



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/15/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, April 29, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Stacy Humphrey, City of Gresham
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

APR 09 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Gresham**

Local file number: **CPA 10-142**

Date of Adoption: **4/2/2013**

Date Mailed: **4/8/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 1/12/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Establishes a land use classification system and incorporates "Community Services" into the system; updates land use tables. Establishes a Special Use Review process, updates process for staff interpretations and introduces a new review process for determination of similar use.

Does the Adoption differ from proposal? Please select one

No significant changes were made

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro

Local Contact: Stacy Humphrey

Phone: (503) 618-2202 Extension:

Address: 1333 NW Eastman Parkway

Fax Number: - -

City: Gresham Zip: 97030-

E-mail Address:

Stacy.Humphrey@GreshamOregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.



CITY OF GRESHAM
Urban Design & Planning
1333 N.W. Eastman Parkway
Gresham, Oregon 97030

CERTIFICATE OF MAILING

City of Gresham – Classifying Land Uses / CPA 10-142

FILE NUMBER / PROJECT

Tammy J. Richardson

I, _____

HEREBY CERTIFY THAT I HAVE MAILED THE ATTACHED
NOTICE OF DECISION TO THE FOLLOWING PARTIES:

DLCD

Plan Amendment Specialist
635 Capitol St. NE #150
Salem, OR 97301-2540

Metro
Growth Management
600 NE Grand
Portland OR 97232-2736

Carol Rulla
5162 SE 28th Dr.
Gresham OR 97080

Brian Dubal
16246 SE Anderegg Pkwy
Damascus OR 97089

Jack Whitmore
Big Eddy Marina
19609 NE Marine Dr.
Gresham OR 97030

George Wittemyer
4930 NW Cornell Rd.
Portland, OR 97210

Mary McSwain
4140 SE Augusta Loop
Gresham, OR 97080

Ken Cahill
P.O. Box 315
Corbett, OR 97019

Andrew Garland
262 SW Gabbert Rd.
Gresham OR 97080

Donald Peer
6246 SE 33rd Way
Gresham, OR 97080

Paul Herr
3337 SE Hillyard Rd.
Gresham, OR 97080

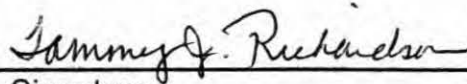
Benjamin Clappa
2105 SW 14th
Gresham, OR 97080

Matei Sstrizu
26 NE 202nd
Portland, OR 97230

Alisha Shifflett
ashifflett@obrc.com

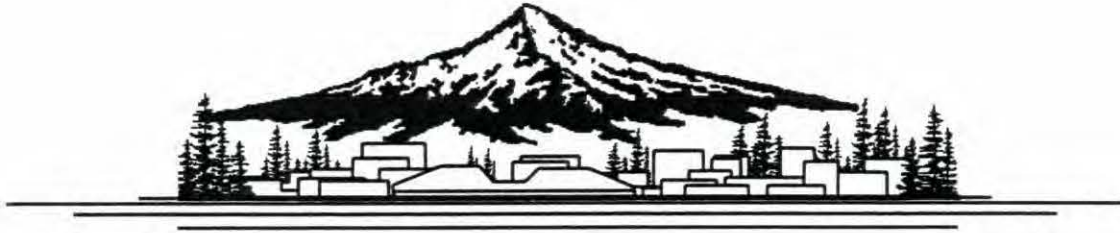
Chuck James
chuck_james@comcast.net

Chuck Wagner
chuck@enventure.com

 4/8/2013

Signature

Dated



CITY OF GRESHAM
Urban Design & Planning Office
1333 NW Eastman Parkway
Gresham, Oregon 97030

NOTICE OF FINAL DECISION

April 8, 2013

On April 2, 2013, the Gresham City Council Approved the application of **City of Gresham (Council Order No. 641)** amending the Gresham Community Development Plan regarding **Classification of Land Uses**.

The record for this project is maintained at Gresham City Hall, City of Gresham **File No. CPA 10-142** and may be reviewed at the City's Urban Design & Planning office Monday through Friday, 8:00 AM to 5:00 PM.

An appeal of this decision may be filed with the Land Use Board of Appeals (LUBA) within 21 days of this Notice of Decision. LUBA has the jurisdiction to review all governmental land use decisions. An appeal of a land use decision must conform to the procedures and requirements of LUBA. They may be contacted in Salem at:

LUBA
550 Capitol Street, NE – Suite #235
Salem, Oregon 97301-2552
(503) 373-1265

BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME 2) Order No. 641
POLICIES AND VOLUME 3 DEVELOPMENT CODE OF)
THE GRESHAM COMMUNITY DEVELOPMENT PLAN,) CPA 10-142
REGARDING THE DEVELOPMENT CODE)
IMPROVEMENT PROJECT)

On March 5, 2013, the City Council held a public hearing to take testimony on amendments to Volume 2, Policies, and Volume 3, Development Code, of the Gresham Community Development Plan as it relates to Land Use Classifications.

The hearing was conducted under Type IV procedures. Mayor Shane T. Bemis presided at the hearing.

The Council closed the public hearing at the March 5, 2013 meeting, and a final decision was made at the April 2, 2013 meeting.

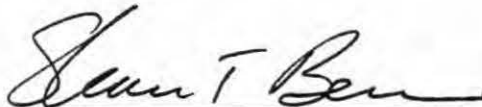
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

The Council orders that these amendments are approved, and adopts the standards, findings, conclusions and recommendations as stated in the attached Planning Commission Recommendation Order and staff report, and the February 12, 2013 Addendum staff report.

Dated: April 2, 2013



Erik Kvarsten
City Manager



Shane T. Bemis
Mayor

Proposed new language is double-underlined;
Proposed deleted language is ~~stricken~~.

CB 02-13

ORDINANCE NO. 1725

AMENDMENTS TO VOLUME 2 POLICIES AND VOLUME 3 DEVELOPMENT
CODE OF THE GRESHAM COMMUNITY DEVELOPMENT PLAN,
REGARDING THE DEVELOPMENT CODE IMPROVEMENT PROJECT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 2 Policies to be amended as follows:

10.014 Goal 2 – Land Use Planning

Policies

18. When it is not definitively clear that a land use designation allows a specific use, the City may interpret that a “similar” use may locate in the district under a Type ~~HH~~ II process. The City’s interpretation shall include specific findings that the “similar use” has characteristics comparable to land uses allowed in the district.

Section 2. Volume 3, Development Code, Section 3.0000 is amended as follows:

ARTICLE 3 – GENERAL TERMS
SECTION ~~3.0100~~ DEFINITIONS

~~3.0004~~ 3.0101 General Provisions

The purpose of Definitions Article-3 is to define terms that are used frequently in the City of Gresham Development Code (Code) and to assist decision makers in interpreting and applying the Code. Those words used in the Community Development Code, shall be subject to the generally accepted dictionary definitions, unless otherwise noted in ~~Section 3.0010~~ 3.0100. Those words listed in ~~Section 3.0010~~ 3.0100 shall be subject to those definitions provided, unless the context clearly implies differently. In such cases, the context in which a term is used will indicate its intended meaning, and that intent shall control. Terms not defined here shall have their ordinary accepted meaning as identified in the latest edition of Webster’s Dictionary of the English Language.

As used in this ordinance, “shall” and “must” are mandatory. “May” and “should” are permissive.

3.01002 List of Terms

Terms used in the Development Code are presented below. General terms that apply throughout the Code are listed in ~~Section 3.0010~~ 3.0102. Terms that are specific to a Development Code section are listed after the General Terms. These categories are:

- A. Habitat Conservation Area Terms and Definitions. ~~Section 3.0020~~ 3.0120
- B. HCA, ESRA, and Article 5 Terms and Definitions. ~~Section 3.0030~~ 3.0130
- C. Solar Related Terms and Definitions. ~~Section 3.0040~~ 3.0140

D. Tree Related Terms and Definitions. Section ~~3-0050~~ 3.0150

General Terms

~~Adult Foster Home—See Residential Homes~~

Agricultural Use

~~Aquatic Habitat – See HCA, ESRA, Article 5 Definitions, Section ~~3-0030~~ 3.0130~~

~~Areal Cover – See HCA, ESRA, Article 5 Definitions, Section ~~3-0030~~ 3.0130~~

~~Auto-Dependent Use~~

Boarding House

~~Building Site – See Habitat Conservation Area Definitions, Section ~~3-0020~~ 3.0120~~

~~Business Service~~

~~Caliper – See Tree Caliper~~

~~Campground~~

Certified Child Care Facility

~~Child-Caring Facility—See Residential Facility~~

~~Clear Cutting – See Tree Related Definitions, Section ~~3-0050~~ 3.0150~~

Community Garden

~~Commercial Parking Facility~~

~~Community Services~~

Composting Facility

Construction Contractor

~~Critical Root Zone – See Tree Related Definitions, Section ~~3-0050~~ 3.0150~~

~~Crown Cover – See Tree Related Definitions, Section ~~3-0050~~ 3.0150~~

Development Areas not Providing Vegetative Cover– *See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120*

Developed Flood Area – *See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120*

Diameter Breast Height – *See Tree Related Definitions, Section ~~3.0050~~ 3.0150*

Disturb – *See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120*

Disturbance Area – *See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120*

Dripline – *See Tree Related Definitions, Section ~~3.0050~~ 3.0150*

~~Duplex~~

Dwelling Unit

• Duplex

Ecological Features – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Ecological Functions– *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Effective Impervious Area– *See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120*

Electrical Generating Facility

Emergency – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Engineer – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Enhancement – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Erosion – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Fill – *See HCA, ESRA, Article V Definitions, Section ~~3.0030~~ 3.0130*

Flood Areas – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Flood Management Areas – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Forest Canopy – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Habitat Conservation Area or HCA – *See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120*

Habitat Friendly Development – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Helicopter Landing Facility

Intermittent Stream – *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130*

Invasive Non-Native or Noxious Vegetation – See HCA, ESRA, Article 5 Definitions, Section 3.0030
3.0130

Live/work

Low Structure Vegetation or Open Soils – See Habitat Conservation Area Definitions, Section 3.0020
3.0120

Manufactured Dwelling Park

Mass Shelter

Medical Center/Hospital

Mini-Storage Facilities

Mitigation – See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130

Native Vegetation or Native Plant – See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130

Non-Woody Vegetation – See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130

North-South Dimension – See Solar Related Definitions, Section 3.0040 3.0140

Nursery, Day or Child Care Center

Open Space – See Habitat Conservation Area Definitions, Section 3.0020 3.0120

Outdoor Commercial Use

Perennial Streams – See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130

Practicable – See Habitat Conservation Area Definitions, Section 3.0020 3.0120

Protected solar building line– See Solar Related Definitions, Section 3.0040 3.0140

Pruning – See Tree Related Definitions, Section 3.0050 3.0150

Redemption Center

Redevelopment – See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130

Registered Child Care Facility

Residential Care Facility—See Residential Facility

Residential Facility

- Child-Caring Facility
- Residential Care Facility
- Residential Training Facility

- Residential Treatment Facility
- Residential Homes
- Adult Foster Home
- Registered Residential Facility
- Residential Training Home
- Residential Treatment Home
- Residential Training Facility—*See Residential Facility*
- Residential Training Home—*See Residential Home*
- Residential Treatment Facility—*See Residential Facility*
- Residential Treatment Home—*See Residential Home*

Residentially Designated Land

Restoration—*See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130*

Retail Service

Retail Trade

Riparian—*See Habitat Conservation Area Definitions, Section 3.0020 3.0120*

Routine Repair and Maintenance—*See Habitat Conservation Area Definitions, Section 3.0020 3.0120*

School, Primary, Elementary or High

Sensitive Species—*See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130*

Setback Adjustment—*See Habitat Conservation Area Definitions, Section 3.0020 3.0120*

Severe Crown Reduction—*See Tree Related Definitions, 3.0050 3.0150*

Shade—*See Solar Related Definitions, Section 3.0040 3.0140*

Shade Point—*See Solar Related Definitions, Section 3.0040 3.0140*

Shade Reduction Line—*See Solar Related Definitions, Section 3.0040 3.0140*

Shadow pattern—*See Solar Related Definitions, Section 3.0040 3.0140*

Shelter

Significant Negative Impact—*See Habitat Conservation Area Definitions, Section 3.0020 3.0120*

Solar Access Development Permit—*See Solar Related Definitions, Section 3.0040 3.0140*

Solar Access Height Limit—*See Solar Related Definitions, Section 3.0040 3.0140*

Solar Energy Collecting Structure—*See Solar Related Definitions, Section 3.0040 3.0140*

Solar Feature—*See Solar Related Definitions, Section 3.0040 3.0140*

Solar Gain Line—*See Solar Related Definitions, Section 3.0040 3.0140*

Solar Related Definitions - *See Solar Related Definitions, Section 3.0040 3.0140*

South or South Facility—*See Solar Related Definitions, Section 3.0040 3.0140*

Stand - See Tree Related Definitions, Section ~~3.0050~~ 3.0150

Steep Slopes – See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120

Stormwater Pre-Treatment Facility – See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130

Stream – See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130

Sunchart – See Solar Related Definitions, Section ~~3.0040~~ 3.0140

Theme Park

Top of Bank – See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130

Transitional Housing

Tree Protection Plan – See Tree Related Definitions, Section ~~3.0050~~ 3.0150

Tree Removal– See Tree Related Definitions, Section ~~3.0050~~ 3.0150

Tree Survey– See Tree Related Definitions, Section ~~3.0050~~ 3.0150

Tree Topping– See Tree Related Definitions, Section ~~3.0050~~ 3.0150

Tree Well - – See Tree Related Definitions, Section ~~3.0050~~ 3.0150

Urban Development Value - See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120

Utility Facilities – See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120

Vehicle Rebuilding

Water Dependent – See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120

Water Feature – See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130

Water Quality Resource Area – See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130

Waters of the State – See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130

Watershed– See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130

Wholesale Activities

Wood Vegetation – See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130

Wood Vegetation Area – See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130

3.0120 Habitat Conservation Area Terms

3.0130 HCA, ESRA, Article 5 Terms

3.0140 Solar Related Terms

3.0150 Tree Related Terms

3.0010 3.0103 General Terms and Definitions

Adult Foster Home. *See Residential Homes.*

Agricultural Use. The term includes farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry; it does not include the operation of a feed lot or other commercial feeding of animals.

