

EXHIBIT 3 - PTA 25-0002 Text Amendment (Formatted)

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CHAPTER 31 GENERAL PROVISIONS

[...]

TDC 31.060. Definitions.

Commentary: Definitions

The following definitions are proposed to be added or revised to support the other proposed code amendments:

- Accessway: Revised to account for the use of accessways in the connectivity standards in TDC 74.410.
- Block Length: New definition based on the *Walkable Design Standards Model Code* specifies how block length is measured, as used in TDC 74.410.
- Drive-Through Facility: The TDC uses both of the terms “drive-up use” and “drive-through facility.” For consistency, the term “drive-through facility” is proposed to be used throughout the code. This change is reflected in multiple sections of the TDC.
- Main Entrance or Main Entry: The current TDC uses this term, but does not define it. New and updated standards for main entry orientation/location are proposed in various sections of Chapter 73A.
- Neighborhood Activity Center: The current TDC uses this term, but does not define it. The land division approval criteria in TDC 36.110 through 36.125 require partitions and subdivisions to provide for *pedestrian, bicycle and transit circulation to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks*. Oregon Administrative Rules (OAR) require pedestrian connections to a variety of “key destinations.” The proposed definition of “neighborhood activity center” includes all the key destinations not already addressed in the TDC’s list.
- Pedestrian Amenity Space: New definition based on the *Walkable Design Standards Model Code*. This term is included as an option to meet the maximum setback and building frontage requirements in various zones.
- Stacking Area: New definition based on the *Walkable Design Standards Model Code*. This term is used in the standards for drive-through facilities in Chapter 73A.

References to the Transportation System Plan (Comprehensive Plan Chapter 8) have also been updated throughout the Code.

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:

[...]

Accessway. A non-vehicular, paved pathway designed for pedestrian and bicycle use. ~~and Accessways may provide mid-block connectivity where such routes are not otherwise provided by the street system. Accessways may also provide~~^{ing} convenient linkages between a development and adjacent residential and commercial properties

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and areas intended for public use, which includes, but is not limited to, schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An accessway is not a sidewalk.

[...]

Block Length. The distance along a public or private street between intersecting public or private streets, as measured from nearest right of way edge to nearest right of way edge along the primary street's right of way edge, including "T" intersections but excluding cul-de-sacs.

[...]

Main Entrance or Main Entry. The entrance to a building that is designed to facilitate ingress and egress for the highest volume of building users. Generally, each building has one main entrance, but if design features do not make it possible to determine which entrance is the main entrance, all entrances providing the same capacity of ingress and egress shall be treated as main entrances.

[...]

Neighborhood Activity Centers. A land use which draws high levels of daily pedestrian usage, and which functions as a destination for pedestrian, bicycle, and transit trips. Examples of neighborhood activity centers include existing or planned parks and recreation facilities, schools, shopping areas, employment centers, theaters, and museums, and other destinations listed in OAR 660-012-0360(2).

[...]

Pedestrian Amenity Space. Publicly accessible space such as plaza, terrace, courtyard, or small park, which is intended for pedestrian use, abuts or is connected to the street, and is provided and maintained by a private party. The amenity space must not be used for vehicle parking or circulation.

[...]

Stacking Area. The space occupied by vehicles queueing on the development site and behind any public sidewalk for a service to be provided at a drive-through facility.

[...]

Transit Stop. A location where regularly scheduled transit service stops (includes but is not limited to bus stop) to load and unload passengers. For purpose of measuring, the transit stop is the location of a sign denoting the transit stop. See also Transit Stop, Major.

Major Transit Stop. Existing and planned light rail stations, commuter rail stations and transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in ~~TDC Chapter 11 (Figure 11-5)~~ **Comprehensive Plan Map 8-5**; and existing stops which have or are planned for frequently scheduled fixed-route service.

[...]

Transportation Facility or Improvement. Any physical facility constructed for the movement of people or goods, excluding electricity, sewage and water systems; the operation, maintenance, repair and preservation activities of existing facilities including, but not limited to, road, bicycle, pedestrian and rail facilities; the installation of improvements including, but not limited to, culverts, fencing, guardrails, landscaping, lighting, medians and pathways within the existing right-of-way; emergency measures necessary for the safety and protection of people and property; acquisition of right-of-way for public roads, highways and other transportation improvements designated in the Transportation System Plan ~~TDC Chapter 11~~ and **Comprehensive Plan Chapter 8, Transportation**; and construction of a street or road as part of an approved subdivision, land partition, architectural review or other land use decision consistent with the TDC.

[...]

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CHAPTER 32 PROCEDURES

[...]

Commentary: Table updated consistent with Chapter 33.030.

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
[...]						
Driveway Approach Permits						
Driveway Approach Permits (limited land use)	#	CM	CC	No	No	TDC 33.030
• <u>Residential Review</u>	I	CM	Circuit Court	No	No	TDC 33.030
• <u>Limited Review</u>						
• <u>General Review</u>	II	CM	CC	No	No	TDC 33.030
[...]						

[...]

CHAPTER 33 APPLICATIONS AND APPROVAL CRITERIA

[...]

TDC 33.020. Architectural Review.

Commentary: Just a typo fix is proposed in this section.

[...]

(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~~030 through 73A.~~130~~050 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.~~110~~030 through 73A.~~130~~050 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 73A.~~110~~030 through 73A.~~130~~050 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.~~150~~070 are subject to Type I review.
- (e) *Accessory Dwelling Unit.* Development applications submitted for an accessory dwelling unit in compliance with the Clear and Objective Standards in TDC 73A.~~170~~090 (~~Accessory Dwelling Units Standards~~) are subject to Type I review.
- (f) *General Development.* All development applications, (except Single Family Dwelling, ~~d~~Duplex, ~~t~~Townhouse, ~~q~~Triplex, ~~e~~Quadplex, or ~~c~~Cottage ~~u~~Cluster, Clear and Objective; and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.

[...]

TDC 33.030. Driveway Approach Permit.

Commentary: Driveway Approach Permit Requirements

Minor amendments are proposed to expand procedure types and keep formatting consistent with other application requirements in the Chapter.

- (1) *Applicability.* A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, ~~or~~ enlarging, ~~or~~ altering any driveway approach.
- (a) *Exceptions.* The following do not require a driveway approach permit:
 - (i) The construction, relocation, reconstruction, ~~or~~ enlargement, ~~or~~ alteration of any driveway approach that requires a state highway access permit; or
 - (ii) The construction, relocation, reconstruction, ~~or~~ enlargement ~~or~~ alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project for which the developer has obtained a Public Works Permit.
- (2) *Procedure Type.* ~~A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).~~

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- (a) Residential Review. Driveway approach permits submitted for residential uses that take access from a street with a Local classification are subject to a Type I Review in accordance with TDC Chapter 32.**
 - (b) Limited Review. Driveway approach permits submitted to reconstruct an existing driveway approach are subject to a Type I Review in accordance with TDC Chapter 32.**
 - (c) General Review. All other driveway approach permits are subject to Type II Review in accordance with TDC Chapter 32. Driveway approach permits submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.**
- (3) Specific Submittal Requirements.** In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:
 - (a) A site plan, of a size, and form meeting the standards established by the City Manager and containing the following information:
 - (i) The location and dimensions of the proposed driveway approach;
 - (ii) The relationship to nearest street intersection and adjacent driveway approaches;
 - (iii) Topographic conditions;
 - (iv) The location of all utilities;
 - (v) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (vi) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and
 - (vii) The location of any street trees adjacent to the location of the proposed driveway approach.
 - (b) Identification of the uses or activities served, or proposed to be served, by the driveway approach; and
 - (c) Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (4) Approval Criteria.** A Driveway Approach Permit must be granted if:
 - (a) The proposed driveway approach meets the standards of Chapter 75 and the Public Works Construction Code;
 - (b) No site conditions prevent placing the driveway approach in the required location;
 - (c) The number of driveway approaches onto an arterial are minimized;
 - (d) The proposed driveway approach, where possible:
 - (i) Takes access from the lowest classification of street abutting the property; or
 - (ii) Is shared with an adjacent property.
 - (e) The proposed driveway approach meets vision clearance standards and sight distance standards;
 - (f) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
 - (g) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
 - (h) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

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- (i) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.
- (5) *Effective Date.* The effective date of a Driveway Approach Permit approval is the date the notice of decision is mailed.
- (6) *Permit Expiration.* A Driveway Approach Permit approval expires one year from the effective date, unless the driveway approach is constructed within the one-year period in accordance with the approval decision and City standards.
- (7) *Driveway Approach Closure.*
 - (a) The City Manager may require the closure of a driveway approach where:
 - (ai) The driveway approach is not constructed in conformance with the Tualatin Development Code and the Public Works Construction Code;
 - (bii) The driveway approach is not maintained in a safe manner;
 - (iii) A public street improvement project is being constructed, and closure of the driveway approach will more closely conform to the current driveway approach standards;
 - (iv) The driveway approach has been abandoned; or
 - (ev) There is a demonstrated safety issue.
 - (b) *Notice.* Notice of the driveway approach closure must be given in writing to the property owner and any affected tenants stating the grounds for closure, the date upon which the closure becomes effective, and the right to appeal.
 - (c) *Appeals.* Any person entitled to notice under subsection (b) of this section may appeal the decision to the City Council pursuant to the provisions of TDC 32.310.
 - (d) *Effect.* Closure is effective immediately upon the mailing of notice of the decision. Unless otherwise provided in the notice, closure terminates all rights to continue the use of the driveway approach for which the notice of closure has been issued.
 - (e) *Failure to Close Driveway.* If the owner fails to close the driveway approach to conform to the notice within 90 days, the City Manager may cause the closure to be completed, and all expenses assessed against the property owner.

[...]

CHAPTER 36 SUBDIVIDING, PARTITIONS, AND PROPERTY LINE ADJUSTMENTS

[...]

TDC 36.040. Applications and Submittal Requirements.

Commentary: Land Division Submittal Requirements

A new submittal requirement (2)(q) is proposed to reflect the block length and block perimeter requirements in TDC 74.410.

- (1) Applications subject to this Chapter must follow the procedures specified in TDC Chapter 32; however, in case of conflict the procedures specified in TDC Chapter 36 prevail.
- (2) Additional Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required to subdivide, partition, or replat land:
 - (a) Subdivision or partition plan map;
 - (b) Proposed plat name, approved by the County Surveyor;
 - (c) The names, addresses, and contact information of the design engineer and surveyor;
 - (d) The date the plan was prepared;
 - (e) North arrow;
 - (f) Scale of drawing;
 - (g) Location of the subdivision or partition by 1-4 Section, Township and Range;
 - (h) Preliminary utility plans for existing and proposed water, sanitary sewer and storm drainage, including the size and grade;
 - (i) A street plan showing all existing streets, proposed streets (public and private), and accessways on the subject property and extending 1,000 feet in all directions from the site, including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets;
 - (j) An outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;
 - (k) Easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;
 - (l) Flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;
 - (m) Natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;
 - (n) Approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;
 - (o) Approximate area of each lot;
 - (p) Proposed lot numbers;

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(q) Approximate block dimensions:

- ~~(er)~~ Existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;
- ~~(fs)~~ All lots intended to be dedicated or reserved for public use;
- ~~(st)~~ A vicinity map showing a minimum one-mile radius;
- ~~(tu)~~ Contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent;
- ~~(uy)~~ For subdivisions and phased subdivisions, a completed trip generation estimate on forms provided by the City and a Traffic ~~Study~~**Impact Analysis**;
- ~~(vw)~~ If a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, adequate information to show compliance with the approval criteria in TDC 33.120(5) for a minor variance or TDC 33.120(6) for a variance;
- ~~(wx)~~ A "Service Provider Letter" from Clean Water Services;
- ~~(xy)~~ If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received;
- ~~(y)~~ ~~A completed City fact sheet;~~
- (z) A title report for the property(ies) subject to the application;
- (aa) Other supplementary material as may be required, such as deed restrictions, a statement of ownership, use, covenants, conditions, limitations, and responsibility for maintenance; and
- (bb) Other information required by the City Manager.

