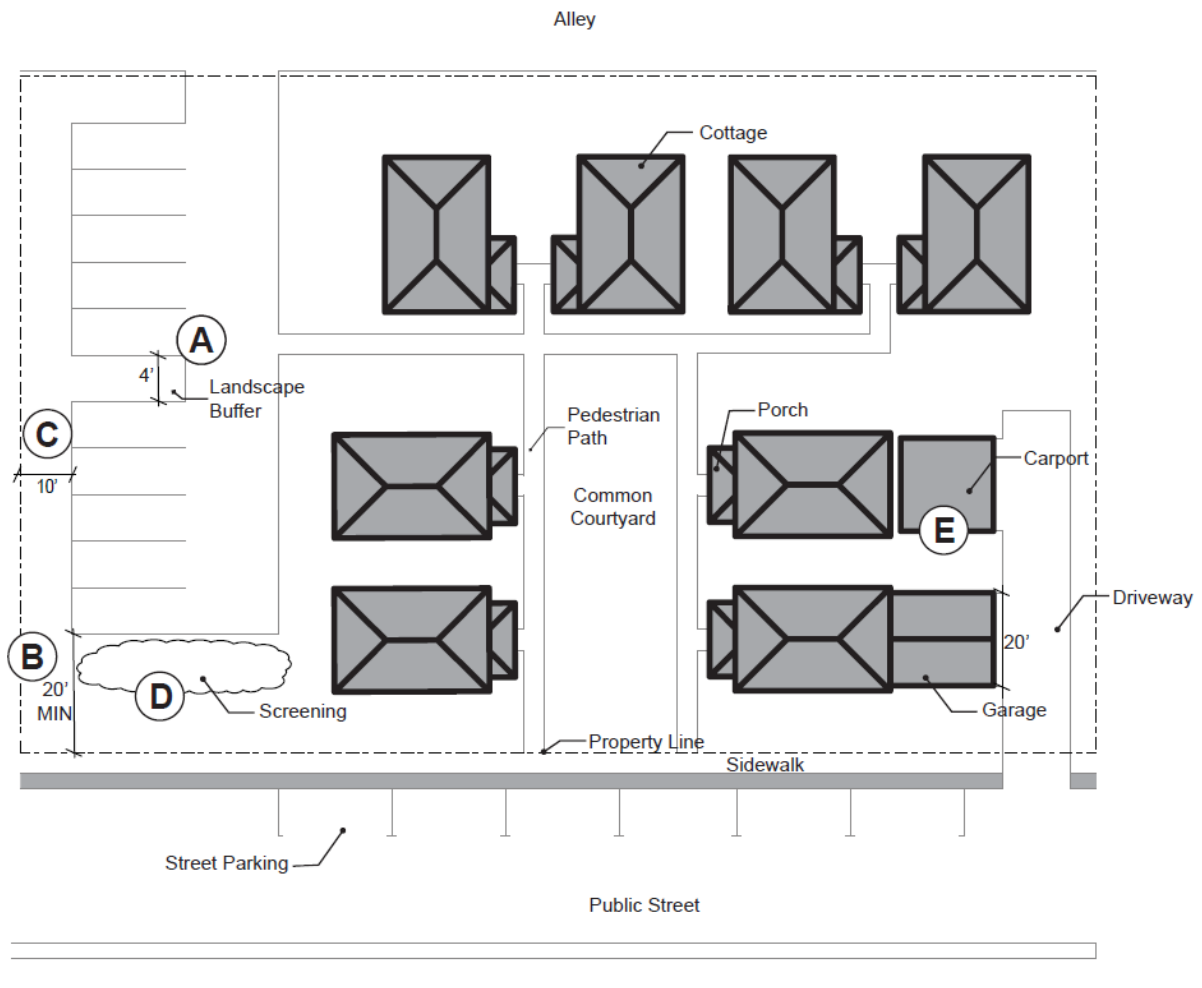


- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles 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.

- (3) 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 shall count towards 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 maximum 899 square foot footprint limitation that applies to cottages, 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.
- (4) 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.
- (5) Windows. Cottages within 20 feet of a street property line must have windows that occupy at least 12% of the wall plane.
- (6) 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 shall not be located:
 - 1. Within 10 feet from any street property line, except alley property lines;
 - 2. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

- (c) Screening. Landscaping, fencing, or walls at least three feet tall shall 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 up to 200 square feet shall be exempted from the calculation of 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.
- (7) Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
- (8) 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 shall 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.

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 the following discretionary standards:

- (1) Special attention should be given to designing the primary building entrance that are 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 façade, 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.**

~~COMMON WALL~~ **MULTI-FAMILY DESIGN STANDARDS**

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;
 - (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;~~
 - (e)(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;

- ~~(f)(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
- (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
- (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
- (i) The children's play area standard does not apply to:
- (ii) Duplexes and townhouses;
- (iii) Fifty-five and older communities; and
- (iv) 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, ~~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.
- [...]
- (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 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 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;~~
 - ~~(c)(d) **Building identification consistent with the Oregon Fire Code must be provided.** 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 ~~P~~pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas must be provided **via accessways**. Elements include, but not limited to:
 - ~~(i) Concrete paths;~~
 - ~~(ii) Raised walkways; and~~
 - ~~(iii) Bark chip trails~~

[...]