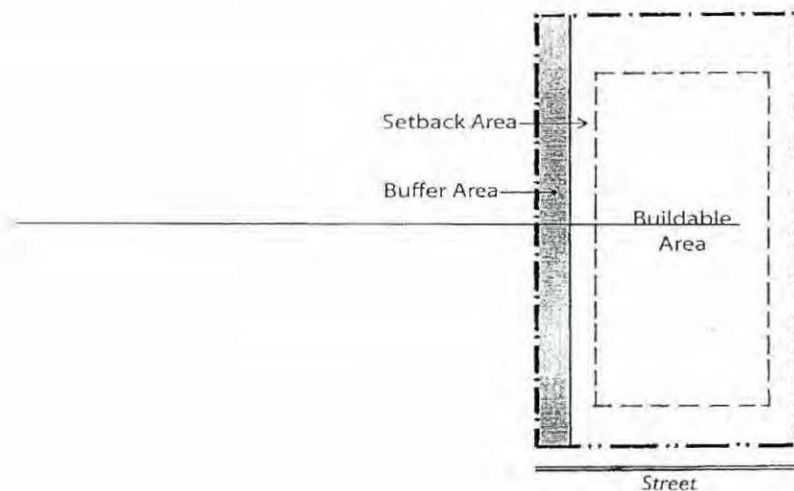
Aquatic Habitat. *See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.*

Areal Cover. *See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.*

Auto-Dependent Use. A retail service use which provides direct services for motor vehicles where the customer may or may not wait at the site while the service or repair is being performed. Examples of auto-dependent uses are service stations, car washes, quick lubrication services, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shops, auto detailing, and tire sales and mounting. Auto-dependent use does not include auto sales lots.

Boarding House. A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. Boarding houses includes structures commonly called residential hotels, rooming houses and single room occupancy housing.

Buffer Area. The horizontal distance generally adjacent to a property line which includes vertical elements which may include berms, plants, fences or walls and which may be occupied by screening, utilities, and landscaping materials. An area adjacent to the property line intended to provide separation between uses that reduces the impacts on adjacent uses. The horizontal distance may include screening and landscaping such as trees, shrubs, ground cover, fences, walls and berms.



Building Footprint. The total area of the building ground floor measured from the exterior faces of the building. See also **Section 3.0020 3.0120** for Building Footprint as it applies to the Habitat Conservation Area.

Building Site. See *Habitat Conservation Area Definitions, Section 3.0020 3.0120.*

~~**Business Service.** Establishments engaged in rendering services to other businesses on a fee or contract basis, such as advertising, data processing, employment services, and consulting services.~~

~~**Caliper.** See *Tree Related Definitions, Section 3.0050.*~~

~~**Campground.** A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units or recreational vehicles as temporary living quarters for recreation, education, or vacation purposes.~~

~~**Certified Child Care Facility.** In-home childcare for not more than 16 children and certified by the Child Care Division of the State of Oregon.~~

~~**Child-Caring Facility.** See *Residential Facility.*~~

~~**Clear Cutting.** See *Tree Related Definitions, Section 3.0050 3.0150.*~~

~~**Community Garden.** A garden in which any kind of plant is grown for personal use or donation, and several individuals or households garden assigned plots. The land may be publicly owned or may be privately owned, such as by a religious institution or a medical center.~~

~~**Commercial Parking Facility.** Any parking lot or structure used for the sole purpose of paid parking not associated with any other use.~~

~~**Community Services.** Public, semi-public, and certain private and non-profit uses that primarily serve the general public and are generally permitted in most land use districts. Community Services include public and private schools, churches, government facilities, utilities, cemeteries, parks, and other similar uses as listed in **Section 8.0100**—Community Services.~~

~~**Composting Facility.** A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.~~

~~**Construction Contractor.** A general contractor or builder engaged in the construction of buildings or components of buildings, as well as heavy construction contractors engaged in activities such as paving, highway construction and utility construction. This use may include inside or outside storage of materials and equipment.~~

Courtyard Development. A development consisting of a single building or multiple buildings that border an open area, court, or courtyard, on three or more sides. The courtyard area may or may not be open to the street and is generally landscaped and includes walkways, but does not include parking areas or vehicle access ways. Courtyard developments may contain attached housing (multi-family or condos), single family attached housing, elderly housing, community services, commercial, institutional or mixed uses.

Critical Root Zone. See *Tree Related Definitions, Section 3.0050 3.0150.*

Crown Cover. See *Tree Related Definitions, Section 3.0050 3.0150.*

Developed Areas not Providing Vegetative Cover. See *Habitat Conservation Area Definitions, Section 3.0020 3.0120.*

Developed Flood Area. See *Habitat Conservation Area Definitions, Section 3.0120.*

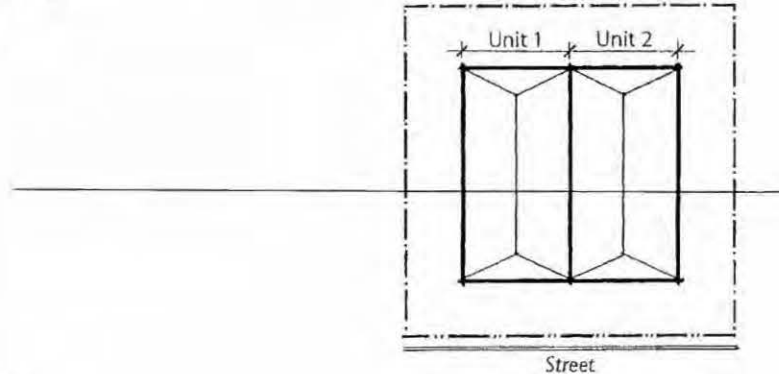
Diameter Breast Height. See *Tree Related Definitions, Section 3.0050 3.0150.*

Disturb. See *Habitat Conservation Area Definitions, Section 3.0020 3.0120.*

Disturbance Area. See *Habitat Conservation Area Definitions, Section 3.0020 3.0120.*

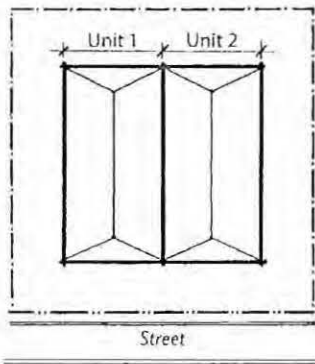
Dripline. See *Tree Related Definitions, 3.0050 3.0150.*

Duplex. A building on a single lot containing two dwelling units that share a common wall, floor or ceiling.



Dwelling Unit. One or more rooms designed for residential occupancy by one family and having only one cooking facility. A single-family house and an apartment unit are each considered to be a dwelling unit as per this definition.

- **Duplex.** A building on a single lot containing two dwelling units that share a common wall, floor or ceiling.



Ecological Features. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Ecological Functions. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Effective Impervious Area. See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120.

Electrical Generating Facility. A stand-alone facility with the primary purpose of generating electric energy on a large scale for sale. Also known as a power station or generating plant.

Emergency. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Engineer. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Enhancement. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Erosion. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Family. An individual or group of people, or two or more persons related by blood, marriage, adoption, or legal guardianship, living together in a dwelling unit in which meals or lodging are may also be provided for not more than four additional persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship. Residents and staff of residential homes as defined in ORS 197.660(2) shall be considered a family for purposes of this ordinance.

Fill. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Flood Areas. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Flood Management Areas. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Floodplain. Any land area susceptible to being inundated by flood waters from any source. See also "Flood or Flooding." See Also the HCA, ESRA, Article 5 Definition in Section ~~3.0030~~ 3.0130 for use of this term in those areas.

Forest Canopy. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Habitat Conservation Area or HCA. See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120.

Habitat Friendly Development. See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.

Helicopter Landing Facility. Any area used for the landing and take-off of helicopters including heliports, helipads, and helistops. Peripheral areas, hangers, parking pads, passenger terminals, and helicopter service areas are also part of such facilities.

Intermittent Streams. See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.

Invasive Non-Native or Noxious Vegetation. See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.

Live/work. A live/work unit is a structure that combines a limited office, retail service, and/or business service use with a residential living space. The commercial space may be used by anyone residing at the unit and by no more than two non-resident employees.

Low Structure Vegetation or Open Soils. See Habitat Conservation Area Definitions, Section 3.0020 3.0120.

Manufactured Dwelling Park. The term "Manufactured dwelling park" means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by Gresham under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Mass Shelter. A facility, or part of a facility, providing temporary sheltering for persons affected by extreme events such as fire, natural disaster, or high heat.

Medical Center/Hospital. A medical institution which provides medical and surgical care to patients on an inpatient, outpatient and emergency basis. Accessory uses include administrative offices; food service; medical office buildings and clinics; laboratories; teaching facilities and conference facilities. Typically, a medical center is contained on several blocks, often in a campus setting.

Mini-Storage Facilities. Structures containing separate storage spaces of varying sizes rented on an individual basis. The spaces shall only be used for dead storage of customer's goods and materials.

Mitigation. See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.

Mixed Use Development. The combination on a site, of residential uses with commercial or institutional uses.

Model Home. A non-occupied single-family detached dwelling home representative of a product line available to consumers; which is not available for occupancy until the public facilities have been approved and accepted by the Manager.

Native Vegetation or Native Plan. See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.

Non-Woody Vegetation. See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.

North-south dimension. See *Solar Related Definitions, Section 3-0040 3.0140.*

Nursery, Day or Child Care Center. A commercial enterprise where more than six children are cared for during a 24-hour period. This includes commercial pre-schools and kindergarten programs.

Open Space. See *Habitat Conservation Area Definitions, Section 3-0020 3.0120.*

Outdoor Commercial Use. A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards, and household moving supplies and equipment rental businesses.

Perennial Streams. See *HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.*

Practicable. See *Habitat Conservation Area Definitions, Section 3-0020 3.0120.*

Protected Solar Building Line. See *Solar Related Definitions, Section 3-0040 3.0140.*

Pruning. See *Tree Related Definitions, Section 3.0050 3.0150.*

Redemption Center. An indoor retail facility approved by the Oregon Liquor Control Commission facilitating the return of empty beverage containers and serving dealers of beverages, where any person may return empty beverage containers and receive payment of the refund value of such beverage containers.

Redevelopment. See *HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.*

Registered Child Care Facility. In-home childcare for a maximum of 10 children and certified by the Child Care Division of the State of Oregon.

Residential Care Facility. See *Residential Facility.*

Residential Facility: Residential facilities may consist of any one or any combination of the following, but in no case shall a combination of residential facility types exceed 15 persons:

- **Child-Caring Facility.** A facility that provides, for between six and fifteen children (unmarried persons under 18 years of age), for day treatment for disturbed children; adoption placement services; residential care, including but not limited to foster care of residential treatment for children; or other similar services for children.
- **Residential Care Facility.** A facility that provides, for between six and fifteen physically disabled or socially dependent individuals, residential care in one or more buildings on contiguous properties as provided by ORS 443.400(5).
- **Residential Training Facility.** A facility that provides, for between six and fifteen mentally retarded or other developmentally disabled individuals, residential care and training in one or more buildings on contiguous properties as provided by ORS 443.400(7).
- **Residential Treatment Facility.** A facility that provides, for between six and fifteen mentally, emotionally, or behaviorally disturbed individuals or alcohol or drug dependent persons, residential care and treatment in one or more buildings on contiguous properties as provided by

ORS 443.400(9).

Residential Homes. Residential homes may consist of any one or any combination of the following:

- **Adult Foster Home.** A family home or facility in which residential care is provided for in a home-like environment for five or fewer adults who are not related to the provider by blood or marriage as provided by ORS 443.705(1).
- **Registered Residential Facility.** A facility that provides residential care for five or fewer disabled (physical or mental impairment which for the individual constitutes or results in functional limitation to one or more major life activities) or elderly (62 years of age or older) individuals as provided by ORS 443.480 to 443.500.
- **Residential Training Home.** A facility that provides, for five or fewer mentally retarded or other developmentally disabled individuals, residential care and training in one or more buildings on contiguous properties, when so certified and funded by the Mental Health and Development Disability Services Division as provided by ORS 443.400(8).
- **Residential Treatment Home.** A facility that provides for five or fewer mentally, emotionally or behaviorally disturbed individuals or alcohol or drug dependent persons, residential care and treatment in one or more buildings on contiguous properties as provided by ORS 443.400(10).

Residential Training Facility. *See Residential Facility.*

Residential Training Home. *See Residential Home.*

Residential Treatment Facility. *See Residential Facility.*

Residential Treatment Facility. *See Residential Home.*

Residentially Designated Land. Includes land in the following land use districts: LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, CMF, DRL-1, DRL-2, MDR-C, HDR-C, LDR-GB, LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW, and THR-SW.

Restoration. *See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.*

Retail Service. Establishments providing services or entertainment such as eating and drinking places, hotels, banks, catering, laundromats, hair salons, barber shops, arcades, photo finishing, watch and jewelry repair, and theaters. Of note, professional offices (including lawyers, consultants, financial, engineering, and real estate) that provide services for a fee may be classed as either a retail service or an office use.

Retail Trade. Establishments engaged in selling goods or merchandise for personal or household consumption such as clothing, groceries, hardware, gifts, appliance, computer, telephone stores, and other sales of goods to the end user.

Riparian. *See Habitat Conservation Area Definitions, Section 3.0020 3.0120.*

Routine Repair and Maintenance. *See Habitat Conservation Area Definitions, Section 3.0020 3.0120.*

School, Elementary, Middle, or High. Includes public, private or parochial schools but not child care facilities or kindergartens, except when operated in conjunction with a school. Elementary schools are generally K-5; middle schools are generally 6-8; high schools are generally 9-12. If a school includes higher grade levels than specified above, then it shall be reviewed as the higher level school.

Sensitive Species. *See HCA, ESRA, Article 5 Definitions, Section 3.0030 3.0130.*

Setback Adjustment. See *Habitat Conservation Area Definitions, Section 3-0020 3.0120.*

Severe Crown Reduction. See *Tree Related Definitions, Section 3-0050 3.0150.*

Shade. See *Solar Related Definitions, Section 3-0040 3.0140.*

Shade Point. See *Solar Related Definitions, Section 3-0040 3.0140.*

Shade Reduction Line. See *Solar Related Definitions, Section 3-0040 3.0140.*

Shadow pattern. See *Solar Related Definitions, Section 3-0040 3.0140.*

Shelter. A facility, or part of a facility, providing temporary protective sanctuary for the homeless or victims of crime or abuse, including emergency housing during crisis interventions for individuals, such as victims of rape, child abuse, or domestic violence.