[...]

TDC 36.110. Tentative Partition Plan.

Commentary: Tentative Partition Plan Criteria

A new criterion (4)(f) is added to mirror the criterion in the parallel section, TDC 36.115. Housing Clear and Objective Tentative Partition Plan Approval Criteria.

OAR 660-012-0330(3)(b) requires the following: *Neighborhoods shall be designed with direct pedestrian access to key destinations identified in OAR 660-012-0360 via pedestrian facilities.*

The new proposed definition for "neighborhood activity centers" in TDC 31.060 captures all the "key destinations" not already included here.

[...]

(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;

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- (ii) Street connectivity and block length standards;**
 - (iii) City infrastructure standards; and
 - (iv) 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 Partition Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and Tualatin Transportation System Plan.
- (e) The street system in and adjacent to the Tentative Partition Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition area.
- (f) The proposed partition provides for pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks.**
 - (g) 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.
 - (h) The layout, size, and dimensions of the parcels within the Tentative Partition Plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.
- (5) *Effective Date.* The effective date of a Tentative Partition Plan approval is the date the notice of decision is mailed.
- (6) *Permit Expiration.* Tentative Partition Plan approval expire in two years of the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).

(Ord. No. 1463-21, § 8, 12-13-21)

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

Commentary: Tentative Partition Plan Criteria

The partition criterion in subsection (4) is proposed to be updated to clarify that the requirements for pedestrian, bicycle and transit circulation improvements are only required within the boundaries of the site, not off-site areas.

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

- (1) The proposed land uses ~~is~~are consistent with the land use zone.
- (2) The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
 - (a) The applicable lot dimensions, setbacks, and density requirements for the subject zone and any applicable overlay zones;

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- (b) The Residential Design Standards in TDC 73A.~~100~~030 through 73A.~~130~~050; or Cottage Cluster Design Standards in 73A.~~150~~070;
- [...]
- (4) The proposed partition provides for the provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as connections to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks. "Nearby" means uses within $\frac{1}{4}$ mile that can reasonably be expected to be used by pedestrians, and uses within two miles that can reasonably be expected to be used by bicyclists. **However, the partition is only required to provide for pedestrian, bicycle and transit circulation within the boundaries of the project site.**
- (5) The partition complies with development standards explicitly addressed in the application.

TDC 36.120. Tentative Subdivision Plan.

Commentary: Tentative Subdivision Plan Criteria

See commentary about the new proposed definition for "neighborhood activity centers." The term is defined to include schools, parks, and shopping areas, as well as other key destinations addressed in the OAR. Therefore, those individual destinations do not need to be listed separately.

- [...]
- (4) *Approval Criteria.* A Tentative Subdivision Plan must be approved if all of the following criteria are met:
 - (a) The Tentative Subdivision Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to, the following:
 - (i) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.
 - (ii) City infrastructure standards; and
 - (iii) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
 - (b) The Tentative Subdivision Plan does not impede the future use or development of the property or adjacent land.
 - (c) Development within the Tentative Subdivision Plan can be adequately served by City infrastructure.
 - (d) The street system in and adjacent to the Tentative Subdivision Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and the Tualatin Transportation System Plan.
 - (e) The street system in and adjacent to the Tentative Subdivision Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.
 - (f) The Tentative Subdivision Plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, ~~existing or planned schools, parks, shopping areas, transit stops~~ neighborhood activity centers, and employment centers, ~~and other neighborhood amenities~~.
 - (g) The Tentative Subdivision Plan mitigates impacts to the transportation system consistent with the approved Traffic ~~Study~~Impact Analysis, ~~in~~ TDC Chapters 74 and Chapter 75, and the Tualatin Transportation System Plan.

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- (h) The Tentative Subdivision Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.
- (i) The Tentative Subdivision Plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.
- (j) All transportation improvements are designed to comply with the requirements in TDC Chapters 74 and 75, and the Tualatin Transportation System Plan.

[...]

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

Commentary: Tentative Subdivision Plan Criteria

The same clarification is proposed to subdivision criterion (4) as the partition criteria (TDC 36.115).

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

- (1) The proposed land uses ~~is~~are consistent with the land use zone.
- (2) The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
 - (a) The applicable lot dimensions, setbacks, and density requirements for the subject zone and any applicable overlay zones;
 - (b) The Residential Design Standards in TDC 73A.~~100~~030 through 73A.~~130~~050; or Cottage Cluster Design Standards in 73A.~~150~~070;
- [...]
- (4) The proposed subdivision provides for the provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks. "Nearby" means uses within $\frac{1}{4}$ mile that can reasonably be expected to be used by pedestrians, and uses within two miles that can reasonably be expected to be used by bicyclists. **However, the subdivision is only required to provide for pedestrian, bicycle and transit circulation within the boundaries of the project site.**
- (5) The subdivision complies with development standards explicitly addressed in the application.

[...]

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CHAPTER 39 USE CATEGORIES

[...]

TDC 39.115 Use Definitions.

Commentary: Use Definitions

As mentioned, the current TDC uses both the terms “drive-up use” and “drive-through facility.” For consistency, the term “drive-through facility” is proposed to be used throughout the code. This change is reflected below.

[...]

Call Center or Customer Service Center. An operation that serves as a location to initiate or receive communications for others—via telephone, email, or internet—for the purposes of: (1) promoting clients products or services; (2) taking orders for clients; (3) soliciting contributions for a client; and (4) providing information or assistance regarding a client's products or services.

~~Drive-up Uses. Any establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. Drive-up uses do not include automobile service stations.~~

Family Recreation Center. A business offering two or more forms of recreational activity such as boat rides, bowling, electronic games, go-cart tracks, miniature golf, skating, water slides, or similar commercial amusements. Restaurants, gift shops and other businesses may also be included if clearly incidental to the primary recreational activities.

[...]

Restaurant, Take-Out. An establishment where some of the meals are prepared and served to the public for consumption on the premises; others are prepared and packaged for customers to take off the premises for consumption. A take-out restaurant may or may not include a ~~drive-up window~~**drive-through facility** where customers order through a speaker, drive around and pick up food, then leave premises for consumption.

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CHAPTER 41 MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

[...]

TDC 41.300. Development Standards.

- (1) Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).
- (2) *Exceptions.* Existing non-conforming situations may be developed according to the provisions of TDC Chapter 35.

Commentary: Front Setbacks in the RML Zone

OAR 0660-012-0330(5): *Cities and counties shall have land use regulations in residential neighborhoods that provide for slow neighborhood streets comfortable for families, efficient and sociable development patterns, and provide for connectivity within the neighborhood and to adjacent districts. Cities and counties must adopt land use regulations to meet these objectives, including but not limited to those related to setbacks, lot size and coverage, building orientation, and access.*

Minimum setbacks limit how much of a site can be built on, and larger setbacks can inhibit the relationship between the sidewalk and the building.

The TDC requires relatively large minimum front setbacks throughout residential zones. Structures with taller building heights are subject to stricter setbacks. It is recommended to reduce front setback requirements to further promote walkable design in residential areas. This is reflected in the development standards table below.

Table 41-3
Development Standards in the RML Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
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	

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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	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)	20,000 square feet	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM AVERAGE LOT WIDTH		
Single Family Detached	<u>26</u> <u>25</u> feet	Only allowed for Flexible Lot Subdivisions, subject to TDC 36.410.
Townhouse	14 feet	
Duplex, Triplex, Quadplex, and Cottage Clusters	50 feet	May be reduced to 30 feet if on a cul-de-sac. May be reduced to 26 feet for Flexible Lot Subdivisions, subject to TDC 36.410.
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		
Single Family Detached, Duplex, Townhouse, Triplex, or Quadplex		Single Family Detached only in Flexible Lot Subdivisions, subject to TDC 36.410.
Front	10 feet	
Garage Door	20 feet	
Side	5 feet	Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.
Rear	10 feet	
Multi-family (5 or more units), Conditional Uses, and Other Permitted Uses Not Listed		

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Front <u>(based on structure height)</u>		
≤12 feet	<u>20 feet</u>	
12-25 feet	<u>25</u> 10 feet	
25-30 feet	<u>30</u> 15 feet	
30+ feet	<u>35</u> 20 feet	
Side	5 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 except for duplexes, triplexes, and quadplexes where the setback is 10 feet.
<u>Other Development Types</u>		
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	
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
Conditional Uses	—	As determined through Architectural Review process, no greater than 50 feet
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
<u>MAXIMUM STRUCTURE HEIGHT</u>		
All Uses	35 feet	If all setbacks are equal to or greater than 1½ times the height of the building, the height may be increased to a maximum of 50 feet with a conditional use permit.
<u>MAXIMUM LOT COVERAGE</u>		
Duplex	60%	
Townhouse	75%	
Triplex	60%	
Quadplex	60%	
Cottage Cluster	75%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

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CHAPTER 42 MEDIUM HIGH DENSITY RESIDENTIAL ZONE (RMH)

[...]

TDC 42.220. Housing Types.

Commentary: Housing Types in the RMH Zone

In Table 42-2, “duplex” was added in error in a previous code update, so it has been stricken.

Table 42-2 lists Housing Types permitted in the RMH zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RMH zone.

Table 42-2
Housing Types in the RMH Zone

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	N	
Accessory Dwelling Unit	N	
Duplex	P	See TDC definition in 31.060.
Townhouse (or Rowhouse)	P	See TDC definition in 31.060.
Multi-Family Structure	P	See TDC definition in 31.060.
Manufactured Dwelling	N	
Manufactured Dwelling Park	N	
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

TDC 42.300. Development Standards.

Development standards in the RMH zone are listed in Table 42-3. Additional standards may apply to some uses and situations, see TDC 42.310.

Commentary: Front Setbacks in the RMH Zone

As noted in the RML Zone chapter, it is recommended to reduce front setback requirements to further promote walkable design in residential areas. This is reflected in the development standards table below.