ACCESSORY DWELLING UNIT DESIGN STANDARDS

[Moved from Chapter 35]

TDC 73A.300. – Accessory Dwelling Unit Design-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) An accessory dwelling unit must comply with the following standards:
 - (a) An accessory dwelling unit is allowed in:
 - ~~(i) The RL and RML Planning Districts; and~~
 - ~~(ii) In the RML Planning District if part of a Small Lot Subdivision as specified under TDC 36.410;41.020(13);~~
 - (b) **Accessory Dwelling Units are allowed on lots or parcels with one or more primary dwelling unit.** There must be no more than one accessory dwelling unit per lot **or parcel**;
 - (c) An accessory dwelling unit must not exceed a maximum of 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;~~
- ~~(hd) The accessory dwelling unit must be served by the same water meter, **electric meter, and natural gas meter** as the single family dwelling **or duplex, except where other applicable requirements such as building code requirements prohibit it.**~~
- ~~(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;~~
- ~~(me) 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~~
- ~~(nf) An accessory dwelling unit must not be located in front of **front building line of** the primary structure **closest to the front property line.**~~

COMMERCIAL DESIGN STANDARDS

TDC 73A.300. - Commercial Design Standards.

[...]

(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.

[...]

INDUSTRIAL DESIGN STANDARDS 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:

(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.

[...]

INSTITUTIONAL DESIGN STANDARDS

TDC 73A.600. - Institutional Design Standards.

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

[...]

(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.

[...]

CHAPTER 73B - LANDSCAPING STANDARDS

[...]

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 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.~~

[...]

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

The following are minimum standards for landscaping for all zones.

[...]	
(5) Irrigation	<ul style="list-style-type: none">• Landscaped areas must be irrigated with an automatic underground or drip irrigation system• Exceptions:◦ Irrigation requirement does not apply to duplexes and townhouses.
[...]	

[...]

CHAPTER 73C - PARKING STANDARDS

In General

IN GENERAL

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.

[...]

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

(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.

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, **pavers or grasscrete. Gravel is not an acceptable material**~~or pervious concrete;~~
- (3) Parking stalls must be constructed of asphalt, concrete, **pavers or grasscrete. Gravel is not an acceptable material**~~or pervious concrete~~, but not gravel or woody material. **Pavers 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.

[...]

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				
(i) Detached single-family dwelling, residential home, residential facilities (located in low density (RL) zones)	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	None	None Required	N/A

Townhouse and Duplexes	approved in Architectural Review).			
<u>(ii) Duplexes</u>	<u>1.00 vehicle parking space per dwelling unit.</u>	<u>None</u>	<u>None Required</u>	<u>None</u>
<u>(iii) Townhouses</u>	<u>1.00 vehicle parking space per dwelling unit.</u>	<u>None</u>	<u>None Required</u>	<u>None</u>
<u>(iv) Triplexes and (v) Quadplexes</u>	<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> <u>4.00 spaces in total for lots equal to or greater than 7,000 SF.</u>	<u>None</u>	<u>None Required</u>	<u>None</u>
<u>(vi) Cottage Clusters</u>	<u>1.00 space per dwelling unit in a Cottage Cluster.</u> <u>Spaces may be provided for individual cottages or in shared parking clusters.</u>	<u>None</u>	<u>None Required</u>	<u>None</u>
<u>(vii) (ii) Multi-family dwellings in subdivisions</u>	1.50 spaces per unit, in addition to garage	None	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</u>	1.0 space/studio, 1.25 space/1 bedroom, 1.50 space/2 bedroom, 1.75 space/3=	None	Developments with <u>five</u> four or more units; none required if a garage is	100

internal driveways	bedroom in addition to garage		provided as an integral element of a unit; otherwise 1.00 space per unit	
(ix)(iv) Retirement housing facility	1.00 space per dwelling unit	None	0.50 space per unit	50
(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	Multi-family residential developments with five <u>four</u> or more units; none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit	100
[...]				

[...]

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 shall 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	1	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

[...]

- (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 TDC73C.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.

PARKING LOT LANDSCAPING

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.**

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;
 - (b) Native trees and shrubs are encouraged; and
 - ~~(c) Exceptions: Minimum 10-foot landscape setback does not apply to Duplexes and Townhouses.~~

[...]

CHAPTER 75 - ACCESS MANAGEMENT

[...]

TDC 75.020. - Permit for New Driveway Approach.

- (1) *Applicability.* A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach ~~on an arterial right-of-way where no other land use case is under review.~~
- (2) *Exceptions.* A driveway approach permit is not required for:
 - (a) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or
 - (b) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.
- (3) *Procedure Type.* A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).

[...]

~~(9) Driveway approach widths for Townhouses, Triplexes, Quadplexes, and Cottage Clusters shall meet the standards in TDC 73A.~~

(910) 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, townhouses, and duplexes <u>Duplexes, Triplexes, Quadplexes, Townhomes, Cottage Clusters</u>	10 feet <u>Unless approved by the City Manager</u>	26 feet for one or two care garages 37 feet for three or more garages <u>Unless approved by the City Manager</u>
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

[...]

- (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.

[...]