Significant Negative Impact. See *Habitat Conservation Area Definitions, Section 3-0020 3.0120.*

Solar Access Development Permit. See *Solar Related Definitions, Section 3-0040 3.0140.*

Solar Access Height Limit. See *Solar Related Definitions, Section 3-0040 3.0140.*

Solar Energy Collecting Structure. See *Solar Related Definitions, Section 3-0040 3.0140.*

Solar Feature. See *Solar Related Definitions, Section 3-0040 3.0140.*

Solar Gain Line. See *Solar Related Definitions, Section 3-0040 3.0140.*

Solar Related Definitions. See *Section 3.0140.*

South or South Facing. See *Solar Related Definitions, Section 3-0040 3.0140.*

Stand. See *Tree Related Definitions, Section 3-0050 3.0150.*

Steep Slopes. See *Habitat Conservation Area Definitions, Section 3-0020 3.0120.*

Stormwater Pre-Treatment Facility. See *HCA, ESRA, Article 5 Definitions, Section 3-0030 3.0130.*

Stream. See *HCA, ESRA, Article 5 Definitions, Section 3-0030 3.0130.*

Structure. Anything which is constructed, erected or built and located on or under the ground, or attached to something fixed to the ground. See also HCA, ESRA, Article 5 definitions in **Section 3-0030 3.0130** for specific applications of this term in those areas.

Sunchart. See *Solar Related Definitions, Section 3-0040 3.0140.*

Theme Park. A commercially operated park with indoor and outdoor entertainment, rides, games and activities such as motorized rides and water slides.

Top of Bank. See *HCA, ESRA, Article 5 Definitions, Section 3-0030 3.0130.*

Transitional Housing. Housing provided for an extended period and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

Tree. A large, woody plant generally having a self-supporting stem or trunk and numerous branches.

- **Site Tree.** Any tree located within the property boundaries of a site. *See Site Definition, Section ~~3.0010~~ 3.0100.*

Tree Protection Plan. *See Tree Related Definitions, Section ~~3.0050~~ 3.0150.*

Tree Removal. *See Tree Related Definitions, Section ~~3.0050~~ 3.0150.*

Tree Survey. *See Tree Related Definitions, Section ~~3.0050~~ 3.0150.*

Tree Topping. *See Tree Related Definitions, Section ~~3.0050~~ 3.0150.*

Tree Well. *See Tree Related Definitions, Section ~~3.0050~~ 3.0150.*

Urban Development Value. *See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120.*

Utility Facilities. *See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120.*

~~**Vehicle-Rebuilding.** An industrial use that includes the general repair, alteration, rebuilding, maintenance or reconditioning of vehicles, including motor, body, frame, upholstery, interior or paint work, and the storage of vehicles and/or parts. Examples of vehicle rebuilding include body shops and salvage yards.~~

Water-Dependent. *See Habitat Conservation Area Definitions, Section ~~3.0020~~ 3.0120.*

Water Feature. *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.*

Water Quality Resource Area. *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.*

Waters of the State. *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.*

Watershed. *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.*

~~**Wholesale Activities.** Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the public are limited. Products may be picked up on the site or delivered to the customer. Wholesale Activities does not include retail businesses that sell memberships to the public for purposes of purchasing merchandise.~~

~~Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.~~

~~**Wireless Communication Facility or WCF.** An unmanned facility for the transmission of radio frequency (FR) signals for wireless communication, usually consisting of a WCF tower, antennas, cabinet or other enclosed structure containing electronic equipment, cables, wires, conduits, or other transmission and reception devices.~~

Woody Vegetation. *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.*

Woody Vegetation Area. *See HCA, ESRA, Article 5 Definitions, Section ~~3.0030~~ 3.0130.*

~~3.0020~~ 3.0120 Habitat Conservation Area (HCA) Related Terms and Definitions

3.0030 3.0130 HCA, ESRA, and Article 5 Terms and Definitions

3.-0040 3.0140 Solar Related Terms and Definitions

3.-0050 3.0150 Tree Related Terms and Definitions

Section 3. Volume 3, Development Code, Section 3.0200 Land Use Classifications is added as follows:

**SECTION 3.0200
LAND USE CLASSIFICATIONS**

3.0201 PURPOSE

This section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to land use districts. The decision to allow or prohibit the use categories in the various districts may be found in the land use tables in Article 4.

3.0202 HOW TO USE THE CLASSIFICATION SYSTEM

3.0203 General

Uses are assigned to the category whose description most closely describes the nature of the primary use. These descriptions are based upon characteristics of a use, example uses, accessory uses, and exceptions to the use.

Characteristics. Characteristics describe the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors.

Example uses. Examples uses include some examples of uses that are in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers would be included in the Business and Retail Service and Trade category rather than the Wholesale Trade category. This is because the actual activity on the site matches the description of the Business and Retail Service and Trade category.

Accessory uses. Accessory uses are allowed by right in conjunction within the use category unless stated otherwise. They are subject to the same regulations as the primary use unless stated otherwise. Common accessory uses are listed as examples with the categories.

Exceptions. Exceptions are uses that are similar to the other example uses in the use category, but are not considered part of the use category. These uses may be primary uses in other categories, accessory uses in other categories, or not regulated by the Code.

3.0204 Classifying a Use

The following items are considered in determining what use category a use is in, and whether the activities constitute primary uses or accessory uses:

- a. The description of the activity(ies) in relationship to the characteristics of each use category;
- b. The relative amount of site or floor space and equipment devoted to the activity;
- c. Relative amounts of sales from each activity;
- d. The customer type for each activity, including frequency and number of customers;
- e. The relative number of employees in each activity;
- f. Hours of operation;
- g. Building and site arrangement;
- h. Vehicles used with the activity;
- i. The relative number of vehicle trips generated by the activity;
- j. Signs;
- k. How the use advertises itself; and
- l. Whether the activity would be likely to be found independent of the other activities on the site.

3.0205 Multiple primary uses. When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a café would be classified in the Business and Retail Service and Trade category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

3.0206 Determination of Similar Use

The purpose of the Determination of Similar Use procedure is to provide a process by which a proposed use is classified. This process is not needed when the comparison is obvious and the decision is non-discretionary. For example, it is clear that a yarn shop is similar to a gift store, an example of a Business and Service Retail and Trade.

A determination may be relied upon for future determinations where circumstances are similar, but it does not necessarily set precedent for subsequent determinations.

An application for a Determination of Similar Use shall follow the Type II procedure per Section 11.0400, including the opportunity for an appeal. It may be applied for separately or concurrent to another development application, such as a Design Review. A determination of similar use is not binding upon the Hearings Officer, Design Commission, Planning Commission or City Council.

A. Application. The following shall be provided by the applicant:

1. The applicant may submit an assumed set of hypothetical facts that can be used to inform the application. Any Determination of Similar Use decision that utilizes an assumed set of hypothetical facts will not determine the truth or falsity of such facts and such facts shall not be subject to any substantial evidence in the record determination. Factual determinations will not be made in a Determination of Similar Use. Such factual determinations are left to any later proceedings where a specific application is made for a development permit or application.
2. The applicant shall submit any additional materials as requested by the Manager for the application.

B. Criteria for a Determination of Similar Use. The criteria for a Determination of Similar Use are:

1. The Determination is consistent with the context of the Gresham Community Development Plan, Volume 2, including, particularly, the land use district in which the use is proposed.
2. The proposed use is of the same general type and is similar to other allowed uses in a sub-category. This may be determined by looking at the characteristics and example uses within the land use classifications found in Section 3.0200.
3. The Determination is consistent with the text of applicable Gresham Community Development Code provisions.
4. The proposed use is consistent with the stated purpose of the land use district in which it is proposed, if available.

3.0210 RESIDENTIAL CLASSIFICATIONS

3.0211 Single-Family Detached Dwelling

1. Characteristics. A Single-Family Detached Dwelling is characterized by the residential occupancy of a detached dwelling unit located on its own lot by one family.
2. Example Uses. Stick built homes and manufactured homes.
3. Accessory Uses. Registered and certified child care facilities operated by the resident of the home.

Accessory uses subject to additional regulations include accessory structures, accessory dwellings, ancillary dwellings, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

Accessory uses subject to a Special Use Review include bed and breakfast facilities.

4. Exceptions.
 - a. A single-family dwelling structure that is used solely for a business.
 - b. A live-work unit.
 - c. Manufactured dwelling in a Manufactured Dwelling Park.

3.0212 Duplex

1. Characteristics. A Duplex is characterized by the residential occupancy of two residential units that are on a single lot and share a common wall, floor, or ceiling.
2. Example Uses. Two stick built homes in one building.
3. Accessory Uses. Registered child care facilities.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

4. Exceptions.
 - a. A duplex dwelling structure in which both units are used solely for a business.
 - b. A live-work unit.

3.0213 Single-Family Attached Dwellings

1. Characteristics. Single-Family Attached Dwellings are characterized by single-family dwelling units usually located on their own lots that share one or more common walls with one or more other units. Single-family attached dwellings do not share common floors or ceilings with other units. Construction is usually two to three stories.
2. Example Uses. Townhouses and rowhouses.
3. Accessory Uses. Registered child care facilities.
Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.
4. Exceptions.
 - a. A live-work unit.

3.0214 Attached Dwellings on a Single Lot

1. Characteristics. Attached Dwellings on a Single Lot are characterized by dwelling units in a multi-family structure that share a common wall, floor or ceiling with another dwelling unit within a residential building on a single lot, or, as permitted by the district, within a mixed-use building on a single lot. Dwelling units may have unique kitchen and bathing facilities or may share these facilities with other units.
2. Example Uses. Multi-family residential structures such as apartments, boarding houses, shelters, and transitional housing.
Transitional housing for individuals transitioning from incarceration facilities are subject to a Special Use Review.
3. Accessory Uses. Registered child care facilities and an on-site management office. Accessory uses that may be used in common by all residents include solid waste and recycling areas, open spaces, recreational areas, common rooms, and playgrounds.
Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.
4. Exceptions.
 - a. A live-work unit.

3.0215 Elderly Housing

1. Characteristics. Elderly housing provides housing for individuals 55 years old or older, or for married couples where at least one of the spouses is 55 years old or older, or for disabled persons. Elderly housing shall qualify as housing exempt from the prohibition against discrimination based on familial status as set forth in the Fair Housing Act and the rules and regulations of the US Department of Housing and Urban Development, as set forth in 24 C.F.R. Chapter 1, Part 100, Sections 302-304.
2. Example Uses. Assisted living housing, congregate housing, continuing care retirement communities, immediate care facilities, retirement housing, and skilled nursing facilities.
3. Accessory Uses. On-site management office. Accessory uses that may be used in common by all

residents include dining and food preparation facilities, solid waste and recycling areas, open spaces, recreational areas, common rooms, and personal care services and minor medical services for residents.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

4. Exceptions.
 - a. Residential Home.
 - b. Residential Facility.
 - c. Boarding House.

3.0216 Manufactured Dwelling Park

1. Characteristics. Manufactured Dwelling Parks are places where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person.
2. Example Uses. Manufactured home park.
3. Accessory Uses. Registered child care facilities and on-site management office. Accessory uses that may be used in common by all residents include solid waste and recycling areas, open spaces, recreational areas, common rooms, and playgrounds.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

4. Exceptions.
 - a. Manufactured Dwelling Park does not include a lot(s) within a subdivision approved by Gresham that has been developed with a manufactured dwelling.

3.0217 Residential Facility

1. Characteristics. Residential Facilities are residential care, residential training or residential treatment facilities that provide residential care alone or in conjunction with treatment or training or a combination thereof, for six or more individuals who need not be related. Staff persons required to meet state licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
2. Example Uses.
 - a. Residential care facility for physically disabled or socially dependent individuals as described in ORS 443.400(5).
 - b. Residential training facility for individuals with mental retardation or other developmental disabilities, as described in ORS 443.400(7). This may include residential care.
 - c. Residential treatment facility for mentally, emotionally, or behaviorally disturbed individuals or alcohol or drug dependent persons as described in ORS 443.400(9). This may include residential care and treatment.
3. Accessory Uses. On-site clinic and other services for residents.

Accessory uses subject to additional regulations include accessory structures and receive-only antennas and amateur radio and citizen band antennas.

4. Exceptions.
 - a. Residential Home.
 - b. Daycare.
 - c. Boarding House.

3.0218 Residential Home

1. Characteristics. A Residential Home is a facility for five or fewer individuals with mental, emotional, or behavioral disturbances, or alcohol or drug dependence, or mental retardation or other developmental disabilities, residential care, training, and/or treatment. Staff persons required to meet licensing requirements shall not be counted in the number of residents, and need not be related to each other or to any resident of the residential home.
2. Example Uses.
 - a. A facility for individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence.
 - b. A facility for individuals with mental retardation or other developmental disabilities.
 - c. A registered residential facility as described by ORS 443.480.
 - d. An adult foster home, which is a family home or facility in which residential care is provided in a homelike environment for five or fewer adults who are not related to the provider by blood or marriage, as provided by ORS 443.705(1).
3. Accessory Uses. On-site clinic and other services for residents.

Accessory uses subject to additional regulations include accessory structures and receive-only antennas and amateur radio and citizen band antennas.
4. Exceptions.
 - a. Residential Facility.
 - b. Daycare.
 - c. Boarding house.

3.0230 COMMERCIAL CLASSIFICATIONS

3.0231 Auto-Dependent Use

1. Characteristics. A retail service that provides direct services for motor vehicles where the customer may or may not wait at the site while the service or repair is being performed.
2. Example Uses. Service stations, car washes, quick lubrication services, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shops, auto detailing, tire sales and mounting, cardlock stations, and DEQ vehicle emission test sites.
3. Accessory Uses. Vacuum islands, offices.
4. Exceptions.
 - a. Auto sales lots.
 - b. Any use identified as an example use that acts as an accessory use to a specific use on the

site. For example, a fueling facility for fleet vehicles associated with a post office are considered accessory to the post office, not an Auto-Dependent Use.

3.0232 Business and Retail Service and Trade

1. Characteristics.

Business Services are engaged in rendering services on a fee or contract basis. There is little to no outdoor storage of materials. Visitors to this use are typically other businesses or clients.

Retail Service establishments provide services or entertainment to the public. They may also provide product repair for consumer goods.

Retail Trade establishments are engaged in the selling or renting of goods or merchandise for personal or household consumption. Goods may be made on-site primarily for sale to the general public though some products may be sold to other retailers. These uses generate significant public trips and may be configured with a drive-through.

2. Example Uses.

Business services include data processing; employment services; business equipment sales and rental; professional offices such as accounting, advertising, architecture, consulting, engineering, law, title, surveying, real estate, and government; construction contractors; photocopy and blueprint services; and janitorial services.

Retail services include eating establishments, drinking establishments, hotels, banks, catering, laundromats, hair salons, barber shops, arcades, photo finishing, photocopy services, watch and jewelry repair, veterinarian offices, kennels limited to boarding, pet day care, redemption centers, health clubs, indoor sports parks, fraternal organizations, private lodges, martial arts studios, beauty schools, funeral homes, museums, theaters, and auditoriums. Professional offices may also be considered a retail service.