Table 42-3
Development Standards in the RMH Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	Maximum: 15 units per acre Minimum: 11 units per acre	

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Retirement Housing Facility, Congregate Care Facility, or Nursing Facility	22.5 units per acre	
Group Living Uses	15 units per acre	Does not apply to Congregate Care Facility.
<u>MINIMUM LOT SIZE</u>		
Townhouse (or Rowhouse)	1,400 square feet	
Multi-Family Structure and Duplex		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 2,581 square feet for each unit exceeding two.
• Development on More than One Acre	2,904 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.
<u>MINIMUM AVERAGE LOT WIDTH</u>		
Townhouse (or Rowhouse)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	75 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.
<u>MINIMUM SETBACKS</u>		
Front Setback <u>(based on structure height)</u>		Minimum setback to a garage door must be 20 feet.
• <u>1-story structure</u>	<u>20 feet</u>	
• <u>1.5-story structure</u>	<u>25 feet</u>	
• <u>2-story structure</u> <u><25 feet</u>	<u>30-10 feet</u>	
• <u>2.5-story structure</u> <u>25+ feet</u>	<u>35-15 feet</u>	
• Townhouse (or Rowhouse)	0- <u>20-10</u> feet	As determined through Architectural Review process.
Side and Rear Setback <u>(based on structure height)</u>		<u>Where living spaces face a side yard, the minimum setback must be 20 feet</u>
• <u>1-story structure</u> <u><12 feet</u>	5 feet	
• <u>1.5-story structure</u> <u>12-<20 feet</u>	7 feet	
• <u>2-story structure</u> <u>20-<25 feet</u>	10 feet	

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• <u>2.5-story structure</u> 25+ feet	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.
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses (or Rowhouse), determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	10 feet	For Townhouses (or Rowhouse), determined through the Architectural Review process.
Conditional Uses	—	As determined through Architectural Review process. A minimum setback must not be 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 not less than 1½ times the height of the building.
MAXIMUM LOT COVERAGE		
Townhouse (or Rowhouse)	90%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

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CHAPTER 43 HIGH DENSITY RESIDENTIAL ZONE (RH)

[...]

TDC 43.220. Housing Types.

Commentary: Housing Types in the RH Zone

Similar to the RMH zone, in Table 43-2, “duplex” was added in error in a previous code update, so it has been stricken.

Table 43-2 lists Housing Types permitted in the RH zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RH zone.

Table 43-2
Housing Types in the RH Zone

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	N	
Accessory Dwelling Unit	N	
Duplex	P	See TDC definition in 31.060.
Townhouse (or Rowhouse)	P	See TDC definition in 31.060.
Multi-Family Structure	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	
Manufactured Dwelling Park	N	
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

TDC 43.300. Development Standards.

Development standards in the RH zone are listed in Table 43-3. Additional standards may apply to some uses and situations, see TDC 43.310.

Commentary: Front Setbacks in the RH Zone

As noted in the RML Zone chapter, it is recommended to reduce front setback requirements to further promote walkable design in residential areas. This is reflected in the development standards table below.

In addition, it is recommended to add maximum setback requirements in higher-density zones, including the RH zone, to promote development that is oriented towards the street and that promotes a pedestrian-friendly street environment.

Table 43-3
Development Standards in the RH Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
Maximum density		
Household Living Uses	Maximum: 25 units per acre Minimum: 16 units per acre	

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Retirement Housing or Congregate Care Facility	45 units per acre	
Nursing Facility	45 units per acre	
Group Living Uses	25 units per acre	Does not apply to Nursing Facility or Congregate Care Facility.
MINIMUM LOT SIZE		
Townhouse, or Rowhouse	1,400 square feet	
Multi-Family Structure		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 1,459 square feet for each unit exceeding two.
• Development on More than One Acre	1,742 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		
Townhouses (or Rowhouses)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	75 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		
Front Setback (based on structure height)		Minimum setback to a garage door must be 20 feet.
• 1-story structure	20 feet	
• 1.5 story structure	25 feet	
• 2-story structure <25 feet	3010 feet	
• 2.5 story structure 25+ feet	3515 feet	
•Townhouse (or Rowhouses)	0- 20-10 feet	As determined through Architectural Review process.
Side and Rear Setback (based on structure height)		Where living spaces face a side yard, the minimum setback must be ten feet
• 1-story structure <12 feet	5 feet	
• 1.5 story structure 12-20 feet	7 feet	
• 2-story structure 20-25 feet	10 feet	
• 2.5 story structure 25+ feet	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.

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Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process.
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet.
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
<u>MAXIMUM SETBACKS</u>		
<u>Front Setback</u>	<u>20 feet</u>	<u>See standards in TDC 43.315.</u>
<u>MAXIMUM STRUCTURE HEIGHT</u>		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
<u>MAXIMUM LOT COVERAGE</u>		
Townhouse (or Rowhouse)	90%	
All Other Permitted Uses	45%	
Conditional Uses	45%	

[...]

Commentary: Maximum Setbacks and Building Frontage

The new proposed section below is intended to explain how the maximum setback standards are implemented – specifically, what percentage of the site frontage must be occupied by a building. The recommended approach is to scale the standards by the width of the site frontage (higher requirement for smaller sites; lower requirement for larger sites). The standards would also allow a pedestrian plaza or other amenity space to meet a portion of the building frontage requirement. A definition for “pedestrian amenity space” is proposed in TDC 31.060.

TDC 43.315. Maximum Setbacks and Building Frontage.

The percentage of a site frontage that must meet maximum building setback requirement in Table 43-3 is based on the width of the site frontage, as follows:

- (1) On sites with 100 feet or more of street frontage, at least 50 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.**
- (2) On sites with less than 100 feet of frontage, at least 40 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.**
- (3) A publicly accessible plaza or other pedestrian amenity space may be used to meet up to 20 percent of the frontage requirement, provided the following standards are met. These amenities may count toward meeting the shared outdoor area standards for multifamily development in TDC 73A.100(4).**
 - (a) The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.**

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(b) The space must include benches or seating that provide at least 5 linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.

(c) A minimum of 10 percent of the pedestrian amenity space must be landscaped.

(d) A minimum of one tree is required for each 500 square feet of pedestrian amenity space.

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CHAPTER 44 HIGH DENSITY HIGH RISE ZONE (RH-HR)

[...]

TDC 44.220. Housing Types.

Commentary: Housing Types in the RH-HR Zone

Similar to the RMH and RH zones, in Table 44-2, “duplex” was added in error in a previous code update, so it has been stricken.

Table 44-2 lists Housing Types permitted in the RH-HR zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RH-HR zone.

Table 44-2
Housing Types in the RH-HR Zone

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	N	
Accessory Dwelling Unit	N	
Duplex	P	See definition in TDC 31.060.
Townhouse (or Rowhouse)		
Multi-Family Structure	P	See definition in TDC 31.060.
Manufacturing Dwelling	N	
Manufactured Dwelling Park	N	
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See definition in TDC 31.060.

TDC 44.300. Development Standards.

Development standards in the RH-HR zone are listed in Table 44-3. Additional standards may apply to some uses and situations, see TDC 44.310.

Commentary: Front Setbacks in the RH-HR Zone

As noted in the RML Zone chapter, it is recommended to reduce front setback requirements to further promote walkable design in residential areas. This is reflected in the development standards table below.

In addition, it is recommended to add maximum setback requirements in higher-density zones, including the RH-HR zone, to promote development that is oriented towards the street and that promotes a pedestrian-friendly street environment.

Table 44-3
Development Standards in the RH-HR Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	Maximum: 30 units per acre Minimum: 26 units per acre	

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Retirement Housing or Congregate Care Facility	45 units per acre	
Nursing Facility	45 units per acre	
Group Living Uses	30 units per acre	Does not apply to Nursing Facility or Congregate Care Facility.
MINIMUM LOT SIZE		
Multi-Family Structure		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 1,198 square feet for each unit exceeding two.
• Development on More than One Acre	1,452 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		
Townhouses (Rowhouses)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	75 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		
Front Setback (based on structure height)		Minimum setback to a garage door must be 20 feet.
• 1-story structure	20 feet	
• 1.5-story structure	25 feet	
• 2-story structure <u><25 feet</u>	30-10 feet	
• 2.5-story structure <u>25-30 feet</u>	35-15 feet	
• Over 2.5-story structure <u>30+ feet</u>	—	As determined through Architectural Review process. No setback must be required which is greater than the height of the structure.
Side and Rear Setback (based on structure height)		Where living spaces face a side yard, the minimum setback must be 10 feet.
• 1-story structure <u><12 feet</u>	5 feet	
• 1.5-story structure <u>12-<20 feet</u>	7 feet	
• 2-story structure <u>20-<25 feet</u>	10 feet	
• 2.5-story structure <u>25-<30 feet</u>	12 feet	

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• <u>Over 2.5 story structure</u> <u>30+ feet</u>	—	As determined through Architectural Review process. No setback must be required which is greater than the height of the structure.
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.
Minimum Distance Between Buildings within One Development	10 feet	
Parking and Vehicle Circulation Areas	10 feet	
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet.
Any Yard Adjacent to a Wetland Protected Area	100 feet	As defined in TDC Chapter 71.
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
<u>MAXIMUM SETBACKS</u>		
<u>Front Setback</u>	<u>20 feet</u>	<u>See standards in TDC 44.315.</u>
<u>STRUCTURE HEIGHT</u>		
Minimum Height, Multi-Family and Condominium Developments	<u>4 stories 45 feet</u>	
Maximum Height	64 feet	<u>If structure does not include underground parking, maximum height is 5 stories. If the first story includes underground parking, maximum height is 6 stories. Regardless of the number of stories, structure height must not exceed 64 feet.</u>
<u>MAXIMUM LOT COVERAGE</u>		
All Uses	45%	

[...]

Commentary: Maximum Setbacks and Building Frontage

See commentary for TDC 43.315.

TDC 44.315. Maximum Setbacks and Building Frontage.

The percentage of a site frontage that must meet maximum building setback requirement in Table 43-3 is based on the width of the site frontage, as follows:

- (1) On sites with 100 feet or more of street frontage, at least 50 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.**
- (2) On sites with less than 100 feet of frontage, at least 40 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.**
- (3) A publicly accessible plaza or other pedestrian amenity space may be used to meet up to 20 percent of the frontage requirement, provided the following standards are met. These amenities may count toward meeting the shared outdoor area standards for multi-family development in TDC 73A.100(4).**

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- (a) The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.
- (b) The space must include benches or seating that provide at least 5 linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.
- (c) A minimum of 10 percent of the pedestrian amenity space must be landscaped.
- (d) A minimum of one tree is required for each 500 square feet of pedestrian amenity space.

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CHAPTER 51 NEIGHBORHOOD COMMERCIAL ZONE (CN)

[...]

TDC 51.300. Development Standards.

Development standards in the CN zone are listed in Table 51-2. Additional standards may apply to some uses and situations, see TDC 51.310.

Commentary: Maximum Setbacks in the CN Zone

OAR 660-012-0330(4): Cities and counties shall have land use regulations in commercial and mixed-use districts that provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or mixed-use site design land use regulations must meet the following requirements:

(a) Primary pedestrian entrances to buildings must be oriented to a public pedestrian facility and be accessible to people with mobility disabilities.

