

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

### TDC 44.100. Purpose.

The purpose of the High Density High Rise (RH-HR) zone is to provide areas of the City ~~within the City's Central Urban Renewal area, an area west of the Central Urban Renewal area, north of the wetlands, and south of the Tualatin Country Club~~ that are suitable for high density apartment or condominiums ~~s~~towers.

### TDC 44.200. Use Categories.

- (1) *Use Categories.* Table 44-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RH-HR zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 44-1 and restrictions identified in TDC 44.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 44-1  
Use Categories in the RH-HR Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P/C	Permitted housing types subject to TDC 44.220.
Residential Accessory Uses	P (L)	Permitted uses limited to Family Day Care subject to ORS 329A.440.
Group Living	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Residential Home;</li> <li>• Residential Facility; and</li> <li>• Nursing Facility</li> </ul> Conditional uses limited to Congregate Care Facility subject to TDC 34.400.
<b>COMMERCIAL USE CATEGORIES</b>		
Agriculture	C (L)	Subject to TDC 44.210(1).
Durable Goods Sales	C (L)	Conditional uses limited to retail nurseries.
Retail Sales and Service	C (L)	Conditional uses limited to Child Day Care Center.
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	C (L)	Conditional uses limited to places of religious worship. See TDC 34.800 Religious uses and ORS 227.500 pertaining to activities customarily associated with the practices of religious activity.
Community Services	C	
Medical Center	C (L)	Conditional uses limited to a hospital.

Schools	C	—
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations.  Conditional uses limited to water reservoirs, with a maximum height of 75 feet.
Greenways and Natural Areas	P	—
Parks and Open Areas	P/C (L)	Permitted uses limited to public park or playground.  Conditional uses limited to golf course or country club with golf course.
Public Safety Facilities	C (L)	Conditional uses limited to fire stations.
Transportation Facilities	P	—
Wireless Communication Facilities	P/C (L)	Subject to TDC 44.210(2). Maximum height and minimum setbacks subject to TDC Chapter 73F.

#### **TDC 44.210. Additional Limitations on Uses.**

- (1) *Agricultural Uses.* The following agricultural uses are allowed with a conditional use permit within areas designated on Comprehensive Plan Map 10-6:
  - (a) *Conditional Use of Agricultural Animals.* Raising of agricultural animals, limited to cattle, horses and sheep. The City Council may limit the number of animals to be allowed on a specific parcel of property; and
  - (b) *Agricultural structures such as barns, stables, sheds, but excluding feed lots.* Feed lots are prohibited.
- (2) *Wireless Communication Facilities.* Wireless Communication Facilities may be permitted uses or conditional uses, depending on the nature of the use.
  - (a) *Permitted Uses.* The following uses are permitted outright:
    - (i) Wireless Communication Facility Attached, provided the facility is not mounted on a single-family dwelling or its accessory structures; and
    - (ii) Wireless Communication Facility, provided the facility is located within 300 feet of the centerline of Interstate 5.
  - (b) *Conditional Uses.* All other detached wireless communication facilities may be allowed with a conditional use permit.

(Ord. No. 1450-20 , § 22, 12-14-20)

#### **TDC 44.220. Housing Types.**

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**

<b>HOUSING TYPE</b>	<b>STATUS</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
Single-Family Dwelling	N	
Accessory Dwelling Unit	N	
Duplex Townhouse (or Rowhouse)	P	See definition in TDC 31.060.
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.

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

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
<b>MAXIMUM DENSITY</b>		
Household Living Uses	Maximum: 30 units per acre Minimum: 26 units per acre	
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.
<b>MINIMUM LOT SIZE</b>		
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.
<b>MINIMUM AVERAGE LOT WIDTH</b>		
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.
<b>MINIMUM SETBACKS</b>		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Over 2.5 story structure	—	As determined through Architectural Review process. No setback must be required which is greater than the height of the structure.
Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be 10 feet.
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	
• Over 2.5 story structure	—	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	
<b>STRUCTURE HEIGHT</b>		
Minimum Height, Multi-Family and Condominium Developments	4 stories	
Maximum Height	64 feet	<u>South of SW Norwood Road, structure height is limited to 4 stories or 50 feet, whichever is less.</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.

MAXIMUM LOT COVERAGE	
All Uses	45%

(Ord. No. 1450-20 , § 23, 12-14-20)

**TDC 44.310. Projections Into Required Yards.**

The following architectural features may project into a required front or rear yard setback area not more than three feet, and into a required side yard not more than two feet: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

**TDC 44.320. Density Bonus or 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 density bonus or setback reduction 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:

- (1) *Density Bonus.* The lot(s) may be developed to the same number of dwelling units that would be permitted in the RH-HR zone if none of the land area in the Greenway or Natural Area lots were in a conservation or protection area.
- (2) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front, side or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas. Setback areas that abut property lines in the RL zone are not eligible for the setback reduction.
- (3) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located wholly in one of the following conservation or protection areas:
  - (a) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
  - (b) Clean Water Services Vegetated Corridor.
- (4) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following.
  - (a) Dedicated to the City at the City's option;
  - (b) Dedicated in a manner approved by the City to a non-profit conservation organization; or
  - (c) Retained in private ownership.
- (5) *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:
  - (a) 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;
  - (b) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
  - (c) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
  - (d) Does the lot connect publicly owned or publicly accessible properties;

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- (e) Does the lot abut an existing park, greenway, natural area or other public facility;
  - (f) Does the lot provide a public benefit or serve a public need;
  - (g) Does the lot contain environmental hazards;
  - (h) Geologic stability of the lot; and
  - (i) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. 1427-19 , § 22, 11-25-19)