Retail trade includes clothing, grocery, hardware, gift, appliance, computer, and telephone stores.

3. Accessory Uses. Offices, storage of goods and equipment, manufacture and repackaging of goods for on-site sale (i.e. for a bakery or brewpub), fleet parking, and amenities for employees of the building such as a small health club facility and cafeteria.

4. Exceptions.

a. Auto-Dependent Uses.

b. Sales, such as vehicle sales, where the indoor-to-outdoor area ratios exceed thresholds in the underlying land use district are considered Outdoor Commercial.

c. City halls and government courthouses are Civic Uses.

d. Offices that are part of and are located within a firm in another category are considered accessory to the firm's primary activity.

e. Construction contractors where equipment and material storage is outside are considered a Construction Use or Outdoor Commercial Use.

3.0233 Clinics

1. Characteristics. Clinics are out-patient personal health service facilities that provide the diagnosis, counseling, prevention, treatment and/or rehabilitation of health issues for patients.

2. Example Uses. Doctor office, dentist office, medical testing facility, psychiatric care, group or

one-on-one counseling service, physical therapy, naturopathic care, chiropractic office, and urgent care clinic.

3. Accessory Uses. Medical laboratories.
4. Exceptions.
 - a. Hospitals and medical offices at a hospital are considered Medical.
 - b. Veterinarian offices are Business and Retail Service and Trade.

3.0234 Commercial Parking

1. Characteristics. Any parking lot or structure used for the sole purpose of paid parking not associated with any other use.
2. Example Uses. Short and long term fee parking facilities; commercial shuttle parking.
3. Accessory Uses. Attendant kiosk.
4. Exceptions.
 - a. Parking facilities that are accessory to a use, including those which charge the public to park for occasional events nearby.
 - b. Public transit park-and-ride facilities are classified as Community Services.

3.0235 Daycare Facilities

1. Characteristics. A commercial enterprise which includes day and/or evening care of three or more children, typically for a fee. Daycare facilities may include the daytime care of teenagers or adults who need assistance or supervision; this type of adult day care may provide activities and social venues for participants.
2. Example Uses. Commercial child care facilities, preschools, Head Start programs, nursery schools, adult daycare programs, and residential child care facilities that do not meet the thresholds to be considered an accessory use to a Residential Use.
3. Accessory Uses. Indoor and outdoor activity areas, offices, cafeteria and cooking facilities to serve the daycare attendees and staff.
4. Exceptions.
 - a. Registered and certified family child care homes are accessory to an existing residential use.
 - b. Care provided by babysitters, parents, guardians, or relatives. These uses are not regulated by the Development Code.
 - c. Public and private educational facilities are Schools.
 - d. Residential Facilities.
 - e. Residential Homes.
 - f. Senior centers are Community Services.

3.0236 Live-Work

1. Characteristics. A Live-Work unit is a structure that combines limited Business and Retail Service and Trade use with a Residential use. The commercial space may be used by anyone residing at the unit and by no more than two non-resident employees.

2. Example Uses. Live-Work unit.
3. Accessory Uses. Registered childcare facilities, offices, storage of goods and equipment, and manufacture and repackaging of goods for on-site sale.

Accessory uses subject to additional regulations include accessory structures and receive-only antennas and amateur radio and citizen band antennas.

4. Exceptions.
 - a. Home occupations are not a Live-Work use, but rather an accessory to an existing residential use.

3.0237 Major Event Entertainment

1. Characteristics. Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature and occur throughout the year. Major Event Entertainment also includes uses characterized by large scale participatory recreational venues which draw large numbers of people on an on-going basis. Activities include entertainment, rides and games.
2. Example Uses. Stadiums, race tracks, coliseums, sports arenas, theme parks, and convention centers.
3. Accessory Uses. Lodging, restaurants, bars, concessions, spectator medical treatment, and maintenance facilities.
4. Exceptions.
 - a. Banquets halls that are accessory to a hotel or restaurant are considered Business and Retail Service and Trade.
 - b. Convention centers under 30,000 square feet of total public event area are considered Business and Retail Service and Trade.
 - c. Theaters and auditoriums are considered Business and Retail Service and Trade.
 - d. Events at Parks are considered customary for Parks, Open Spaces, and Trails.

3.0238 Mini-Storage Facilities

1. Characteristics. Mini-Storage Facilities are structures containing separate storage spaces of varying sizes rented and accessed on an individual basis. The spaces are used only for dead storage of goods and materials.
2. Example Uses. Facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
3. Accessory Uses. Security and leasing offices.
4. Exceptions.
 - a. Storage facilities that are accessory to another use such as at Attached Dwellings on a Single Lot are considered accessory to that use.
 - b. Storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred are considered Warehousing/Storage.

3.0239 Outdoor Commercial

1. Characteristics. Outdoor Commercial uses provide goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Specific standards on outdoor-to-indoor area ratios may be found in the underlying land use district standards.
2. Example Uses. Automobile sales, landscape nurseries, lumber yards, household moving supply company, construction contractors, and equipment rental businesses.
3. Accessory Uses. Offices.
4. Exceptions.
 - a. Outdoor equipment storage is Warehousing/Storage.

3.0250 INDUSTRIAL CLASSIFICATIONS

3.0251 Construction

1. Characteristics. Construction is characterized by businesses whose primary activity is performing specific building or other construction-related work. These uses may have outdoor storage of their professional equipment.
2. Example Uses. Residential and nonresidential building construction company or contractor, utility/civil engineering construction; architectural services; surveying services; specialty trade contractors, and moving companies.
3. Accessory Uses. On-site material storage and incidental retail.
4. Exceptions.

3.0252 Exclusive Heavy Industrial

1. Characteristics. Exclusive Heavy Industrial uses typically work with aggregate, stone, concrete or asphalt. These operations extract mineral resources from the ground for off-site use. These industries typically have commonly recognized offensive conditions and adverse impacts.
2. Example Uses. Rock crushing, aggregate storage and distribution, and concrete and/or asphalt batch plants.
3. Accessory Uses. Sorting, storage, and transfer facilities.
4. Exceptions.

3.0253 Industrial Office

1. Characteristics. Industrial Offices typically service other industrial uses and do not generate a significant number of daily public customer visits. The use is typically in an office-type building that is accessory to an industrial use.
2. Example Uses. Laboratories and testing facilities; industry-related health services; industrial support services such as document preparation; corporate offices; company business offices; and call centers. Uses may include establishments which administer, oversee, and manage companies, and those which manage financial assets and securities.

3. Accessory Uses. Equipment storage and amenities for employees of the building such as a small health club facility and cafeteria.
4. Exceptions.

3.0254 Information Services

1. Characteristics. Information Services are establishments engaged in the producing and distributing of information and cultural products. They may provide a means to process, transmit or distribute these products as well as data or communications. Information services primarily service other industrial uses and generate few general public customer visits per day.
2. Example Uses. Book, periodical, and software publishing industries; computer system design; internet web search services; internet service providers; video and motion picture industries; computer data storage services; optical scanning and imaging services; process of financial transactions such as credit card transactions and payroll processing services.
3. Accessory Uses. Amenities for employees of the building such as a small health club facility and cafeteria.
4. Exceptions.

3.0255 Manufacturing

1. Characteristics. Manufacturing businesses are engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products including the assembly of components parts. Products are generally not displayed or sold on site, but if so, they are a subordinate part of the operation. Relatively few customers come to the manufacturing site.
2. Example Uses. Renewable energy development; biosciences; food and beverage processing; software and electronics production; fabrication of products made from metal, manufactured glass, rubber, plastic or resin; conversion of paper and cardboard products; and microchip fabrication.
3. Accessory Uses. Offices, warehouses, storage yards, rail spur lines, docks, repair facilities, fleet parking, and amenities for employees of the building such as a small health club facility and cafeteria.
4. Exceptions.
 - a. Manufacture and production of goods from composting organic material is classified as Waste Management.
 - b. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Business and Retail Service and Trade.

3.0256 Miscellaneous Industrial

1. Characteristics. This use includes firms involved in large scale repair and servicing of industrial, business or consumer electronic equipment, machinery or related equipment, products, or by-products. Few customers, particularly not general public daily customers, come to the site.
2. Example Uses. Welding shops; machine shops; tool, electric motor, industrial instruments repair;

sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; exterminators including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large scale laundry, dry-cleaning and carpet cleaning plants.

3. Accessory Uses. Offices, warehouses, fleet parking, storage yards, and amenities for employees of the building such as a small health club facility and cafeteria.
4. Exceptions.

3.0257 Trade Schools

1. Characteristics. This use is an establishment whose primary purpose is to provide training to meet industrial needs and often leads to job-specific certification. These schools typically operate on a for-profit basis and the schools' programming is focused on a particular industrial profession rather than providing a complete educational curriculum.
2. Example Uses. Electronic equipment repair training; truck driving school; welding; operation and repair of industrial machinery; and other industrial skills training.
3. Accessory Uses. Offices, food service, laboratories, meeting areas, maintenance facilities, and incidental retail trade (i.e. bookstore).
4. Exceptions.
 - a. Universities and colleges are considered Schools.
 - b. Schools for martial arts or dancing are considered Business and Retail Service and Trade.
 - c. Trade schools for non-industrial professions such as a beauty school are considered Business and Retail Service and Trade.

3.0258 Transportation/Distribution

1. Characteristics. These uses provide for transportation of cargo using motor vehicles or rail spurs. Goods are generally distributed to other firms or the final customer and are often associated with warehousing and storage facilities.
2. Example Uses. Parcel services and distribution centers.
3. Accessory Uses. Loading docks, temporary outdoor storage, fleet parking, will call window, offices, and maintenance areas.
4. Exceptions.
 - a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste Management.

3.0259 Warehousing/Storage

1. Characteristics. These industries are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation for delivery to a final customer. This use may provide a range of logistical services including labeling, packaging, price marking, ticketing, and transportation arrangement.
2. Example Uses. Cold storage facilities, retail store warehouses.
3. Accessory Uses. Offices and maintenance areas, recycling drop box.
4. Exceptions.
 - a. Mini-Storage Facilities.

3.0260 Waste Management

1. Characteristics. This includes businesses that provide garbage and recycling hauling, sorting, and transferring. These uses receive solid or liquid waste from others for disposal on the site or for transfer to another location.
2. Example Uses. Recycling facilities, drop box transfer stations, recycling collection sites, recyclable, and recyclables recovery facilities.

Example uses subject to a Special Use Review include solid waste transfer station, composting facilities, and landfills.

3. Accessory Uses. Fleet parking and maintenance, energy generation through recovery, offices, and materials recycling.
4. Exceptions.

3.0261 Wholesale Trade

1. Characteristics. This use comprises establishments engaged in selling, renting, and/or distributing merchandise to: retailers; industrial, commercial, or professional business users; or other wholesalers generally without transformation and rendering services incidental to the sale of the merchandise. Wholesale Trade normally operates from a warehouse or office and is not intended for general public walk-in traffic.
2. Example Uses. Wholesale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures.
3. Accessory Uses. Offices, product repair, warehouses, minor fabrication services, and repackaging of goods.
4. Exceptions
 - a. Businesses that sell or rent primarily to the general public are Business and Retail Service and Trade.
 - b. Businesses that are primarily storing goods with little on-site business activity are considered Warehousing/Storage.

3.0270 INSTITUTIONAL CLASSIFICATIONS

3.0271 Civic Uses

1. Characteristics. Civic uses are unique government uses that serve the general public, have regular public visitors, and, because of their social or technical need, may be located in most areas within the city.
2. Example Uses. Fire stations, police stations, city hall, court buildings, post office, and library.
3. Accessory Uses. Offices, meeting areas, fleet parking, community gardens, and amenities for employees of the building such as a small health club facility and cafeteria.

Accessory uses subject to a Special Use Review include Heliports.

4. Exceptions.

3.0272 Community Services

1. Characteristics. Community Service Uses primarily serve the general public and, because of their social need, may be located in most areas within the city. Community Service Uses are usually, but not limited to, public or nonprofit enterprises. They provide a service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community services are generally open to the general public to attend at any time. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature.
2. Example Uses. Adult or senior center, community centers, community food service, non-profit hot meals service, drug and alcohol treatment facilities, equipment storage facility for transit, park and ride transit facility, houseboats, moorages, marinas, cemeteries and mausoleums.
3. Accessory Uses. Offices, meeting areas, food preparation area, health and therapy areas, daycare, community gardens, and athletic facilities.
4. Exceptions.
 - a. Private lodges, clubs, and membership athletic or health clubs are considered Business and Retail Service and Trade.
 - b. Museums are considered a Business and Retail Service and Trade.

3.0273 Medical

1. Characteristics. Medical uses provide medical and surgical care to patients on an inpatient, outpatient, and emergency basis. Typically, a medical center is contained on several blocks, often in a campus setting.
2. Example Uses. Hospitals and medical centers that include hospitals.
3. Accessory Uses. Administrative offices, food service, medical office buildings, clinics, laboratories, teaching facilities, conference facilities, incidental retail trade, maintenance facilities, community gardens, and amenities for employees of the building such as a small health club facility.

Accessory uses subject to a Special Use Review include Heliports,

4. Exceptions.
 - a. Clinics that provide care where patients are generally not kept overnight and are not located at a hospital. These are considered Clinics.
 - b. Urgent medical care clinics are considered Clinics.
 - c. Uses that provide exclusive care and treatment or training for psychiatric, alcohol or drug problems, where patients are residents of the program, are considered a Residential Facility or Residential Home, depending on the number of persons at the facility.

3.0274 Parks, Open Spaces and Trails

1. Characteristics. Parks, Open Spaces and Trails are uses of land focusing on large natural areas consisting mostly of vegetative landscaping, outdoor recreation, or public squares. Areas provide open space and recreational opportunities for all city residents and for community events. Parks may be programmed for different activities such as: play grounds, skate parks, off-leash dog areas, and ball fields, and be host to periodic events such as concerts, soccer games, and art shows.
2. Example Uses. Public neighborhood, community and regional parks; public paths and trails, trail access points, and trailheads; multi-use paths; public open space; public urban plazas; private parks; and golf courses.
3. Accessory Uses. Club houses, maintenance facilities, concessions, information kiosks, shelters, restrooms, community gardens, and picnic tables.
4. Exceptions.
 - a. Open spaces and playgrounds in a subdivision.