While maximum setback standards are not strictly required by the OAR, the *Walkable Design Standards Model Code* includes maximum setbacks as part of its approach to building orientation and pedestrian-friendly design. Therefore, it is recommended to add maximum setback standards in certain commercial zones, including the CN zone. This is reflected in the development standards table below and in the supporting standards in TDC 51.310.

Table 51-2
Development Standards in the CN Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	20,000 square feet	—
MINIMUM LOT WIDTH		
Minimum Average Lot Width	100 feet	When lot has frontage on public street, minimum lot width is 100 feet.
Minimum Lot Width at the Building Line	100 feet	—
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM SETBACKS		
Front	20 10 feet	
Side and Rear	0—15 feet	As determined through Architectural Review Process.
Corner Lots	0—10 feet along each frontage	Must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process.

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Fences	5 feet	From public right-of-way.
<u>MAXIMUM SETBACK</u>		
Front	<u>20 feet</u>	<u>See standards in TDC 51.310(3).</u>
<u>MAXIMUM LOT COVERAGE</u>		
All Uses	75 percent	Includes both building and parking areas. All land not covered by buildings or parking must be landscaped.
<u>MAXIMUM STRUCTURE HEIGHT</u>		
All Uses	25 feet	In addition to meeting the maximum height limit, where a property line or alley separates CN land from land in a residential district, a building must not be greater than 20 feet in height at the setback line; and a building or structure must not extend above a plane beginning at 20 feet in height above that setback line and extending inward and upward at a slope of 45 degrees.

TDC 51.310. Additional Development Standards.

- (1) *Building and Driveway Orientation.* All commercial uses in CN District must be oriented and have primary driveway access to an arterial or collector street. No more than one driveway may access a neighborhood route or ~~local~~ street with a Local classification.
- (2) *Building Design.* All commercial buildings must be of a general residential character, including the following design elements:
 - (a) *Facade Design.* All building facades must be of wood or brick and, if painted, must be in muted, earth tone colors.
 - (b) *Roof Forms.* All roofs must be compatible with the surrounding residential area as determined through the Architectural Review process.
- (3) *Frontage Requirements.* Commercial buildings must meet the following frontage requirements:
 - (a) On sites with 100 feet or more of street frontage, at least 50 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
 - (b) On sites with less than 100 feet of frontage, at least 40 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
 - (c) A publicly accessible plaza or other pedestrian amenity space may be used to meet up to 20 percent of the frontage requirement, provided the following standards are met.
 - (i) The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.
 - (ii) The space must include benches or seating that provide at least 5 linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.
 - (iii) A minimum of 10 percent of the pedestrian amenity space must be landscaped.
 - (iv) A minimum of one tree is required for each 500 square feet of pedestrian amenity space.
- (4) *Setback Reduction for Developments Adjacent to Greenways and Natural Areas.* To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front yard setback reduction

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for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards.

- (a) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.
- (b) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located in one of the following conservation or protection areas:
 - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
 - (ii) Clean Water Services Vegetated Corridor.
- (c) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:
 - (i) Dedicated to the City at the City's option;
 - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
 - (iii) Retained in private ownership.
- (d) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
 - (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
 - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
 - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
 - (iv) Does the lot connect publicly owned or publicly accessible properties;
 - (v) Does the lot abut an existing park, greenway, natural area or other public facility;
 - (vi) Does the lot provide a public benefit or serve a public need;
 - (vii) Does the lot contain environmental hazards;
 - (viii) Geologic stability of the lot; and
 - (ix) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. 1427-19, § 25, 11-25-19)

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CHAPTER 53 CENTRAL COMMERCIAL ZONE (CC)

[...]

TDC 53.300. Development Standards.

Development standards in the CC zone are listed in Table 53-2. Additional standards may apply to some uses and situations, see TDC 53.310.

Commentary: Maximum Setbacks in the CC Zone

As noted in the CN zone chapter, is recommended to add maximum setback standards in certain commercial and zones, including the CC zone. This is reflected in the development standards table below and in the supporting standards in TDC 53.310. Also, the minimum setback is currently shown as a range from 0-20 feet and is proposed to be reduced to zero ("none").

Table 53-2
Development Standards in the CC Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	5,000 square feet	
MINIMUM LOT WIDTH		
Minimum Average Lot Width	75 feet	When lot has frontage on public street or is located on a cul-de-sac street, minimum lot width at the street must be 40 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front	0-20 feet <u>None</u>	Determined through Architectural Review Process. Buildings over 45 feet in height are subject to TDC 53. 410 <u>310</u> (1). Residential garage doors facing public street must be set back 20 feet from public right-of-way.
Side and Rear	0 - 20 feet	Determined through Architectural Review Process.
Rear	0 - 15 feet	Determined through Architectural Review Process.
Corner Lots	0 - 20 feet along each frontage	Must be a sufficient distance to provide adequate sight distance for

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		vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process.
Fences	5 feet	From public right-of-way.
<u>MAXIMUM SETBACK</u>		
<u>Front</u>	<u>20 feet</u>	<u>See standards in TDC 53.310(2).</u>
<u>MAXIMUM STRUCTURE HEIGHT</u>		
All Uses	45 feet	Flagpoles may extend up to 100 feet. Height bonus available in limited locations, see TDC 53.410(1).

(Ord. No. 1486-24, § 7, 6-10-24)

TDC 53.310. Additional Development Standards.

(1) *Height Bonus.* In the CC zone, north of SW Boones Ferry Road and south of the Tualatin River, the maximum height for a structure is 125 feet, when approved with a conditional use permit and subject to the following setback requirements:

- Front yard.* Any structure south of Hedges Creek must comply with the CC District setbacks and any structure north of Hedges Creek must comply with the TDC Chapter 72 setbacks for Hedges Creek.
- Side yard.* The minimum side yard setback is:
 - For structures 45 feet or less in height, zero to 15 feet as determined through the Architectural Review process;
 - For structures greater than 45 feet, but less than 84 feet, the side yard setback must be 30 feet for that portion of the structure greater than 45 feet and less than 84 feet in height; and
 - For structures greater than 84 feet but less than or equal to 125 feet in height, the side yard setback must be 45 feet for that portion of the building greater than 84 feet in height.

(2) Frontage Requirements. Commercial buildings must meet the following frontage requirements:

- On sites with 100 feet or more of street frontage, at least 50 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
- On sites with less than 100 feet of frontage, at least 40 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
- A publicly accessible plaza or other pedestrian amenity space may be used to meet up to 20 percent of the frontage requirement, provided the following standards are met.
 - The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.
 - The space must include benches or seating that provide at least 5 linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.

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(iii) A minimum of 10 percent of the pedestrian amenity space must be landscaped.

(iv) A minimum of one tree is required for each 500 square feet of pedestrian amenity space.

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CHAPTER 56 MEDICAL CENTER ZONE (MC)

[...]

TDC 56.210. Additional Limitations on Uses.

Commentary: Use Limitations in the MC Zone

Changes in this section are needed for consistent use of the term “drive-through facility,” and to fix a typo.

[...]

(2) *Additional Limitations on Retail Sales and Service and Eating and Drinking Establishments.* Supporting retail and services and eating and drinking establishments are limited uses for the convenience of patients, patient visitors, and on-site employees, and are subject to the following standards and limitations:

[...]

(c) *Drive-up***Through Facility** and *Drive-Through Service.* Drive-up ~~windows~~**through facilities** and drive-through services are not ~~be~~ permitted. Loading and unloading at the vehicle entrance to the emergency room is not a drive-through service.

[...]

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CHAPTER 57 MIXED USE COMMERCIAL ZONE (MUC)¹

[...]

TDC 57.200. Use Categories.

[...]

Commentary: Drive-Through Facilities in the MUC zone

OAR 660-012-0330(6): Cities and counties shall have land use regulations that ensure auto-oriented land uses are compatible with a community where it is easy to walk or use a mobility device. Auto-oriented land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory to the primary use, including drive-through uses.

Drive-through facilities can conflict with walkability by creating uncomfortable spaces for pedestrians. They can also make it difficult to access a business's services without a vehicle.

The OAR does not require cities to prohibit drive-through uses. However, the *Walkable Design Standards Guidebook and Model Code* recommends prohibiting new drive-through facilities in a jurisdiction's priority pedestrian districts. Therefore, it is recommended to prohibit new drive-throughs in the MUC zone, which is one of Tualatin's pedestrian-oriented districts.

On September 22, 2025 City Council Direction directed staff to:

- **Prohibit new drive-through facilities** in the MUC district (as shown in the current draft, below). (Note: There are no existing drive-throughs in this zone.)

Table 57-1
Use Categories in the MUC

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 57.220
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P	—
Commercial Parking	P	—

¹Editor's note(s)—Ord. No. 1438-20, §§ 13, 14, adopted June 22, 2020, repealed ch. 57, §§ 57.005—57.900 and enacted a new ch. 57 as set out herein. Former ch. 57 pertained to mixed use commercial overlay district and derived from Ord. 1062.00, § 9, adopted December 11, 2000; Ord. 1062-00, adopted January 3, 2001; Ord. 1103-02, adopted March 25, 2002; Ord. 1246-07, § 1, adopted September 10, 2007; Ord. 1247-07, adopted October 22, 2007; and Ord. 1427-19, § 28, adopted November 25, 2019.

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Durable Goods Sales	P/C (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> • Retail sale of furniture and large appliances, pursuant to TDC 57.210; and • Battery electric vehicle showroom subject to TDC 57.210 <p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Outdoor sales subject to TDC 57.210.
Eating and Drinking Establishments	P <u>(L)</u>	<p><u>P</u><u>Drive-through facilities prohibited.</u></p> <p><u>All other uses permitted outright.</u></p>
Medical Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Other Educational and Vocational Servicing	P	—
Quick Vehicle Servicing	C (L)	<p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Automobile service station subject to TDC 57.210.
Retail Sales and Services	P/C (L)	<p>Pet day care without outdoor activity area is permitted outright.</p> <p>Mortuaries <u>prohibited</u><u>not permitted</u>.</p> <p><u>Drive-through facilities prohibited.</u></p> <p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Outdoor sales subject to TDC 57.210. <p>All other retail sales and service uses permitted outright.</p>
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C (L)	<p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Religious institutions or major event entertainment.
Colleges, Universities, and Private Career Schools	C	—
Community Services	P	—

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Medical Centers	C	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES CATEGORIES		
Basic Utilities	P (L)	Permitted uses limited to: <ul style="list-style-type: none">• Sewer and water pump stations;• Pressure reading stations.
Greenways and Natural Areas	P	P
Parks and Open Space	P (L)	Golf courses and country clubs prohibited. All other uses permitted outright.
Public Safety Facilities	P/C (L)	Conditional uses limited to: <ul style="list-style-type: none">• Fire stations; and publicly- and privately-operated ambulance facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facility	P (L)	Permitted uses limited to: <ul style="list-style-type: none">• Wireless communication facility attached.

[...]

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CHAPTER 58 CENTRAL TUALATIN OVERLAY ZONE

[...]

TDC 58.200 Use Categories in the CC Zone.