3.0275 Religious Institutions

1. Characteristics. Religious institutions provide meeting areas for religious activities.
2. Example Uses. Churches, temples, synagogues, and mosques.
3. Accessory Uses. Sunday school facilities, daycare facilities to be used during service hours only, retail limited to institutional functions, community gardens, and offices.
4. Exceptions.
 - a. Religious schools that provided K-12 education are considered Schools.
 - b. All types of Daycare uses outside of service hours are considered Daycare.

3.0276 Schools

1. Characteristics. Primary and secondary schools provide state mandated education. Higher education schools provide degree programs and are certified by the State Board of Higher Education or by a recognized accrediting agency.
2. Example Uses. Elementary school (typically K-5 grade), middle school (typically 6-8 grade), high school (typically 9-12 grade), community colleges, and universities. Schools may be public or private.

3. Accessory Uses. Daycare, cafeterias, recreational and sport facilities, athletic fields, auditoriums, offices, student housing, laboratories, meeting areas, maintenance facilities, portable classrooms, community gardens, and support commercial (bookstore, school supplies). Schools may provide some programming in trades.
4. Exceptions.
 - a. Commercial schools, such as a beauty school, are treated as a Business and Retail Service and Trade.
 - b. Trade schools, such as an electrician technical school, are treated as a Trade School.

3.0290 OTHER CLASSIFICATIONS

3.0291 Basic Utilities

1. Characteristics. Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. These uses are typically not in the public right-of-way. These uses generally do not have regular employees at the site. Services may be publicly or privately provided.
2. Example Uses.
 - a. Minor basic utilities: diversion structures, lift stations, pump stations, wellheads, small water treatment facilities not exceeding 1,000 sq. ft. of building area and not exceeding the maximum building height in the underlying land use district, water storage facilities not occupying more than 1000 sq. ft. of site area, and not exceeding the maximum building height of the underlying district, and transit bus shelters.
 - b. Major basic utilities: light-rail station shelters, substations, telephone switching stations, storm water treatment facilities, water storage reservoirs, waste water treatment plants, electrical generating facilities.
3. Accessory Uses. Control, monitoring, data or transmission equipment, and emergency generators.
4. Exceptions.

3.0292 Heliport Facilities

1. Characteristics. Heliport facilities include facilities for the takeoff and/or landing of helicopters, including loading and unloading areas.
2. Example Uses. Public or private facilities designed for the landing, departure, storage and fueling of flying vehicles. These may be called heliports, helipads, or helistops.
3. Accessory Uses. Peripheral areas, hangars, parking pads, passenger terminals, refueling facilities, and helicopter repair and service areas.
4. Exceptions.
 - a. Helicopter landing facilities which are accessory to another use, such as a hospital, are considered accessory uses. They are subject to all the regulations and criteria that apply to Heliports.

3.0293 Wireless Communication Facilities

1. Characteristics. An unmanned facility located on a structure or tower for the transmission of radio frequency (RF) signals for wireless communication.
2. Example Uses. Cell tower.
3. Accessory Uses. Antennas, cabinets, other enclosed structures containing electronic equipment, cables, wires, conduits, or other transmission and reception devices.
4. Exceptions.

Section 4. Volume 3, Development Code, Section 4.0100 Residential Land Use Districts is amended as follows:

4.0120 Permitted Uses

Table 4.0120 lists those uses that are permitted in each Residential Land Use District. Permitted uses are designated with a "P", those uses not permitted are designated "NP". An "L" in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted.

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.
- SUR = Use permitted subject to a Special Use Review.

Each of these uses must comply with the land use district standards of Section 4.0130 - 4.0138 and all other applicable requirements of the Community Development Code Plan.

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Table 4.0120: Permitted Uses In The Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
A. Detached dwellings	P	P	P	P	P (on a lot of record)	NP	P (on a lot of record)
B. Manufactured homes	P	P	P	P	P (on lot of record)	NP	P (on lot of record)
C. Manufactured dwelling parks	NP	NP	P	NP	P	NP	NP
D. Attached dwellings on a single lot	NP	NP	NP	NP	P	P	P
E. Single family attached dwellings	NP	NP	p5	p5	p5	p5	p5
F. Duplexes	L6	L6	P	L7	P	P	P
G. Accessory dwellings	p1	p1	p1	p1	NP	NP	NP
H. Community services	P	P	P	P	P	P	P
I. Accessory structures	P	P	P	P	P	P	P
J. Home occupations	P	P	P	P	P	P	P
K. Existing grazing, agriculture or horticulture uses	P	P	P	P	P	P	P
L. Poultry and livestock	p2	p2	p2	p2	p2	p2	NP
M. Temporary uses	P	P	P	P	P	P	P
N. Parking or storage of not more than five motor vehicles per dwelling unit	P	P	P	P	P	NP	NP
O. Residential Facility	NP	NP	NP	NP	P	P	P
P. Residential Home	P	P	P	P	P (On a lot of record)	NP	P (On a lot of record)
Q. Temporary Health and Hardship Dwellings	NP	NP	NP	NP	p3	L3	p3
R. Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as clothing, computer, and telephone stores	NP	NP	NP	NP	NP	NP	L4
S. Retail service establishments	NP	NP	NP	NP	NP	NP	L4

Table 4.0120: Permitted Uses In The Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
providing services or entertainment to the general public such as eating and drinking places and banks							
T. Offices & Clinics	NP	NP	NP	NP	NP	NP	P
U. Other retail trade and retail service uses which, in the determination of the Manager are pedestrian-oriented	NP	NP	NP	NP	NP	NP	L4

Table 4.0120 Notes

- 1 — See Section 4.0137.
- 2 — If kept over 100 feet from any residence other than the dwelling on the same lot except as provided by Section 10.0900.
- 3 — See Section 10.1300.
- 4 — Limited retail trade, retail services or business services when found to be consistent with the requirements of Section 4.0134.
- 5 — Single family attached dwellings are required to meet density standards of the underlying land use district and applicable design review criteria of Section 7.0200.
- 6 — See Section 4.0131(D).
- 7 — Two unit attached dwellings are allowed only on corner lots. Each unit of the two unit attached dwelling must have its address and main entry door oriented toward a separate street frontage. Conversion of an existing house may provide one main entrance with internal access to both units.

Table 4.0120: Permitted Uses in the Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
RESIDENTIAL							
Single-Family Detached Dwelling	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>L¹</u>	<u>NP</u>	<u>L¹</u>
Duplex	<u>L²</u>	<u>L²</u>	<u>P</u>	<u>L³</u>	<u>P</u>	<u>P</u>	<u>P</u>
Single-Family Attached Dwellings	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Attached Dwellings on a Single Lot	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
Elderly Housing ⁷	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
Manufactured Dwelling Park	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
Residential Facility	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
Residential Home	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>L¹</u>	<u>NP</u>	<u>L¹</u>
COMMERCIAL							
Auto-Dependent Use	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Business and Retail Service and Trade	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L⁴</u>
Clinics	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
Commercial Parking	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>SUR</u>	<u>SUR</u>
Daycare Facilities	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
Live-Work	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Major Event Entertainment	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>SUR</u>
Mini-Storage Facilities	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Outdoor Commercial	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
INDUSTRIAL							
Construction	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Exclusive Heavy Industrial Uses	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Industrial Office	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Information Services	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Manufacturing	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Miscellaneous Industrial	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Trade Schools	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Transportation/Distribution	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Warehousing/Storage	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Waste Management	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Wholesale Trade	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
INSTITUTIONAL USES							
Civic Uses	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
Community Services	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
Medical	<u>NP</u>	<u>NP</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
Parks, Open Spaces, and Trails	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
Religious Institutions	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
Schools	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
OTHER							

<u>USES</u>	<u>LDR-5</u>	<u>LDR-7</u>	<u>TLDR</u>	<u>TR</u>	<u>MDR-12</u>	<u>MDR-24</u>	<u>OFR</u>
<u>Basic Utilities</u>							
<u>Minor basic utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Major basic utilities</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>
<u>Heliports⁶</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Wireless Communications Facilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Notes

¹ Permitted on a lot of record only.

² See Section 4.0131.

³ Duplexes are allowed only on corner lots. Each unit of the duplex must have its address and main entry door oriented toward a separate street frontage. Conversion of an existing house may provide one main entrance with internal access to both units.

⁴ Limited Business and Retail Service and Trade when found to be consistent with the requirements of Section 4.0134.

⁵ Electrical Generating Facilities are not permitted on residentially designated land.

⁶ Permitted as an accessory use to Medical and Civic Uses through the Special Use Review process.

⁷ May have locational limitations, see Section 8.0114.

4.0130 Residential Land Use District Standards

The development standards listed in Table 4.0130 are applicable to all development within the Residential Land Use Districts. Development within these districts shall also be consistent with all other applicable requirements of the Community Development Code.

For purposes of Table 4.0130 and Table 4.0130(E), Residential Homes are treated like Detached Dwellings on a single lot; Residential Facilities and Elderly Housing are treated like Attached Dwellings on a Single Lot;

4.0132 Additional Standards for the LDR-5, LDR-7, TR and TLDR Districts

A. Yard Setbacks for Single-Family Detached Dwellings

C. Maximum number of units per lot: No more than one dwelling unit or duplex may be located on a lot except as authorized for those residential uses subject to through a Special Use Review pursuant to Section 8.0100 the Community Service provisions of Section 8.0100 and except as authorized through the Accessory Dwelling provisions of Section 10.0100 of the Community Development Code.

E. Land Divisions with Left-Over Parcels

An application for a land division may have a "left-over" parcel or portion of the property which is capable of further development and which is not included as part of a phased subdivision. The area of up to two such parcels may be excluded from the average lot size calculation provided that a future development plan is submitted which demonstrates that the parcel(s) can be developed consistent with applicable standards.

Parcels created under this provision may not be developed until:

- a. Lots are created pursuant to **Article 6** - Land Divisions, which are consistent with the standards of the LDR-5, LDR-7, TLDR and TR Districts (as appropriate) and other applicable provisions of the Community Development Code; or
- b. Approved through the Special Use Review process found in for a Community Service Use pursuant to Section 8.0100—Community Services.

The applicant shall file a note of the plat or other documents in the office of the County Recorder that such left-over parcel(s) shall not be developed until lots are created pursuant to **Article 6** - Land Divisions, which are consistent with the standards of the LDR-5, LDR-7, TLDR, and TR Districts (as appropriate) and other applicable provisions of the Community Development Plan; or approved through the Special Use Review process found in for a Community Service Use pursuant to Section 8.0100 - Community Services.

4.0134 Standards for Residential Districts Other Than LDR-5, LDR-7, TLDR and TR

- B. Limited Business and Retail Service and Trade ~~retail trade, retail service or business services~~ in OFR District. Limited Business and Retail Service and Trade ~~retail trade, retail service or business services~~ are permitted in office complexes when all of the following standards are met:

4.0135 Single Family and Duplex Construction on a Lot

- A. The construction of a single-family detached dwelling, ~~or~~ manufactured home or duplex in an LDR-5, LDR-7, TR or TLDR District, or single-family attached dwelling in the TR or TLDR District on a lot within an approved land division where sewer lines, water lines, storm drainage facilities, and streets are constructed to the city standards that were in effect when the land division was approved, and (in the case of single-family attached dwellings in TR or TLDR) an active design approval is in effect or the land division predated said requirement, shall be reviewed under the Type I procedure to determine if the proposal meets the site development requirements in Standards **Section 4.0130** or in the Variation to Development Standards of **Section 6.0321** (Planned Development) of the Gresham Community Development Code. The property owner shall still obtain all required permits.
- B. The construction of a single family detached dwelling, ~~or~~ manufactured dwelling or duplex or single family attached dwelling that does not meet the requirements of **Subsection (A)** shall also be reviewed under the Type I procedure except that this review shall focus on street and utility requirements for new construction as per **Section A5.000**.
- C. Except as provided by **Section A4.003**, the Manager may approve alterations to existing single family detached dwellings under the Type I procedure. The proposal need not comply with **Section A5.000** of the Community Development Code. If the application for an alteration to a single family detached dwelling is processed with another development permit application, all the standards of the Community Development Code shall apply.

4.0136 Manufactured Dwelling Requirements

- A. An application for a development permit for a manufactured dwelling shall provide proof that the proposed manufactured dwelling meets the definition of manufactured dwelling as stated in Article 3 ~~this code.~~

4.0137 Accessory Dwellings

The establishment of an accessory dwelling unit may be allowed in conjunction with single family detached dwellings in the LDR-5, LDR-7, TR and TLDR districts. Accessory dwellings may be permitted as a means of providing more affordable housing opportunities for young families, empty nesters and others. Accessory dwellings can encourage additional density with minimal cost and disruption to surrounding neighborhoods; allow individuals and smaller households to retain large houses as residences; provide convenient care for the elderly and infirm on a long-term basis; and allow more energy-efficient use of large, older homes. Refer to Section 10.0100 for Accessory Dwelling development requirements.

4.0140 Poultry and Livestock

The keeping of poultry and livestock is permitted in the LDR-5, LDR-7, TR, TLDR, MDR-12 and MDR-24 districts provided the poultry and livestock are kept over 100 feet from any residence other than the dwelling on the same lot.

See also the Gresham Revised Code for the keeping of chickens.

Section 5. Volume 3, Development Code, Section 4.0200 Commercial Land Use Districts is amended as follows:

4.0220 Permitted Uses

Table 4.0220 lists those uses that are permitted in each Commercial District. Permitted uses are designated with a "P" and prohibited uses are designated with an "NP".

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.
- SUR = Use permitted subject to a Special Use Review.

Each of these uses must comply with the site development requirements of Section 4.0230 -4.0231 and all other applicable requirements of the Community Development Code.

USES	NC
A. Retail service establishments engaged in selling goods or merchandise to the general public for personal or household consumption (with no floor area limitation).	NP
B. Business service establishments engaged in rendering services to other businesses on a fee or contact basis such as: 1. advertising, building maintenance, employment services, and consulting services. 2. household moving and equipment rental, car washes, outdoor commercial amusements and mini-storage facilities.	NP NP
C. Eating and drinking establishments (maximum gross floor area of 3,500 square feet).	P
D. Insurance agencies, real estate and other offices (maximum gross floor area of 5,000 square feet per use).	P
E. Grocery stores (maximum gross floor area of 35,000 square feet).	P

USES	NC
F. Personal service establishments includes: laundries, dry cleaners, barber shops and hair salons, and shoe repair shops, with a maximum gross floor area of 5,000 square feet per use.	P
G. Retail businesses (hardware, gas stations, drug, clothing, photography, and similar retail uses with a maximum gross floor area of 10,000 square feet per use).	P
H. Offices and Clinics	NP
I. Retail Trade Establishments engaged in selling goods or merchandise to the general public for personal or house hold consumption such as: 1. Department Stores and Sporting Goods Stores. 2. Automobile sales, mobile home or recreational vehicle sales, nurseries, and lumber sales.	NP NP
J. Community services	P
K. Temporary uses	P
L. Home occupations	P ²
M. Temporary Health Hardship Dwelling	L ³
N. Offices which are related and subordinate to any of the preceding permitted uses.	NP

Table 4.0220 Notes:

- 1 — See Appendix 2.000 for expanded list of uses.
- 2 — Home occupations shall be permitted only within pre-existing homes in the NC development district.
- 3 — Permitted only in conjunction with pre-existing single family homes in accordance with Section 10.1300.

Table 4.0220: Permitted Uses in the Commercial Land Use Districts

USES	NC
RESIDENTIAL	
Single-Family Detached Dwelling	NP
Duplex	NP
Single-Family Attached Dwellings	NP
Attached Dwellings on a Single Lot	NP
Elderly Housing	NP
Manufactured Dwelling Park	NP
Residential Facility	NP
Residential Home	NP
COMMERCIAL	
Auto-Dependent Use	L ²
Business and Retail Service and Trade	L ³
Clinics	NP
Commercial Parking	SUR
Daycare Facilities	SUR
Live-Work	NP
Major Event Entertainment	SUR
Mini-Storage Facilities	NP

<u>USES</u>	<u>NC</u>
<u>Outdoor Commercial</u>	<u>NP</u>
<u>INDUSTRIAL</u>	
<u>Construction</u>	<u>NP</u>
<u>Exclusive Heavy Industrial Uses</u>	<u>NP</u>
<u>Industrial Office</u>	<u>NP</u>
<u>Information Services</u>	<u>NP</u>
<u>Manufacturing</u>	<u>NP</u>
<u>Miscellaneous Industrial</u>	<u>NP</u>
<u>Trade Schools</u>	<u>NP</u>
<u>Transportation/Distribution</u>	<u>NP</u>
<u>Warehousing/Storage</u>	<u>NP</u>
<u>Waste Management</u>	<u>NP</u>
<u>Wholesale Trade</u>	<u>NP</u>
<u>INSTITUTIONAL USES</u>	
<u>Civic Use</u>	<u>SUR</u>
<u>Community Services</u>	<u>SUR</u>
<u>Medical</u>	<u>SUR</u>
<u>Parks, Open Spaces and Trails</u>	<u>SUR</u>
<u>Religious Institutions</u>	<u>SUR</u>
<u>Schools</u>	<u>SUR</u>
<u>OTHER</u>	
<u>Basic Utilities</u>	
<u>Minor basic utilities</u>	<u>P</u>
<u>Major basic utilities</u>	<u>SUR</u>
<u>Heliports⁴</u>	<u>NP</u>
<u>Wireless Communication Facilities</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>

Table 4.0220 Notes

¹ Home occupations may be permitted with a pre-existing dwelling in the NC district. Temporary health hardship dwellings may be permitted with a pre-existing single-family detached dwelling home in the NC district.

² Limited to gas stations and similar retail uses with a maximum gross floor area of 10,000 square feet.

³ Business and Retail Service and Trade are limited to the following:

- Eating and drinking establishments with a maximum gross floor area of 3,500 square feet
- Insurance, real estate, and other similar offices with a maximum gross floor area of 5,000 square feet
- Laundries, dry cleaners, barber salons, and other similar personal services with a maximum gross floor area of 5,000 square feet
- Clothing, drug stores, and similar retail trade uses with a maximum gross floor area of 10,000 square feet
- Grocery store with a maximum gross floor area of 35,000 square feet

⁴ Permitted as an accessory use to Medical and Civic Uses through the Special Use Review process.

Section 6, Volume 3, Development Code, Section 4.0300 Industrial Land Use Districts is amended as follows:

4.0320 Permitted Uses

Table 4.0320 lists those uses that are permitted in each Industrial District. The types of land use that are permitted in the Industrial Land Use Districts are listed in Table 4.0320. Permitted uses are designated with a "P". An "L" in this table indicates a use that may be permitted in that district, but is limited in the extent to which it may be permitted. An "NP" means that use is not permitted in the specified district(s). "NP" is only used if the use category is "P" or "L" in another district within the Development Code.

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.
- SUR = Use permitted subject to a Special Use Review.

Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

Table 4.0320: Permitted Use Categories in the Industrial Land Use Districts

Use Categories	HI	GI
<p>A. Construction: Contractors and Related Businesses</p> <p>This category comprises businesses whose primary activity is performing specific building or other construction-related work. Examples of contractors are residential and commercial building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Examples of related businesses are engineering, architectural and surveying services and which often take place in office-type buildings.</p>	P	P
<p>B. Manufacturing</p> <p>Manufacturing comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of components parts. Examples of manufacturing include alternative energy development, biosciences, food and beverage processing, software and electronics production, fabrication of metal products, products made from manufactured glass, products made from rubber, plastic or resin, converted paper and cardboard products, and microchip fabrication.</p>	P	P
<p>C. Wholesale Trade</p> <p>Wholesale Trade comprises establishments engaged in selling / and or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell merchandise to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic.</p>	NP	P

Table 4.0320: Permitted Use Categories in the Industrial Land Use Districts

Use Categories	HI	GI
<p>D. Transportation/Distribution (Trucking and Rail)</p> <p>This category provides for transportation of cargo using motor vehicles or rail spurs and may include loading docks, temporary outdoor storage, and fleet parking. Goods are generally distributed to other firms or the final customer and are often associated with warehousing and storage facilities.</p>	P	P
<p>E. Warehousing and Storage</p> <p>These industries are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation for delivery to final customer. May provide a range of logistical services including labeling, packaging, price marking and ticketing, and transportation arrangement. Mini-storage facilities are not considered industrial warehousing and storage and are not permitted in the industrial districts.</p>	P	P
<p>F. Information Services</p> <p>Information services are establishments engaged in the producing and distributing information and cultural products; providing the means to transmit or distribute these products as well as data or communications; or processing data. Examples include publishing industries including book, periodical and software publishing; computer systems design; internet web search services; internet service providers; video and motion picture industries; computer data storage services; optical scanning and imaging services, and processing financial transactions such as credit card transactions and payroll processing services. These businesses primarily serve other industries and generate few general public customer visits per day.</p>	NP	P
<p>G. Trade or commercial schools.</p> <p>Establishments whose primary purpose are to provide training to meet industrial needs and often lead to job-specific certification. Examples of this use category are electronic equipment repair training, truck driving school, welding, and operation and repair of industrial machinery and other industrial skills.</p>	NP	P
<p>H. Administration and Support of Industries and Companies and Related Industrial Uses in Office Buildings</p> <p>This category includes uses in office-type buildings that are accessory to an industrial use; establishments which administer, oversee, and manage companies; which manage financial assets and securities; research and design; laboratories and testing facilities; provide industry related health services; provide document preparation and other industrial support services; including corporate offices, company business offices, call centers, and other office type uses that primarily serve other industries and do not generate a significant number of daily customer visits. See Section 4.0324(A).</p>	L	P
<p>I. Exclusive Heavy Industrial Uses</p> <p>Uses exclusive to the HI are those sites which are primarily rock crushing facilities; aggregate storage and distribution facilities; and concrete and/or asphalt batch plants.</p>	P	NP
<p>J. Waste Management</p> <p>Businesses that provide garbage and recycling hauling, sorting and transferring, including fleet parking and maintenance. See Section 4.0324(B)</p>	P	L

Table 4.0320: Permitted Use Categories in the Industrial Land Use Districts

Use Categories	HI	GI
<p>K. Miscellaneous Industrial</p> <p>Firms involved in large-scale repair and servicing of industrial, business or consumer electronic equipment, machinery and related equipment, products, or by-products. Examples include welding shops; machine shops; tool, electric motor, industrial instruments repair; sales, repair, storage, salvage or wrecking of heavy machinery; metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; exterminators including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning and carpet cleaning plants. Few customers, particularly not general public daily customers, come to the site. See Section 4.0321(C).</p>	P	L
<p>L. Retail Commercial and Professional Services that Cater to Daily Customers</p> <p>The sales of goods and materials and of professional services to the general public. Examples of retail commercial include restaurants, stores, mini-marts, factory outlet stores and office supplies. Examples of professional services that cater to daily general public customers include bank branches, financial, insurance, real estate, legal, medical and dental offices. See Section 4.0321(D).</p>	L	L
<p>M. Community Services</p> <p>See Section 8.0100 and Section 8.0124 for limitations on community services within industrial districts.</p>	L	L
<p>N. Temporary Uses</p> <p>See Section 10.1400.</p>	P	P

Table 4.0320: Permitted Uses in the Industrial Land Use Districts

USES	HI	GI
RESIDENTIAL		
Single-Family Detached Dwelling	NP	NP
Duplex	NP	NP
Single-Family Attached Dwellings	NP	NP
Attached Dwellings on a Single Lot	NP	NP
Elderly Housing	NP	NP
Manufactured Dwelling Park	NP	NP
Residential Facility	NP	NP
Residential Home	NP	NP
COMMERCIAL		
Auto-Dependent Use	NP	NP
Business and Retail Service and Trade	L1	L1
Clinics	L1	L1
Commercial Parking	NP	NP
Daycare Facilities	SUR	SUR

<u>USES</u>	<u>HI</u>	<u>GJ</u>
<u>Live-Work</u>	<u>NP</u>	<u>NP</u>
<u>Major Event Entertainment</u>	<u>SUR</u>	<u>SUR</u>
<u>Mini-Storage Facilities</u>	<u>NP</u>	<u>NP</u>
<u>Outdoor Commercial</u>	<u>NP</u>	<u>NP</u>
<u>INDUSTRIAL</u>		
<u>Construction</u>	<u>P</u>	<u>P</u>
<u>Exclusive Heavy Industrial Uses</u>	<u>P</u>	<u>NP</u>
<u>Industrial Office</u>	<u>I²</u>	<u>P</u>
<u>Information Services</u>	<u>NP</u>	<u>P</u>
<u>Manufacturing</u>	<u>P</u>	<u>P</u>
<u>Miscellaneous Industrial</u>	<u>P</u>	<u>I³</u>
<u>Trade Schools</u>	<u>NP</u>	<u>P</u>
<u>Transportation/Distribution</u>	<u>P</u>	<u>P</u>
<u>Warehousing/Storage</u>	<u>P</u>	<u>P</u>
<u>Waste Management</u>	<u>P/SUR⁴</u>	<u>P/SUR⁴</u>
<u>Wholesale Trade</u>	<u>NP</u>	<u>P</u>
<u>INSTITUTIONAL USES</u>		
<u>Civic Uses</u>	<u>SUR</u>	<u>SUR</u>
<u>Community Services</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>
<u>Medical</u>	<u>NP</u>	<u>NP</u>
<u>Parks, Open Spaces and Trails</u>	<u>L/SUR⁶</u>	<u>L/SUR⁶</u>
<u>Religious Institutions</u>	<u>L/SUR⁷</u>	<u>L/SUR⁷</u>
<u>Schools</u>	<u>L/SUR⁷</u>	<u>L/SUR⁷</u>
<u>OTHER</u>		
<u>Basic Utilities</u>		
<u>Minor basic utilities</u>	<u>P</u>	<u>P</u>
<u>Major basic utilities</u>	<u>SUR</u>	<u>SUR</u>
<u>Heliports</u>	<u>SUR</u>	<u>SUR</u>
<u>Wireless Communication Facilities</u>	<u>SUR</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>

¹This includes the sale of goods and materials and of professional services to the general public. Examples include restaurants, stores, mini-marts, factory outlet stores and office supplies. Examples of professional services that cater to daily general public customers include bank branches, financial, insurance, real estate, legal, medical and dental offices.

The total gross leasable square footage shall not exceed 3,000 square feet per use and shall not exceed 5,000 square feet cumulative gross leasable square footage within the same development project. For the purposes of this section, a development project is: a) a single building with less than 50,000 square feet of gross floor area that does not share common development features (such as access, parking, or utilities) with another building that has less than 50,000 square feet of gross floor area, whether or not the second building is located on the same or a different parcel or lot; or b) more than one building with less than 50,000 square feet of gross floor area that shares common development features (such as access, parking, or utilities) with another building that has less than 50,000 square

feet of gross floor area, whether or not the buildings are located on the same or a different parcel or lot; or c) a single building with 50,000 square feet or more of gross floor area.

² Only administrative offices which are related to the operation of the industrial use of the property are permitted in the HI. Up to 20% of the total floor area may consist of these administrative offices. Multiple tenant office buildings are prohibited.

³ Auto and truck salvaging and wrecking are not permitted in GI. All other miscellaneous industrial uses located adjacent to properties that are residentially designated land shall be located at least 100 feet from the residential property.

⁴ Waste Management uses are permitted uses, except for solid waste transfer station, composting facilities, and landfills, which are subject to a Special Use Review. When located in the GI, waste management uses adjacent to residentially designated land shall be located at least 100 feet from the residential property.

⁵ The following Community Service Uses are not permitted in the HI and GI districts: adult or senior centers, drug and alcohol treatment facilities, cemeteries, and mausoleums.

⁶ The following Parks, Open Spaces, and Trails are not permitted in the HI and GI districts: public urban plazas, public neighborhood parks, public community parks, and golf courses. However, public urban plazas, public neighborhood parks, and public community parks are permitted in the HI and GI districts when an applicant demonstrates that title for the parcel(s) where the facility is to be developed was held by the governing body for the applicant as of April 2, 2009.

⁷ Religious institutions, elementary schools, middle schools and high schools are permitted in the HI and GI districts when an applicant demonstrates that title for the parcel(s) where the facility is to be developed was held by the governing body for the applicant as of April 2, 2009.

4.0321 Additional Standards for Industrial Land Use Categories

A. Administration and Support of Companies and Enterprises in the HI

Only administrative offices which are related to the operation of the industrial use of the property are permitted in the HI. Up to 20% of the total floor area may consist of these administrative offices. Multiple tenant office buildings are prohibited.

B. Waste Management in the GI

Waste Management uses in the GI located adjacent to properties that are designated for residential use shall be located at least 100 feet from the residential property.

C. Miscellaneous Industrial in the GI

Auto and truck salvaging and wrecking are not permitted in GI. All other miscellaneous industrial uses located adjacent to properties that are designated for residential use shall be located at least 100 feet from the residential property.