Commentary: Use Categories in the CC Zone

New drive-through facilities are currently prohibited in the CC Zone within the Central Tualatin Overlay Zone. A new footnote to Table 58-1 is proposed to clarify that any existing drive-through facilities may be rebuilt, expanded, or relocated on the site but must meet the design standards in TDC 73A.110(6). The footnote also states that if the use is discontinued for one year, it cannot be re-established.

[...]

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

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1. **New drive-through restaurant and photo service facilities are prohibited in the Central Tualatin Overlay Zone. Drive-through facilities existing as of November 24, 2025 may be rebuilt, expanded, or relocated on the site but must meet the standards in TDC 73A.110(6).**

If the existing use with the drive-through facility is discontinued for one year, reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. This provision prevails over any allowance in the nonconforming use and development chapter regarding discontinuation and reestablishment of a nonconformity.

[...]

TDC 58.510 Additional Standards in the ML Zone.

[...]

(2) *Eating and Drinking Establishments.* Eating and Drinking Establishments are subject to the following provisions:

- Drive-through **facilities** are prohibited; and
- Take-out restaurants must be smaller than 1,500 square feet, seat no more than 50 people, and be located at least 200 feet away from a public street right-of-way, unless the right-of-way is separated from the restaurant by railroad right-of-way, in which case the restaurant must be at least 100 feet away from a public street right-of-way.

[...]

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CHAPTER 65 BASALT CREEK EMPLOYMENT ZONE (BCE)

[...]

Commentary: Uses in the BCE Zone

Changes in this section are needed for consistent use of the term “drive-through facility.”

TDC 65.200. Use Categories.

(1) *Use Categories.* Table 65-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the BCE zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 65-1 and restrictions identified in TDC 65.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

Table 65-1
Use Categories in the BCE Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	C (L)	Conditional uses limited to a caretaker residence when necessary for security purposes.
COMMERCIAL USE CATEGORIES		
Commercial Recreation	P (L)	Permitted uses limited to a health or fitness facility subject to TDC 65.210(1).
Eating and Drinking Establishments	P (L)	Permitted uses limited to eating and drinking establishments without drive-up or Drive-through facilities prohibited. All other uses subject to TDC 65.210(1).
Mobile Food Unit Development	P (L)	Permitted uses limited subject to TDC 65.210(2).
Medical Office	P (L)	Permitted uses limited subject to TDC 65.210(1).
Office	P (L)	Permitted uses limited subject to TDC 65.210(3).
Other Educational and Vocational Services	P (L)	Permitted uses limited to: <ul style="list-style-type: none">Correspondence, trade, or vocational schools; andJob training or related services subject to TDC 65.210(1).
Retail Sales and Services	P (L)	Drive-through facilities prohibited.

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		Permitted uses limited to: <ul style="list-style-type: none"> • Child day care center permitted subject to TDC 34.200. • Retail Sales and Services uses <u>without drive-up or drive-through facilities</u> subject to TDC 65.210(1) and (4).
INDUSTRIAL USE CATEGORIES		
Heavy Manufacturing	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Casting or fabrication of metals, including electroplating; • Manufacture, assembly, processing, or packaging of the following types of products: batteries; bicycles; boilers; bottles; brick, tile or terra cotta; cans; chainsaws; dryers; electric generators; electric motors; electric transformers; engines, larger gasoline or diesel; freezers; heating and cooling equipment; ladders; lawnmowers; manufactured dwellings; marine pleasure craft; motor vehicles; paint; prefabricated building or structural members for buildings; sashes and doors; signs and display structures; refrigerators; rototillers; vending machines; washing machines; and windows; • Other similar advanced manufacturing uses as determined by application of TDC 31.070.
Light Manufacturing	P/C (L)	Conditional uses limited to: <ul style="list-style-type: none"> • Trade and industrial school or training center. <u>Truck driving schools are prohibited.</u> <p><u>Truck driving schools are prohibited.</u></p> All other uses Permitted outright, except: <ul style="list-style-type: none"> • Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials are prohibited.
Warehouse and Freight Movement	P/C (L)	Permitted and Conditional uses limited subject to TDC 65.210(5).
Wholesale Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Sales of industrial products primarily sold wholesale to other industrial firms or industrial workers, subject to TDC 65.210(6).
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		

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Basic Utilities	P	—
Greenways and Natural Areas	P	—
Public Safety Facilities	C (L)	Conditional uses limited to a fire station.
Transportation Facilities	P	—
Wireless Communication Facility	P (L)	Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.

[...]

CHAPTER 73A SITE DESIGN STANDARDS²

[...]

Commentary: Just a typo fix is proposed in this section.

TDC 73A.020. Residential Design Standards Applicability; Exceptions.

- (1) *Applicability.* The Residential Design Standards apply to:
 - (a) New single-family dwelling;
 - (b) Duplex; Triplex, or Quadplex;
 - (c) Townhouses;
 - (d) An addition or alteration to an existing single-family dwelling, duplex, triplex, quadplex, or townhouse when it results in:
 - (i) A 35 percent or more expansion of the structure's existing footprint.
 - (ii) An increase in building height of 35 percent or more.
 - (iii) A 35 percent or more alteration of an existing wall plane.
 - (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 Residential Design Standards in subsection (1) do not apply to a side wall plane that abuts the side yard of an adjacent dwelling.
 - (b) Façades of dwellings **that are separated from a street by another dwelling adjacent to a street** are exempt from meeting the standards in TDC 73A.~~110~~**030**(1) and (2).

(Ord. No. 1486-24, § 11, 6-10-24)

TDC 73A.030. Clear and Objective Residential (Type I) Design Standards.

Commentary: Residential Design Standards

The proposed amendments to the walkway standards for single-family dwellings, duplexes, triplexes, quadplexes, and townhouses include a new requirement for a walkway connection from the sidewalk to main entrances. Flexibility is included by allowing the walkway requirement to be met by a driveway.

These changes are reflected in the clear and objective standards in this section as well as in the discretionary standards in TDC 73A.060.

²Ord. No. 1486-24, § 11, adopted June 10, 2024, repealed ch. 73A, §§ 73A-010, 73A-100—73A-170, 73A-200, 73A-300, 73A-400, 73A-410, 73A-500, 73A-600 and 73A-700 and enacted a new ch. 73A as set out herein. Former ch. 73A pertained to similar subject matter and derived from Ord. 1414-18, adopted December 10, 2018; Ord. No. 1438-20, §§ 15—19, 6-22-20; Ord. No. 1463-21, §§ 23—28, 31—34, adopted December 13, 2021; Ord. No. 1480-23, § 10, adopted August 28, 2023.

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Residential housing types using the Clear and Objective (Type I) standards must comply with the following:

[...]

(4) *Walkways.* Walkways must be provided for **single-family dwellings, duplexes, triplexes, quadplexes, and townhouses as follows:**

(a) **A walkway is required to connect main entrances to sidewalks along the adjacent public right-of-way, in accordance with the following:**

(i) **For single-family dwellings, duplexes, triplexes, quadplexes, at least one main entrance of each residential structure must have a connection to the sidewalk.**

(ii) **For townhouses, the main entrance of each townhouse must have a connection to the sidewalk.**

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

(bc) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete; and

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

(e) **For single-family dwellings, duplexes, triplexes, quadplexes, this standard may be met by a driveway that has a walkway connection to the main entrance and that connects to the public right-of-way.**

(Ord. No. 1486-24, § 11, 6-10-24)

[...]

TDC 73A.060. Discretionary (Type II) Residential Development Design Standards.

As an alternative to the clear and objective Type I standards, residential housing (including detached single-family dwellings, duplexes, triplexes, quadplexes, and townhomes), may be reviewed under Type II discretionary standards. Such applications must demonstrate compliance with the following discretionary standards:

(1) All roofs must be pitched or sloping and articulated by use of such elements as dormers, gables, overhangs or eaves, and must have variations in roof pitch, height of roof planes, or roof orientation to create visual interest and avoid monotony in appearance;

(2) Architectural articulation and other design elements, such as balconies, porches, dormers, bay windows, vertical or horizontal offsets, variations in cladding, or moldings must be used on all sides of the dwelling (except for the side of a dwelling adjacent to another dwelling) to avoid stark unarticulated building façades (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 façade (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.

(6) **Pedestrian connections must be provided from main entrances to the sidewalk in the public right-of-way. Connections should be reasonably direct and constructed of sufficient width and material for safe and convenient access.**

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(Ord. No. 1486-24, § 11, 6-10-24)

TDC 73A.070. Clear and Objective (Type I) Cottage Cluster Design Standards.

Commentary: Just a typo fix is proposed in this section.

[...]

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

- The existing dwelling may be nonconforming with respect to the requirements of this Code.
- The existing dwelling may be expanded up to the maximum height permitted in the base zone.
- The floor area of the existing dwelling does not count towards the maximum average floor area of a cottage cluster.
- The existing dwelling may optionally be excluded from the count of cottages that must be oriented to the common courtyard under TDC 73A.~~2~~100(1)(b).

[...]

TDC 73A.090. - Accessory Dwelling Unit Design Standards.

Commentary: Just a typo fix is proposed in this section.

- 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.
- Accessory Dwelling Units are allowed on lots or parcels with one or more primary dwelling units and must comply with the following standards:
 - An accessory dwelling unit is allowed in the RL and RML Zones.
 - There must be no more than one accessory dwelling unit per lot or parcel;
 - An accessory dwelling unit must not exceed 800 square feet of gross floor area;
 - The accessory dwelling unit must be served by the same water meter, electric meter, and natural gas meter as the primary dwelling, except if prohibited by State building code requirements;
 - An accessory dwelling unit must provide at least two Residential Roof Design Elements in TDC 73A.~~040~~120 (~~Site Design~~), and at least four Residential Wall Design Elements in TDC 73A.~~050~~130 (~~Site Design~~); and
 - An accessory dwelling unit must be set back at least one foot from a line parallel to the main entrance of the primary dwelling.

TDC 73A.100. Multi-Family Design Standards.**Commentary: Entry Orientation Standards for Multi-Family Development**

As noted, rule 0330 requires cities to address building orientation in residential areas to promote “sociable development patterns.” It is recommended to focus entry orientation standards on multi-family development – specifically those with frontage on local streets. Developments on higher-traffic streets may benefit from being set back from the street with trees and landscaping providing privacy and noise buffering. However, orientation to lower-traffic, local streets would promote a pedestrian-friendly environment on those streets.

The entry orientation standards below are adapted from the *Walkable Design Standards Model Code*.

The following standards are the minimum requirements for multi-family development in all zones, except the Central Design District and Mixed Use Commercial (MUC) zones, which have separate standards and may be less than the minimums provided below.

[...]

(3) *Entry Areas.* 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;
- (c) The entry area must be a minimum of 24 square feet in area for each dwelling unit; and
- (d) The entry area may be combined to serve more than one unit as determined by the City.