D. Retail and Commercial and Professional Services that Cater to Daily General Public Customers

In order to ensure that these uses are primarily intended to serve the needs of workers in the immediate area the following standards apply:

1. The total gross leasable square footage shall not exceed 3,000 square feet per use and shall not exceed 5,000 square feet cumulative gross leasable square footage within the same development project. For the purposes of the section a development project is a project is:

- a.** a single building with less than 50,000 square feet of gross floor area that does not share common development features (such as access, parking, or utilities) with another building that has less than 50,000 square feet of gross floor area; whether or not the second building is located on the same or a different parcel or lot; or

- b. — more than one building with less than 50,000 square feet of gross floor area that shares common development features (such as access, parking, or utilities) with another building that has less than 50,000 square feet of gross floor area, whether or not the buildings are located on the same or a different parcel or lot; or
 - e. — a single building with 50,000 square feet or more of gross floor area.
2. — Shall not be permitted in a stand-alone building and instead be included within a building whose primary purpose is for an industrial use.

Table 4.0330 Development Standards for the Heavy General Industrial and Heavy General Industrial Districts

	HI	GI

H. Pedestrian Circulation and Standards Apply (Section 9.0824)	Yes <u>Section 9.0824</u>	Yes <u>Section 9.0824</u>
I. Screening & Buffering Required (Section 9.0100)	Yes <u>Section 9.0100</u>	Yes <u>Section 9.0100</u>

R. Stormwater Management	Yes; See <u>Sections 4.0341</u>	Yes; see <u>Sections 4.0341</u>

4.0331 Additional Industrial Land Use District Standards

A. Lot Area. Division of lots or parcels are permitted as follows:

- 3. Development lots or parcels 50 acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city so long as at least 40 percent of the net area or the lot or parcel has already been developed with industrial uses or uses accessory to industrial uses, and no portion of the lot is developed, or proposed to be developed, with uses considered Business and Retail Service and Trade regulated by Table 4.0320(A)(L) Retail Commercial and Professional Services that Cater to Daily Customers.

E. Parking, Loading and Unloading Areas in Industrial Land Use Districts

- 1. Parking, loading and unloading areas shall not be located within the required setback.
- 2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses or parks or a residential community service if there is an alternative location of adequate size adjacent to commercial, industrial or other institutional uses non-residential community service.
- 3. Standards for parking are located in **Section 9.0800.**

J. Public Facility Site and Supplementary Requirements for all Industrial Land Use Districts

All developments shall also be subject to the applicable requirements of **Sections 4.0321, 4.0431 and 4.0341; Article 9 – Common Requirements and Appendix 5.000 – Public Facilities.**

Section 7, Volume 3, Development Code, Section 4.0400 Corridor Districts is amended as follows:

4.0410 Rockwood Town Center (RTC)

This district encompasses the heart of Central Rockwood. It is centered on the triangle formed by E. Burnside, NE 181st Ave., and SE Stark St., but also takes in adjacent properties around the triangle. Primary uses permitted in RTC are retail commercial, services, office uses and housing. Mixed-use developments and various institutional uses (e.g. library, public meeting halls, government facilities) are also permitted. The scale and character of new development is intended to support and reinforce the image of a town center, with buildings of at least two stories, oriented to streets and pedestrians, and with parking lots behind or to the sides of buildings.

A portion of the Rockwood Town Center will be the focus of more concentrated high-density residential, office, commercial, ~~service~~ and institutional mixed-use development in a village type urban form. Within this area, proposals to develop attached dwellings that front on streets (multi-family and attached single-family dwellings) are required to have a mixed-use component along the street frontage. Mixed-use consists of commercial, office, or institutional ~~community-service~~ uses or combinations thereof in combination with residential uses. This "Mixed-Use" Rockwood Town Center area consists of the "triangle" described above, and other properties which front on its abutting streets (see **Appendix 9.000**).

4.0411 Station Centers (SC)

This district takes in properties which are adjacent to, or within easy walking distance, of light rail stations at 162nd Avenue, 172nd Avenue, Ruby Junction (197th Ave.), and ~~Gresham City Hall, Gresham Central, and Cleveland~~. The Station Centers district is intended to accommodate uses which are directly supportive of light rail transit. Development types permitted include retail and service businesses, offices, mixed-use projects, higher-density housing, and attached single family dwellings. Acknowledging the different character of existing land uses adjacent to the Ruby Jct. light rail station, an overlay designation here will also permit auto-dependent uses, and small-scale light industrial uses.

4.0420 Permitted Uses

~~The types of land uses which are permitted in the Central Rockwood and Corridor Districts are listed in Table 4.0420 of this subsection. A "P" in this table indicates that a use type is permitted in that district, subject to conformance with applicable provisions of this section and other sections of the Community Development Code. An "L" in this table indicates a use type which may be permitted in that district, but which is limited in the extent to which it may be permitted. An "NP" in this table indicates a use type which is not permitted in that district. Existing uses which are not permitted in a particular district may continue in existence, subject to provisions of Section 8.0200, Existing and Nonconforming Uses. Community Service uses are permitted as provided in Section 8.0100. Table 4.0420 lists those uses that are permitted in each Corridor Land Use District.~~

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.
- SUR = Use permitted subject to a Special Use Review.

In addition to the permitted commercial land use types listed in **Table 4.0420**, the manager, under the Type II procedure, may permit other commercial uses which the manager finds to be supportive of, and consistent with, the purposes of the Central Rockwood Plan (Appendix 39 of Volume 1) and Corridor Districts (**Section 4.0400**), and with applicable land use policies and implementation strategies of the Community Development Plan.

Table 4.0420: Uses Permitted In the Corridor Districts

Use Categories:	Rock-wood Town Center	Station Center	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial
Commercial Uses:							
A. Offices	P	P ¹⁰	P	NP	P ⁵	P ^{16a, 16b}	P ^{4a, 4b}
B. Clinics	P	P ¹⁰	P	NP	P ⁵	P ^{16a, 16b}	P ^{4a, 4b}
C. Retail Trade	P	P ¹⁰	P	NP	P ⁵	P ^{16a, 16b}	P ^{4a, 4b}
D. Retail Service	P	P ¹⁰	P	NP	P ⁵	P ^{16a, 16b}	P ^{4a, 4b}
E. Business Service	P	P ¹⁰	P	NP	P ⁵	P ^{16a, 16b}	P ^{4a, 4b}
F. Auto-Dependent Use	L ⁴	NP	P	NP	P ⁵	P ^{16a, 16b}	P ^{4a, 4b}
G. Outdoor Commercial	NP	NP	L ³	NP	L ³	P ^{16a, 16b}	P ^{4a, 4b}
H. Mini-Storage Facilities	NP	NP	NP	NP	NP	NP	NP
Residential Uses:							
I. Attached Dwellings on a Single Lot	P ⁹	P ¹³	P	P	P	L ^{11, 16a}	L ^{4a, 11}
J. Single Family Attached Dwellings	P ⁹	P	P	P	P	NP	NP
K. Duplex	NP	P	P	P	P	NP	NP
L. Single-Family Dwelling (Detached)	NP	NP	NP	L ⁸	NP	NP	NP
M. Accessory Dwelling	P	P	P	P	P	NP	NP
N. Residential Homes	NP	NP	NP	L ⁸	NP	NP	NP
O. Residential Facilities	P	P	P	P	P	L ^{11, 16a}	L ^{4a, 11}
P. Industrial Uses	NP	NP	L ^{6, 7}	NP	NP	NP	L ^{4a, 14}
Q. Mixed-Use Development	P ⁹	P	P	NP	P	P ^{15, 16a, 16b}	P ^{4a, 4b, 15}
R. Temporary Uses	P	P	P	P	P	P	P
S. Accessory Structures	P	P	P	P	P	P	P

Table 4.0420: Uses Permitted In the Corridor Districts

Use Categories:	Rock-wood Town Center	Station Center	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial
T. Temporary Health Hardship Dwelling	E ¹²	E ¹²	E ¹²	E ¹²	E ¹³	E ¹²	E ¹²
U. Home Occupations	P	P	P	P	P	P	P
Community Service Uses:							
V. Type-I	P	P	P	P	P	P ^{16a,16b}	P ^{4a,4b}
W. Type-II	P	P	P	P	P	P ^{16a,16b}	P ^{4a,4b}
X. Type-III	P ²	P ²	P	P	P	P ^{16a,16b}	P ^{4a,4b}

Table 4.0420-Notes:

- 1 — In the Town Center district, auto-dependent uses are limited to sites fronting on major or principal arterial streets.
- 2 — Solid waste transfer stations, solid waste landfills, campgrounds, and golf courses are not permitted in the Town Center District or in the Station Centers District.
- 3 — The maximum site size for a new outdoor commercial use is 2 acres. Certain types of outdoor commercial uses may be prohibited. See Section 4.0437.
- 4 — Moderate Commercial:
 - a. The maximum building footprint size permitted for any building, regardless of the type of uses within it, shall be 40,000 square feet with an exception for a maximum building footprint size of 60,000 square feet for a grocery store use.
 - b. The maximum total building size (floor area) for commercial uses shall be 80,000 square feet.
- 5 — The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 10,000 square feet. For mixed-use buildings, the residential and commercial components shall comply with the standards of Section 7.0103(B)(1)(d)(2).
- 6 — Any industrial use shall be limited to a maximum of 45,000 square feet of gross floor area. In addition, any new industrial use shall employ at least one person per 500 square feet of gross floor area. An applicant for design review for a new industrial use shall submit documentation as part of the application demonstrating conformance with this employee density requirement.
- 7 — Industrial uses which may be permitted in the Ruby Jct. Overlay shall be as specified in the GI portions of Section 4.0320 (A). Industrial developments shall also be subject to standards pertaining to GI in Sections 4.0330(A) and 4.0331.
- 8 — Detached dwellings may be permitted within the CMF district only along the NE Glisan and NE 162nd Ave. corridors. Detached dwellings in the CMF district shall conform with development standards of Table 4.0130 for the Transit LDR district.
- 9 — Within the area identified on the Appendix 9.000 Map (Rockwood Town Center Mixed Use Area), all buildings on Stark shall have commercial uses at the ground floor frontages with primary entries on Stark. In a mixed use building, residential uses are allowed above the commercial uses and behind the commercial uses on Stark.
 Ground floor residential uses on Burnside within the area identified on the Appendix 9.000 Map (Rockwood Town Center Mixed Use Area) shall have individual entries oriented to Burnside and located above grade a minimum of three (3) feet and a maximum of nine (9) feet.
- Windows into living areas for ground floor residential uses shall be sited for privacy. Except for Section 7.0210(A)(4) and (5); Transit Design standards of Section 7.0210 as noted therein shall apply to all residential development with frontage on Burnside within the RTC District. All other applicable design and development criteria in this code shall apply.
- 10 — A commercial use permitted in the Station Centers district (except for the Ruby Jct. Overlay) must be located on a parcel of which some portion is within 500 feet of the intersection of the centerlines of E. Burnside / 162nd Ave., or E. Burnside / 172nd Ave., or E.

Burnside /197th Ave., or E. Burnside /181st Ave., or within ¼ mile of the intersection of the centerlines of Division Street/ Eastman Parkway or Division Street/ Kelly Avenue.

- 11 — Attached dwellings on a single lot may be permitted in conjunction with mixed-use developments.
- 12 — Temporary health hardship dwelling is permitted in conjunction with an existing single family detached structure, subject to the standards in **Section 10.1300**.
- 13 — New attached dwellings on an individual lot shall be developed as a mixed-use project when the subject parcel fronts East Burnside and is within 500 feet of the center lines of the intersections of East Burnside and 162nd, 172nd or 197th Avenues. A development proposal may be exempted from this standard upon an affirmative finding that the street frontage has insufficient dimensions, such as in the case of flag lots or irregular shaped parcels, whereby it is physically impracticable to develop commercial or community service uses. Housing developed for persons with special needs is exempted from the mixed-use requirement. This is housing for persons with "special needs" consistent with the definition of the most recent "Consolidated Action Plan" as approved by the U.S. Department of Housing and Urban Development.
- 14 — General Industrial Uses identified under **Table 4.0320(A), (B), (C), (E)** permitted only in conjunction with and accessory to a primary allowed use, **(F), (G), (H), and (K)** are permitted uses for structures existing on Lot 1 of the Gresham Crossing Subdivision (1N3E34C TL 1001) that were approved through City file DR/MP 06-26000379 for a 5-year period, ending 04/01/2014. No outdoor use (storage or business activity) is permitted in association with these General Industrial Uses. Any such General Industrial Use still present beginning 04/02/2014 will be considered a non-conforming use and subject to the provisions of **Section 8.0200**.
- 15 — Mixed-Use Development is permitted provided the development remains primarily commercial. This is achieved by having: 1) at least 51% of the site's ground floor uses be commercial uses and 2) at least 75% of the linear street footage be fronted by a ground floor commercial use. The street frontage requirement only applies to a street classified as principal arterial, arterial or boulevard. The 75% standard does not apply to those parts of street not fronted by a building due to a driveway or other site element required by the Development Code, such as a required buffer or height transition area.
- 16 — Community Commercial:
 - a. The maximum building footprint size permitted for any building, regardless of the type of uses within it, shall be 100,000 square feet; and
 - b. The maximum total building size (floor area) for commercial uses shall be 100,000 square feet.