(e) If the site has frontage on a street with a Local classification, the following standards must be met:

- (i) At least one main entry must meet one of the following standards, as applied to the frontage along the Local street:**
 - (1) Street Option. The main entry must be within 8 feet of the building façade that faces the street. The main entry must either face the street; be at an angle of up to 45 degrees from the street; or open onto a covered porch that is at least 25 square feet in area.**
 - (2) Courtyard Option. The main entry must face a courtyard that abuts the Local street and that is no less than 15 feet in width.**
- (ii) At least 25 percent of ground floor dwelling units that have individual entries must have at least one main entry that meets the standards in subsection (i).**

(4) *Shared Outdoor Areas.* 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;

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- (d) The shared outdoor area must be separated from all entryway and parking areas with a landscaped transition area measuring a minimum of ten feet wide;
- (e) 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; and
- (f) The shared outdoor area standard does not apply to any development with less than 12 dwelling units.
- (g) **Publicly accessible plazas or other pedestrian amenity spaces provided pursuant to TDC 43.315(3) or 43.315(3) shall count toward meeting the shared outdoor area requirements in this subsection.**

[...]

TDC 73A.110. General Design Standards.

Commentary: Design Standards for Nonresidential Development

Applicability: Currently the design standards in TDC 73A.110 are limited to new development. It is recommended to mirror the applicability of design standards in the MUC zone (TDC 73A.130), so the standards also apply to building expansions over a certain size. Additionally, the “Exceptions” language from the MUC section is also proposed to be mirrored below, allowing alternative approaches if meeting the standards is not practical given site constraints or if the proposed design equally or better meets the purpose of the standard.

The following standards are the minimum requirements for nonresidential development in all zones, except the Mixed-Use Commercial (MUC) and Basalt Creek Employment (BCE) zones, which have separate standards:

(1) Applicability. The General Design Standards apply to:

- (a) **New buildings.**
- (b) **Expansion or substantial exterior remodeling of existing development which is greater than 50 percent of the building's gross floor area or alters any façade which abuts a public or private street frontage by more than 50 percent.**

(2) Exceptions. The City Manager may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter 33.120 provided at least one of the following circumstances is met:

- (a) **The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical (e.g., they include, but are not limited to, steep slopes, wetlands, other bodies of water, trees or other natural features of the site, buildings or other existing development, utility lines and easements, etc.); or**
- (b) **The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of this section.**

Commentary: Design Standards for Nonresidential Development

Walkways: The walkway standards are proposed to be clarified.

Entry Orientation: As noted, rule 0330 requires cities to have entry orientation regulations in commercial and mixed-use districts:

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OAR 660-012-0330(4): Cities and counties shall have land use regulations in commercial and mixed-use districts that provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or mixed-use site design land use regulations must meet the following requirements:

- (a) Primary pedestrian entrances to buildings must be oriented to a public pedestrian facility and be accessible to people with mobility disabilities.*
- (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary pedestrian entrances as required in this section. Primary pedestrian entrances for uses open to the public must be open during business hours.*

The entry orientation standards below are intended to provide a certain amount of flexibility. The new proposed exception language in 73A.110(1), above, will allow exceptions for site conditions that make meeting the standards impractical.

Parking Location: Rule 0330 also requires parking lots to be regulated in commercial and mixed-use districts:

- (b) Motor vehicle parking, circulation, access, and loading may be located on site beside or behind buildings. Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public pedestrian facilities on or along the primary facing street. Bicycle parking may be permitted.*

The parking location standards below are copied from the MUC design standards in 73A.120. The one addition is to offer exceptions using same language as for entry orientation.

(43) Walkways. Development must provide walkways as follows:

- (a) Walkways must have a minimum width of;
 - (i) Six feet for commercial and institutional uses; and
 - (ii) Five feet for industrial uses.
- (b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete;
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;
- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;
- (e) Walkways that cross vehicle areas, including parking areas, driveways, and drive-through stacking areas, must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. ~~Walkways through parking areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;~~
- (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and
- (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

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(24) Accessways.

- (a) **When Required.** Accessways are required to be constructed when a ~~multi-family~~ development is adjacent to any of the following:
 - (i) Residential property;
 - (ii) Commercial property;
 - (iii) Areas intended for public use, such as schools and parks; and
 - (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.
- (b) **Design Standard.** Accessways must meet the following design standards:
 - (i) Accessways must be a minimum of eight feet in width;
 - (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
 - (iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete;
 - (iv) Accessways must meet ADA standards applicable at time of construction or alteration;
 - (v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;
 - (vi) Accessways must not be gated to prevent pedestrian or bike access;
 - (vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and
 - (viii) Must be constructed, owned and maintained by the property owner.
- (c) **Exceptions.** The Accessway standard does not apply to the following:
 - (i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and
 - (ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.

(5) *Parking Location in Commercial Zones. When provided, parking must be provided within garages or parking lots as follows:*

- (a) **Parking and loading areas are prohibited between the public street and proposed building(s);**
- (b) **Parking is allowed on the side or rear of proposed building(s). If located on the side, the parking area may not exceed 50 percent of the total frontage of the site; and**
- (c) **Parking must be setback a minimum of 50 feet from the front property line.**

Commentary: Design Standards for Nonresidential Development

Drive-Through Facilities: As noted, rule 0330 requires cities to regulate drive-through facilities to ensure safe access for pedestrians.

OAR 660-012-0330(6)(a): Auto-oriented land uses must provide safe and convenient access opportunities for people walking, using a mobility device, or riding a bicycle. Ease of access to goods and services must be equivalent to or better than access for people driving a motor vehicle.

It is recommended to update the TDC to improve pedestrian access to drive-through uses. The standards below are adapted from the *Walkable Design Standards Model Code*, and address walk-up service, location of service areas and stacking lanes, and spacing of drive-through entrances from street intersections.

(36) Drive-Through Facilities~~up~~ Uses. When permitted, drive-~~up~~uses through facilities must comply with the following:

- (a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:
 - (i) Banks—Each lane must be 100 feet long;
 - (ii) Restaurants—Each lane must be 160 feet long; and
 - (iii) Other uses—Each lane must be between 80 and 160 feet long, as determined by the City.
- (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.
- (c) Drive-~~up~~through aisles and windows must be a minimum of 50 feet from residential zones.
- (d) The width and turning radius of drive-~~up~~through aisles must be approved by the City.
- (e) A wall or other visual or acoustic screen may be required by the City.
- (f) At least one walk-up service area must be provided that meets the following standards. Examples of a walk-up service area include an indoor service area directly accessible from a public street or an outdoor walk-up service window.
 - (i) Walk-up service areas must be accessible by customers arriving on foot, using a mobility device, or by bicycle. Customers using a walk-up service area must have the same or better access to goods and services as customers using the drive-through.
 - (ii) If the walk-up service area is limited to an outdoor service window, it must meet the following standards:
 - (1) The walk-up service area must not also be used by vehicles. Walk-up service may be provided by facility staff or by automatic teller-style machines.
 - (2) The walk-up service area may abut or be connected to the street by a walkway or a pedestrian amenity space.
 - (iii) Walk-up service areas must be connected to the street by a direct and convenient walkway that meets the standards in TDC 73A.110(4).
- (g) Driveway entrances, including stacking area entrances, must be at least 50 feet from any street intersection. If a drive-through use has frontage on two streets, it must receive access from the street with the lower classification.

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(47) Safety and Security. Development must provide safety and security features as follows:

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;
- (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;
- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and
- (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.

(58) Service, Delivery, and Screening. Development must provide service, delivery, and screening features as follows:

- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;
- (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and
- (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

(69) Adjacent to Transit. Development adjacent to transit must comply with the following:

- (a) Development on a transit street illustrated on Comprehensive Plan Map 8-5 must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.
- (b) Development abutting major transit stops as illustrated on Comprehensive Plan Map 8-5 must:
 - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
 - (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
 - (iii) Provide a transit passenger landing pad accessible to disabled persons;
 - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
 - (v) Provide lighting at the major transit stop.

(10) Building Entries in Commercial Zones. At least one main entrance must meet the following orientation standards:

- (a) The main entrance must either face the street or be located within 25 feet of the public sidewalk.**
- (b) The main entrance must include at least three of the following architectural features to distinguish it as the main entrance: canopy, portico, arcade, arch, wing wall, planters, recessed doorway, transom windows, ornamental light fixtures, larger or more prominent doors, pilasters or columns that frame the doorway, or other similar features that increase the visibility of the entrance for pedestrians.**

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- (c) The main entrance must be unlocked during regular business hours, unless impractical for the operations of the proposed use.**
- (d) There must be a direct and convenient walkway from the street sidewalk to the main entrance in conformance with TDC 73A.110(4).**
- (e) For buildings with multiple tenant spaces or multiple entrances, only one entrance must meet the standards.**

(Ord. No. 1486-24, § 11, 6-10-24)

Commentary: TDC 73A.120 is duplicative of TDC 73A.130(1) and (2), so it has been stricken.

TDC 73A.120 Mixed Use Commercial Design Applicability; Exceptions.

- (1) Applicability.** The mixed use design standards apply to:
 - (a) New buildings in the Mixed Use Commercial (MUC) zone.**
 - (b) Expansion or substantial exterior remodeling of existing non-residential development in the Mixed Use Commercial (MUC) zone which is greater than 50 percent of the building's gross floor area or alters any façade visible from a public or private street frontage by more than 50 percent.**
- (2) Exceptions:** The City Manager may allow exceptions to these standards as determined through the Architectural Review process, if the physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical.

(Ord. No. 1486-24, § 11, 6-10-24)

TDC 73A.120130 Mixed Use Commercial Design Standards.

Commentary: Design Standards for Nonresidential Development in MUC Zone

Similar walkway, entry orientation, and drive-through standards are proposed in the MUC zone as in the General Design Standards in TDC 73A.110. The current MUC standards already address parking location and provide exceptions for site characteristics and superior design.

- (1) Applicability.** The Mixed Use Commercial (MUC) design standards apply to:
 - (a) New buildings in the Mixed Use Commercial (MUC) zone.**
 - (b) Expansion or substantial exterior remodeling of existing development in the Mixed Use Commercial (MUC) zone which is greater than 50 percent of the building's gross floor area or alters any façade which abuts a public or private street frontage by more than 50 percent.**
- (2) Exceptions:** The City Manager may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter 33.120 provided at least one of the following circumstance is met:
 - (a) The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical (e.g., they include, but are not limited to, steep slopes, wetlands, other bodies of water, trees or other natural features of the site, buildings or other existing development, utility lines and easements, etc.); or**

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- (b) The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of this section.
- (3) *Walkways.* Development must provide walkways as follows:
 - (a) Walkways must be a minimum of six feet in width;
 - (b) Walkways must be constructed with scored concrete or modular paving materials;
 - (c) Walkways must meet ADA standards applicable at time of construction or alteration;
 - (d) Walkways must be continuous and connect all building entrances within the development to one another and to all public streets or private access abutting the site, all parking areas, storage areas, recreational facilities and common areas associated with the development, and adjacent development, transit stops, and public greenways and parks; ~~and~~
 - (e) **Walkways that cross vehicle areas, including parking areas, driveways, and drive-through stacking areas, must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement; and**
 - (f) Walkways must provide connection to an abutting street every 200 linear feet of frontage.
- (4) *Accessways.*
 - (a) **When Required.** Accessways are required to be constructed when a development is adjacent to any of the following:
 - (i) **Residential property;**
 - (ii) **Commercial property;**
 - (iii) **Areas intended for public use, such as schools and parks; and**
 - (iv) **Collector or arterial streets where transit stops or bike lanes are provided or designated.**
 - (b) **Design Standard.** Accessways must meet the following design standards:
 - (i) **Accessways must be a minimum of eight feet in width;**
 - (ii) **Public accessways must be constructed in accordance with the Public Works Construction Code;**
 - (iii) **Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete;**
 - (iv) **Accessways must meet ADA standards applicable at time of construction or alteration;**
 - (v) **Accessways must be provided as a connection between the development's walkway and bikeway circulation system;**
 - (vi) **Accessways must not be gated to prevent pedestrian or bike access;**
 - (vii) **Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and**
 - (viii) **Must be constructed, owned and maintained by the property owner.**
 - (c) **Exceptions.** The Accessway standard does not apply to the following:

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- (i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and**
- (ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.**

(45) Parking Location. When provided, parking must be provided within garages or parking lots as follows:

- (a) Parking and loading areas are prohibited between the public street and proposed building(s);
- (b) Parking is allowed on the side or rear of proposed building(s). If located on the side, the parking area may not exceed 50 percent of the total frontage of the site; and
- (c) Parking must be setback a minimum of 50 feet from the front property line.

Commentary: Drive-Through Design Standards in MUC Zone

As discussed in TDC 57.200, City Council chose to prohibit new drive-throughs in the MUC zone, and thus drive-through standards are removed.

(5) Drive-up Uses. When permitted, drive-up uses must comply with the following:

- (a) Provide a minimum stacking area clear of the public right of way and parking lot aisles from the window serving the vehicles as follows:**
 - (i) Banks—Each lane must be 100 feet long;**
 - (ii) Restaurants—Each lane must be 160 feet long; and**
 - (iii) Other uses—Each lane must be between 80 and 160 feet long, as determined by the City.**
- (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.**
- (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.**
- (d) The width and turning radius of drive-up aisles must be approved by the City.**
- (e) A wall or other visual or acoustic may be required by the City.**

(6) Adjacent to Transit. Development adjacent to transit must comply with the following:

- (a) Development on a transit street illustrated on Comprehensive Plan Map 8-5 must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.
- (b) Development abutting major transit stops as illustrated on Comprehensive Plan Map 8-5 must:
 - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
 - (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
 - (iii) Provide a transit passenger landing pad accessible to disabled persons;

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- (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
- (v) Provide lighting at the major transit stop.

(7) *Building Location.* Buildings must occupy a minimum of 50 percent of arterial and collector street frontages. Buildings must be located at public street intersections on arterials and collectors.

(8) Building Entries. At least one main entrance must meet the following orientation standards:

- (a) The main entrance must either face the street or be located within 25 feet of the public sidewalk.**
- (b) The main entrance must include at least three of the following architectural features to distinguish it as the main entrance: canopy, portico, arcade, arch, wing wall, planters, recessed doorway, transom windows, ornamental light fixtures, larger or more prominent doors, pilasters or columns that frame the doorway, or other similar features that increase the visibility of the entrance for pedestrians.**
- (c) The main entrance must be unlocked during regular business hours, unless impractical for the operations of the proposed use.**
- (d) There must be a direct and convenient walkway from the street sidewalk to the main entrance in conformance with TDC 73A.120(4).**
- (e) For buildings with multiple tenant spaces or multiple entrances, only one entrance must meet the standards.**

(89) Building Design Standards. Development must meet the following building design standards.

[...]

TDC 73A.130~~140~~. - Basalt Creek Employment (BCE) Design Standards.

Commentary: Section renumbered to account for previous section being stricken.

[...]

CHAPTER 73B - LANDSCAPING STANDARDS

[...]

Commentary: Figure renumbered.

TDC 73B.040. - Additional Minimum Landscaping Requirements for Nonresidential Uses.

(1) *General.* In addition to requirements in TDC 73B.020, nonresidential uses, except those located in the Mixed-Use Commercial (MUC) zone which has its own standards, must comply with the following:

- (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) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:
 - (i) Pedestrian amenities such as landscaped plazas and arcades; and
 - (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.
- (c) Five-foot wide landscaped area requirement does not apply to:
 - (i) Loading areas;
 - (ii) Bicycle parking areas;
 - (iii) Pedestrian egress/ingress locations; and
 - (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.
- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.
- (e) Landscape screening provisions are superseded by the vision clearance requirements of Figure 75~~3B~~**14**.

[...]

TDC 73B.050 - Additional Minimum Landscaping Requirements for all uses in the Mixed Use Commercial Zone.

(1) *General.* In addition to requirements in TDC 73B.020, all uses within the Mixed-Use Commercial (MUC) zone, must comply with the following:

- (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) A landscape area may be occupied by utilities, screening, sidewalks, bikeways; and

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(c) Landscape screening provisions are superseded by the vision clearance requirements of Figure 753B-
14.

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CHAPTER 73C PARKING STANDARDS³

[...]

TDC 73C.040. Off-Street Vehicle and Bicycle Parking Quantity Requirements.

Commentary: Changes in this section are needed for consistent use of the term “drive-through facility.”

[...]

TABLE 73C-1: Off-Street Vehicle and Bicycle Parking Quantity Requirements

USE	MAXIMUM PERMITTED VEHICLE PARKING		MINIMUM PERMITTED BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED		
	Zone A	Zone B				
[...]						
(e) Commercial						
(i) General retail—grocery stores, convenience stores, specialty retail and shops	5.0 spaces per 1,000 square feet of gross floor area	6.2 spaces per 1,000 square feet of gross floor area	0.5 space per 1,000 square feet of gross floor area	50		
(ii) Bulk retail—furniture and home furnishings, appliances, building materials, and similar large items	5.0 spaces per 1,000 square feet of gross floor area	6.2 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.2 space per 1,000 square feet of sales floor area; whichever is greater	50		
(iii) Banks/Savings and loans	5.0 spaces per 1,000 square feet of gross floor area	6.5 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.33 spaces per 1,000 square feet; whichever is greater	10		
(iv) Medical & dental offices	4.9 spaces per 1,000 square feet of gross floor area	5.9 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.33 spaces per 1,000 gross square feet; whichever is greater	10 spaces or 40 percent; whichever is greater		

³Ord. No. 1486-24, § 13, adopted June 10, 2024, repealed ch. 73C, §§ 73C-010—73C-250 and enacted a new ch. 73C as set out herein. Former ch. 73C pertained to similar subject matter and derived from Ord. 1427-19, § 40, adopted November 25, 2019; Ord. No. 1438-20, §§ 27, 29, 30, adopted June 22, 2020; Ord. No. 1463-21, §§ 37—42, adopted December 13, 2021.

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			whichever is greater	
(vi) General office	3.4 spaces per 1,000 square feet of gross floor area	4.1 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.5 spaces per 1,000 gross square feet; whichever is greater	10 spaces or 40 percent; whichever is greater
(vii) Restaurant	19.1 spaces per 1,000 square feet of gross floor area	23.0 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 gross square feet	25
(viii) Drive- through ^{up} restaurant	12.4 spaces per 1,000 square feet of gross floor area	14.9 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 gross square feet	25
(viii) Motel	None	None	0.2 space per room	10
(ix) Mortuary	None	None	1.0 space per 40 seats or 80 feet of bench length	10
(x) Park and ride lots	None	None	5 percent of auto spaces	100
(xi) Major transit stops (not Park and Ride lots)	None	None	4	100
[...]				

(Ord. No. 1486-24, § 13, 6-10-24)

[...]

TDC 73C.090. Parking Lot Driveway and Walkway Requirements.

Commentary: Driveway Widths for Single-Family and Middle Housing

Rule 0330 requires cities to have standards – including access standards – that promote “efficient and sociable development patterns, and provide for connectivity within the neighborhood and to adjacent districts.” The TDC’s current access standards are generally consistent with these requirements. However, the driveway width standards are noted as allowing overly wide driveways that may conflict with a safe and comfortable pedestrian experience along the sidewalk. The recommended approach is to limit driveway widths to 24 feet for all single-family and middle housing types, regardless of garage size.

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

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

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(a) Ingress and egress for single-family residential uses and **middle housing types (duplexes, triplexes quadplexes, townhouses, and cottage clusters)** must be paved to a minimum width of ten feet. Maximum ~~driveway~~ widths **for new or expanded driveways** must not exceed ~~26~~²⁴ feet ~~for one and two car garages, and 37 feet for three or more car garages~~. For the purposes of this section, driveway widths must be measured at the right-of-way line.

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

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

Dwelling Units	Minimum Number Required	Minimum Width	Walkways, etc.
5—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

[...]

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CHAPTER 73G MASONRY WALL STANDARDS

Commentary: Just a typo fix is proposed in this section.

TDC 73G.010. Purpose.

The purpose of masonry wall design standards is to implement the community design goals and policies of the Comprehensive Plan to require a masonry wall in the RL and RML zones for access-restricted lot lines and property lines abutting ~~major~~ collectors, ~~minor collectors, major arterials, minor and primary~~ arterials, ~~expressway right-of-way, and interstate highways.~~

[...]

CHAPTER 74 PUBLIC AND PRIVATE TRANSPORTATION, FACILITIES, AND UTILITIES

Commentary: Just a typo fix is proposed in this section.

[...]

TDC 74.020. Applicability.

- (1) Unless otherwise provided, construction, reconstruction or repair of public and private transportation, facilities, and utilities must comply with the provisions of this chapter. No development may occur and no land use application may be approved unless the public and private facilities related to development comply with the requirements established in this chapter and adequate public facilities are available. Applicants may be required to dedicate land and build required improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.
- (2) Development must also comply with the applicable requirements of the Tualatin Municipal Code, Tualatin Public Works Construction Code, and Clean Water Services Design and Construction Standards.
- (3) Adjustments to the provisions in this chapter related to transportation facility and utility improvements ~~shall~~must be requested as an exception in conjunction with an Architectural Review, Subdivision, Partition, or Driveway Approach Permit application consistent with the requirements of 74.040. Adjustment to the provisions in this chapter requested under 74.040 may also be requested as a separate application through a Type II procedure.

TDC 74.030. Street Standards.

[...]

- (2) *Street Connectivity and Future Street Extensions.* Streets must be extended to the proposed development site boundary and must comply with the minimum location, orientation, and spacing identified in the Functional Classification Plan (Comprehensive Plan Map 8-1), Local Streets Plan (Comprehensive Plan Map 8-3), Typical Street Design Standards (Figures 74-1A through 74-1B), Access Management (Chapter 75), and the following standards:
 - (a) ~~Locals~~Streets with a Local classification and major driveways, as defined in TDC 31.060, proposed as part of new residential or mixed residential/commercial developments must comply with the following standards:
 - (i) Maximum Block Length and Perimeter.
 - (A) The block length ~~must~~shall not exceed 400 feet, and the block perimeter ~~must~~shall not exceed 1,600 feet, except where prevented by barriers.
 - (B) The maximum block length and perimeter standard may be met with a full street connection, an alley that conforms with the standards in TDC 74.070, or a mid-block pedestrian and bicycle accessway that conforms with the standards in TDC 74.100.
 - (ii) Cul-de-sacs.
 - (A) Where provided, cul-de-sacs and closed-end streets must be no longer than 200 feet and shall provide access to no more than 25 dwelling units, except for streets stubbed to future developable areas.
 - (B) If the end of a proposed cul-de-sac or other closed-end street is within 150 feet of a street or other public pedestrian facility, a bicycle and pedestrian accessway ~~must~~shall connect

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the cul-de-sac/closed-end street to the pedestrian facility, unless prevented by barriers. The accessway connection must meet the standards in TDC 74.100.

- (b) For residential or mixed residential/commercial redevelopments of a site over 2 acres that does not meet the block length or connectivity standards in TDC 74.030(2)(a), new connections meeting these standards **must**~~shall~~ be required, provided ~~the City Manager makes findings that~~ the required improvements have a clear nexus with, and are roughly proportional to, the development's impacts.
- (c) Streets proposed as part of new industrial or commercial development must comply with **the** Functional Classification Plan (Comprehensive Plan Map 8-1).

[...]

Commentary: Clarifications proposed for private street requirements.

TDC 74.060. Private Streets.

In new residential or mixed residential/commercial developments, private streets may be used to provide vehicular access to a site, provided they comply with the following standards:

- (1) The private street must be **created within a private tract with a public access easement and is** limited to 150 feet in length;
- (2) Private streets must comply with minimum block length, public street spacing standards, and local street connectivity as shown on the Local Streets Plan (Comprehensive Plan Map 8-3);
- (3) If the terminus of the private street is within 150 feet of a street or other public pedestrian facility, a bicycle and pedestrian accessway **must**~~shall~~ connect the private street to the pedestrian facility, unless prevented by barriers. The accessway connection must meet the standards in TDC 74.100; **and**
- (4) Be constructed in accordance with the Typical Street Design Standards (Figures 74-1A through 74-1B) and in accordance with all federal ADA standards and regulations; **and**
- (5) **An operations and maintenance agreement must be recorded that specifically requires present and future property owners to provide for liability and maintenance of the private street to City standards.**

Commentary: Just a typo fix is proposed in this section.

TDC 74.070. Public Alleys.

In new residential or mixed residential/commercial developments, public alleys may be used to provide vehicular access to a site, provided they comply with the following standards:

- (1) Alleys with a single access point must be limited to 150 feet;
- (2) The alley must be at least 25 feet wide, with a paved width of at least 20 feet;
- (3) Mountable curbs **must**~~shall~~ be installed with a minimum width of 6 inches;
- (4) The alley must meet minimum fire access requirements;
- (5) Each lot abutting an alley must also have frontage on a public street. Vehicle access must be derived from the alley; and

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(6) The alley must be dedicated as public right-of-way and be constructed in accordance with the Typical Street Design Standards (Figures 74-1A through 74-1B) and in accordance with all federal ADA standards and regulations.

TDC 74.080. Easements.

(1) Easements ~~shall be~~ are required for the following:

- (a) Greenways, natural areas, ~~and~~ bikeways, ~~and~~ pedestrian paths, **and/or multi-use paths outside of the public right-of-way;**
- (b) Slope areas necessary to support street improvements, accessways, or utility improvements;
- (c) Public utilities, such as water, sanitary sewer, storm drainage, electric lines, cable, and gas;
- (d) Watercourse or drainage way areas that traverse development; and
- (e) Public improvement maintenance.

(2) For subdivision and partition applications, easement areas must be dedicated to the City on the final subdivision or partition plat, prior to approval of the plat by the City.

(3) For all other development applications, easement dedications must be submitted to the City Manager. The applicant must obtain City acceptance of the easement dedication prior to issuance of building permits or release of construction improvement bonds, whichever comes first.

(4) When off-site public utility easements are required to serve the proposed development, the public utility easement must have an 8-foot width adjacent to the street.

(5) When storm water easements are required, the easement must be sized to accommodate the existing water course and all future improvements in the drainage basin. There may be additional requirements as set forth in TDC Chapter 72, Greenway and Riverbank Protection District.

(6) All easements dedicated to the City during the development application process must be surveyed, staked, and marked with a City approved boundary marker, ~~and recorded~~, prior to acceptance by the City.

TDC 74.090. Bikeways, ~~and~~ Pedestrian Paths, and Multi-Use Paths.

(1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path identified in the Bicycle and Pedestrian Plan (Comprehensive Plan Map 8-4), it must be constructed within an easement or dedication provided to the City.

(2) Where required, bikeways ~~and~~, pedestrian paths, **and multi-use paths** must be provided as follows:

- (a) **Bikeways, and pedestrian paths, and multi-use paths** must be constructed and surfaced in accordance with the Public Works Construction Code.
- (b) The applicant must install the striping and signing of the bike lanes and shared roadway facilities, where designated.

TDC 74.100. Mid-Block Accessways.

Mid-block accessways in residential, commercial and industrial subdivisions and partitions may be ~~provided~~ used in-lieu of full street connections and must meet the following standards.

(1) Accessways must be constructed by the applicant and created within public rights-of-way, public tracts, or private tracts with public access easements. If created within a public right-of-way or tract, the accessway must be dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.

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- (2) Accessways must be provided between the proposed subdivision or partition and all of the following locations that apply:
 - (a) Adjoining publicly-owned land intended for public use, including schools and parks. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;
 - (b) Adjoining arterial or collector streets upon which transit stops, sidewalks, or bike lanes are provided or designated;
 - (c) Adjoining undeveloped residential, commercial or industrial properties;
 - (d) Adjoining neighborhood activity centers;
 - (e) Adjoining developed sites where an accessway is planned or provided.
- (3) In designing residential, commercial and industrial subdivisions and partitions, the applicant is expected to design and locate accessways in a manner which does not restrict or inhibit opportunities for developers of adjacent property to connect with an accessway. The applicant is to have reasonable flexibility to locate the required accessways. When developing a parcel which adjoins parcels where accessways have been constructed or approved for construction, the applicant must connect at the same points to provide system continuity and enhance opportunities for pedestrians and bicyclists to use the completed accessway.
- (4) Accessways must not exceed 300 feet in length.
- (5) Accessways must be sufficiently straight that both end points are visible from any point on the accessway.
- (6) Accessways must be located and improved within a right-of-way, tract, or easement of no less than 15 feet.
- (7) Where possible, accessways must be combined with utility easements.
- (8) Accessway must have a paved width of at least 10 feet, constructed of asphalt or concrete, unless previous pavement has been approved by the City Engineer based on usage and site conditions. The slope must~~shall~~ not exceed 5 percent.
- (9) Accessways must be constructed in accordance with the Public Works Construction Code.
- (10) Curb ramps must be provided wherever the accessway crosses a curb and must be constructed in accordance with the Public Works Construction Code.
- (11) The Federal Americans With Disabilities Act (ADA) and Public Right of Way Accessibility Guidelines (PROWAG) apply to development in the City of Tualatin. Accessways must comply with the Oregon Structural Specialty Code's (OSSC) accessibility standards.
- (12) Lighting must be provided in an accessway to achieve a minimum lighting level of 0.5 foot-candles and a maximum of 2 foot-candles. Lighting must be shielded to minimize glare on abutting properties.
- (13) Fences and gates which prevent pedestrian and bike access must not be allowed at the entrance to or exit from any accessway. Removable bollards are permitted to allow emergency vehicle access.
- (14) The developer must obtain City approval of final design and location of accessways.
- (15) If an accessway is not dedicated as public right-of-way, to ensure accessway maintenance over time, a maintenance agreement must be recorded that specifically requires present and future property owners to provide for liability and maintenance of the accessways to City standards.
- (16) Outdoor Recreation Access Routes must be provided between a subdivision or partition and parks, bikeways and greenways where a bike or pedestrian path is designated.

[...]

CHAPTER 75 - ACCESS MANAGEMENT

[...]

Commentary: Changes in this section are needed for consistent distance measurements and to fix typos.

TDC 75.020. Driveway Approach Requirements.

The standards set forth in this Code are minimum driveway approach standards, the purpose of which are to protect the public health, safety, and general welfare.

- (1) *Public Access.* No development shall occur unless the development has frontage or approved access to a public street. Lots that front on more than one street must locate motor vehicle access on the street with the lower functional classification, or as required by the City Manager.
- (2) *Driveway Width.* Minimum driveway approach widths are as provided in TDC 73C-090.
- (3) *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.
- (4) *Distance between Driveways and Intersections.* Driveways ~~must shall~~ be outside the stopping queue or storage length of 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 centerline to centerline~~the stop bar at the intersection (or crosswalk if no stop bar)~~.

 - (a) At an intersection with a collector or arterial street, driveways must be located a minimum of ~~200~~¹⁵⁰ feet from the intersection and must be outside marked turn lanes or areas where vehicles regularly queue to get through the intersection as may be determined by a traffic study.
 - (b) At an intersection with a connector, neighborhood route, and local street, driveways must be located a minimum of ~~100~~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. In these cases turning movements into and out of the driveway may be limited for safety reasons.

[...]

- (8) *Vision Clearance Area.*
 - (a) *Connectors, Neighborhood Routes, and Local Streets.* A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 753-21 for illustration).
 - (b) *Collector Streets.* A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance

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measured along the driveway line for the triangular area must be ten feet (see Figure 753-21 for illustration).

(c) *Vertical Height Restriction.* Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 753-21 for illustration).

[...]

TDC 75.030. Access Spacing Standards.

- (1) Future streets are shown in Functional Classification Plan (Comprehensive Plan Map 8-1) and Local Streets Plan (Comprehensive Plan Map 8-3). These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process.
- (2) New access points connecting to the public street network must meet the spacing standards summarized in Table 75-1. Access points include public streets, private streets, and private driveways, and must meet the following standards:
 - (a) Intersection and driveway spacing is measured from centerline of the first access to centerline of the second access.
 - (b) Limited access intersections are restricted to right-in/right-out turn movements. In some cases, left-in turn movements may be permitted.
 - (c) The following are access limited roadways:
 - (i) Basalt Creek Parkway
 - (A) 124th Avenue to Boones Ferry Road: Access ~~must~~shall be limited to Grahams Ferry Road and Boones Ferry Road.
- (3) A variation to the access spacing standards may be granted in areas with limited property frontage and/or environmental constraints. Variation to these spacing standards will require an access management plan to be approved by the City Manager.

Table 75-1: Access Spacing Standards

Functional Classification	Minimum Access Spacing: Unrestricted	Minimum Access Spacing: Limited
Primary Arterial	800 feet	400 feet
Arterial	400 feet	200 feet
Collector	200 feet	100 feet
Connector	200 <ins>150</ins> feet from an intersection with an Arterial or Collector; 100 feet from other street intersections.	-
Neighborhood Route	200 <ins>150</ins> feet from an intersection with an Arterial or Collector; 100 feet from other street intersections.	-
Local	200 <ins>100</ins> feet from an intersection with an Arterial or Collector	-

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Figure 753-21

VISION CLEARANCE AREA