Table 4.0420: Permitted Uses in the Corridor Land Use Districts

USES	RTC	SC	SC-RJ	CMF	CMU	CC	MC
RESIDENTIAL							
Single-Family Detached Dwelling	NP	NP	NP	L ²	NP	NP	NP
Duplex	NP	P	P	P	P	NP	NP
Single-Family Attached Dwellings	L ³	P	P	P	P	NP	NP
Attached Dwellings on a Single Lot	L ³	L ⁴	P	P	P	L ^{5, 6a}	L ^{5, 7a}
Elderly Housing	SUR ³	SUR	SUR	SUR	SUR	SUR	SUR
Manufactured Dwelling Park	NP	NP	NP	NP	NP	NP	NP
Residential Facility	P ³	P	P	P	P	L ^{5, 6a}	L ^{5, 7a}
Residential Home	NP	NP	NP	L ²	NP	NP	NP
COMMERCIAL							
Auto-Dependent Use	L ⁸	NP	P	NP	L ⁹	L ^{6a, 6b}	L ^{7a, 7b}
Business and Retail Service and Trade	P	L ¹⁰	P	NP	L ⁹	L ^{6a, 6b}	L ^{7a, 7b}
Clinics	P	L ¹⁰	P	NP	L ⁹	L ^{6a, 6b}	L ^{7a, 7b}
Commercial Parking	SUR	SUR	SUR	SUR	SUR	SUR	SUR
Daycare Facilities	P	L ¹⁰	SUR	SUR	P	P	P
Live-Work	P	P	P	NP	P	P	P
Major Event Entertainment	SUR	SUR	SUR	NP	SUR	SUR	SUR

<u>USES</u>	<u>RTC</u>	<u>SC</u>	<u>SC-RJ</u>	<u>CMF</u>	<u>CMU</u>	<u>CC</u>	<u>MC</u>
<u>Mini-Storage Facilities</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Outdoor Commercial</u>	<u>NP</u>	<u>NP</u>	<u>L¹¹</u>	<u>NP</u>	<u>L¹¹</u>	<u>L^{6a, 6b}</u>	<u>L^{7a, 7b}</u>
<u>INDUSTRIAL</u>							
<u>Construction</u>	<u>NP</u>	<u>NP</u>	<u>L¹²</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L^{7a, 13}</u>
<u>Exclusive Heavy Industrial Uses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Industrial Office</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L^{7a, 13}</u>
<u>Information Services</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L^{7a, 13}</u>
<u>Manufacturing</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L^{7a, 13}</u>
<u>Miscellaneous Industrial</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L^{7a, 13}</u>
<u>Trade Schools</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L^{7a, 13}</u>
<u>Transportation/Distribution</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Warehousing/Storage</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L^{7a, 13}</u>
<u>Waste Management</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L/SUR¹⁴</u>	<u>L/SUR¹⁴</u>	<u>L/SUR¹⁴</u>
<u>Wholesale Trade</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L^{7a, 13}</u>
<u>INSTITUTIONAL USES</u>							
<u>Civic Use</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Community Services</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Medical</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Parks, Open Spaces and Trails</u>	<u>L/SUR¹⁵</u>	<u>L/SUR¹⁵</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Religious Institutions</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SUR</u>	<u>P</u>	<u>L^{6a, 6b}</u>	<u>L^{7a, 7b}</u>
<u>Schools</u>	<u>P/SUR¹⁹</u>	<u>P/SUR^{15, 19}</u>	<u>P/SUR¹⁹</u>	<u>SUR¹⁹</u>	<u>P/SUR¹⁹</u>	<u>P/SUR¹⁹</u>	<u>P/SUR¹⁹</u>
<u>OTHER</u>							
<u>Basic Utilities</u>							
<u>Minor basic utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Major basic utilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>L/SUR¹⁷</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Heliports¹⁸</u>	<u>SUR</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>SUR</u>	<u>NP</u>
<u>Wireless Communication Facilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Table 4.0420 Notes

¹ Temporary health hardship dwellings may be permitted with a pre-existing single-family detached dwelling home.

² Permitted only along the NE Glisan and NE 162nd Avenue corridors. Detached dwellings in the CMF district shall conform with development standards of **Table 4.0130** for the TLDR district.

³ Within the area identified on the **Appendix 9.000** map (Rockwood Town Center Mixed Use Area), all buildings on Stark shall have non-residential uses at the ground floor frontages with primary entries on Stark. In a mixed use building, residential uses are allowed above and behind the non-residential uses on Stark.

Ground floor residential uses on Burnside within the area identified on the **Appendix 9.000** map (Rockwood Town Center Mixed Used Area) shall have individual entries oriented to Burnside and located above grade a minimum of 4 feet and a maximum of 9 feet. Windows into living areas for ground floor residential uses shall be sited for privacy. Except for **Section 7.0210(A)(4) and (5)**, Transit Design Standards of **Section 7.0210** shall apply to all residential development with frontage on Burnside within the RTC district. All other applicable design and development criteria in this code shall apply.

⁴ New Attached Dwellings on a Single Lot shall be developed as a mixed use project when the subject parcel fronts East Burnside and is within 500 feet of the center lines of the intersections of East Burnside and 162nd, 172nd or 197th Avenues. A development proposal may be exempted from this standard upon an affirmative finding that the street frontage has insufficient dimensions, such as in the case of flag lots or irregular shaped parcels, whereby it is physically impracticable to develop commercial or institutional uses. Housing developed for persons with special needs is exempted from the mixed use requirement. This is housing for persons with "special needs" consistent with the definition of the most recent "Consolidated Action Plan" as approved by the US. Department of Housing and Urban Development.

⁵ May be permitted in conjunction with mixed use developments. Such developments are permitted provided they remain primarily non-residential. This is achieved by having: 1) at least 51% of the site's ground floor uses be commercial or institutional uses; and 2) at least 75% of the linear street footage be fronted by a ground floor commercial or institutional use. The street frontage requirement only applies to a street classified as principal arterial, arterial or boulevard. The 75% standard does not apply to those parts of street not fronted by a building due to a driveway or other site element required by the Development Code, such as a required buffer or height transition area.

⁶ Community Commercial. a) The maximum building footprint size permitted for any building, regardless of the type of uses within it, shall be 100,000 square feet; and b) The maximum total building size (floor area) for commercial uses shall be 100,000 square feet.

⁷ Moderate Commercial. a) The maximum building footprint size permitted for any building, regardless of the type of uses within it, shall be 40,000 square feet with an exception for a maximum building footprint size of 60,000 square feet for a grocery store use; b) The maximum total building size (floor area) for commercial uses shall be 80,000 square feet.

⁸ In the Town Center district, Auto-Dependent Uses are limited to sites fronting on major or principal arterial streets.

⁹ The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 10,000 square feet. For mixed use buildings, the residential and commercial components shall comply with the standards of **Section 7.0103(B)(1)(d)(2)**.

¹⁰ A commercial use permitted in the Station Center district (except for the Ruby Junction Overlay) must be located on a parcel of which some portion is within 500 feet of the intersection of the centerlines of East Burnside / 162nd, or East Burnside / 172nd, or East Burnside / 197th Ave, or East Burnside / 181st, or within ¼ mile of the intersection of the centerlines of Division Street / Eastman Parkway or Division Street / Kelly Avenue.

¹¹ The maximum site size for a new Outdoor Commercial use is 2 acres. Certain types of Outdoor Commercial Uses may be prohibited. See **Section 4.0437**.

¹² Any industrial use shall be limited to a maximum of 45,000 square feet of gross floor area. In addition, any new industrial use shall employ at least one person per 500 square feet of gross floor area. An applicant for design review for a new industrial use shall submit documentation as part of the application demonstrating conformance with this employee density requirement. Industrial developments are subject to standards pertaining to GI in **Sections 4.0330(A) and 4.0331**.

¹³ The following General Industrial Uses are permitted only in conjunction with and accessory to a primary allowed use: Construction, Manufacturing, Wholesale Trade, and Warehousing and Storage. Information Services, Trade Schools, Industrial Office, Manufacturing and Miscellaneous Industrial are permitted uses for structure existing on Lot 1 of the Gresham Crossing Subdivision (1N3E34C TL 1001) that were approved through City file DR/MP 06-26000379 for a 5-year period, ending April 1, 2014. No outdoor use (storage or business activity) is permitted in association with these General Industrial uses. Any such General Industrial use still present beginning on April 2, 2014 will be considered a non-conforming use and subject to the provisions of **Section 8.0200**.

¹⁴ Solid waste transfer stations, composting facilities, and landfills may pursue approval through the Special Use Review process. When located in the Corridor Districts, waste management uses adjacent to residentially designated land shall be located at least 100 feet from the residential property.

¹⁵ Golf courses are not permitted through a Special Use Review.

¹⁶ Schools are permitted in the SC district if they are located on a parcel of which some portion is within 500 feet of the intersection of the centerlines of East Burnside / 162nd, or East Burnside / 172nd, or East Burnside / 197th Ave, or East Burnside / 181st, or within ¼ mile of the intersection of the centerlines of Division Street / Eastman Parkway or Division Street / Kelly Avenue. If they are not within this area, they are subject to a Special Use Review.

¹⁷ Electrical generating facilities are not permitted through the Special Use Review process.

¹⁸ Permitted as an accessory use to Medical and Civic Uses through the Special Use Review process.

¹⁹ Schools are permitted without a Special Use Review if they are occupying an existing commercial space. Schools must pursue a Special Use Review if they are proposing new construction.

Table 4.0430 is modified to address the uses in the Institutional category and to provide other minor clarifications:

Table 4.0430 Development Requirements For Corridor Districts

	Rockwood Town Center	Station Centers	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial
A. Minimum Lot Size (Section 4.0431)	10,000 square feet for residential; none for commercial, <u>institutional</u> and mixed-use ⁸	10,000 square feet for residential; none for commercial, <u>institutional</u> and mixed-use ^{8, 10}	10,000 square feet for residential; none for commercial, <u>institutional</u> , mixed-use, & industrial ^{8, 10}	10,000 sq. ft. ^{8, 10}	10,000 square feet for residential; none for commercial, <u>institutional</u> and mixed-use ^{8, 10}	None	None
B. Minimum Street Frontage (Section 4.0431)	100 feet for residential; none for commercial, <u>institutional</u> and mixed use ¹⁴	100 feet for residential; none for commercial, <u>institutional</u> and mixed use ^{11, 14}	100 feet for residential; none for commercial, <u>institutional</u> , mixed use, & industrial ^{11, 14}	100 feet for residential ^{11, 14}	100 feet for residential; none for commercial, <u>institutional</u> and mixed use ^{11, 14}	None	None
C. Minimum Lot Width/ Depth Ratio (Section 4.0431)	.5 : 1 for residential; none for commercial, <u>institutional</u> and mixed use ⁸	.5 : 1 for residential; none for commercial, <u>institutional</u> and mixed use ⁸	.5 : 1 for residential; none for commercial, <u>institutional</u> , mixed use, & industrial ⁸	.5 : 1 for residential ⁸	.5 : 1 for residential; none for commercial, <u>institutional</u> and mixed use ⁸	None	None
D. Minimum Floor Area Ratio (FAR) (Section 4.0432)	.5 : 1	.6 : 1	.6 : 1 for commercial uses, <u>institutional</u> and mixed-uses; none for industrial	None	None, except .4 : 1 in Central Rockwood Plan Area ¹³	None, except .4 : 1 in Central Rockwood Plan Area ¹³	None, except .4 : 1 in Central Rockwood Plan Area ¹³

Table 4.0430 Development Requirements For Corridor Districts

	Rockwood Town Center	Station Centers	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial
G. Minimum Building Setbacks (Section 4.0433 and Section 7.0500)	0 feet front, side and rear for commercial, mixed-use, and <u>institutional</u> community service uses; 5 feet front and street-side, 0 feet interior side, 15 feet rear for residential ^{1, 16}	0 feet front, side and rear for commercial, mixed-use, and <u>institutional</u> community service uses; 5 feet front and street-side, 0 feet interior side, 15 feet rear for residential ^{1, 16}	0 feet front, side and rear for commercial, mixed-use, and <u>institutional</u> community-service uses; 5 feet front and street-side, 0 feet interior side, 15 feet rear for residential ^{1, 16} . For industrial uses, see Table 4.0330 (C) ¹	5 feet front; 15 feet rear; 0 feet interior side; 5 feet street-side ¹	5 feet front; 15 feet rear; 0 feet interior side; 5 feet street-side ¹	0 feet front, side and rear, including streetside	0 feet front, side and rear, including streetside
H. Maximum Building Setbacks (Section 4.0433)	<u>Commercial, Institutional & Mixed-Use</u> : 10 feet front and streetside ² None for interior side and rear. <u>Residential</u> : 20 feet front; None for interior side and rear; 20 feet street-side ^{3a}	20 feet front; None for rear and interior side; 20 feet for street-side ^{3a}	For residential, commercial, <u>institutional</u> and mixed-use: 20 feet front; none for rear and interior side; 20 feet for street-side. ^{3a} No maximum for industrial uses.	20 feet front; None for rear and interior side; 20 feet for street-side ^{3a}	20 feet front; None for rear and interior side; 20 feet for street-side ^{3a}	10 feet front; None for rear and interior side; 10 feet for street-side ^{3b, 3c}	10 feet front; None for rear and interior side; 10 feet for street-side ^{3b, 3c}

L. Minimum Off-Street Parking Required	None required for commercial uses; 1 space/unit for residential ⁹ . <u>All other uses see Section 9.0851.</u>	None required for commercial; 1 space/unit for residential ⁹ . <u>All other uses see Section 9.0851.</u>	None required for commercial; 1 space/unit for residential ⁹ ; <u>all other uses as provided in Section 9.0851 for industrial</u>	As provided in Section 9.0851	As provided in Section 9.0851	As provided in Section 9.0851	As provided in Section 9.0851

Table 4.0430 Development Requirements For Corridor Districts

	Rockwood Town Center	Station Centers	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial
M. Maximum Off-Street Parking Permitted	As provided in Section 9.0851 for commercial; 2 spaces/ unit for residential ^{4,5} ; <u>all other uses see Section 9.0851</u>	As provided in Section 9.0851 for commercial; 1.5 spaces/ unit for residential ^{4,5} ; <u>all other uses see Section 9.0851</u>	As provided in Section 9.0851 for commercial & industrial; 1.5 spaces/ unit for residential ^{4,5} ; <u>all other uses see Section 9.0851</u>	As provided in Section 9.0851 ⁴	As provided in Section 9.0851 ^{4,5}	As provided in Section 9.0851 ⁵	As provided in Section 9.0851 ⁵

Table 4.0430 Notes:

- B Minimum lot size and lot width/depth ratio standards do not apply to lots or parcels created for attached single family attached dwellings. Minimum lot dimensions for single-family attached dwelling lots are as follows:

4.0433 Setbacks

Required minimum and maximum setback standards are specified in **Table 4.0430** and **Section 7.0500**.

- A. Minimum setback distances shall be determined in conformance with the definition for "Setback" as specified in **Section 3.0103 3.0010**.

- ~~C. For community service uses, minimum and maximum setbacks shall conform with setback requirements for commercial uses, subject to modification as provided in Section 8.0122.~~

- DC.** Setback standards for single family attached dwellings are in **Table 7.0201(L)(3)(a)**.

4.0434 Building Height

Minimum and maximum building heights are specified in **Table 4.0430**. Any required building story must contain a habitable floor.

- A. The minimum building height standard applies, with the following exceptions, to new commercial, residential, institutional and mixed-use buildings. It does not apply to ~~community service~~ buildings, accessory structures, one-time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet, or to buildings with less than 1,000 square feet of floor area.

Section 8. Volume 3, Development Code, Section 4.1100 Downtown Plan District is amended as follows:

4.1120 Permitted Land Uses

Table 4.1120 lists the types of land uses that are permitted in the Downtown Plan District.

1. P = Permitted uses.
2. L = Use is permitted, but it is limited in the extent to which it may be permitted.
3. NP = Use not permitted.
4. SUR = Use permitted subject to a Special Use Review.

Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

Table 4.1120: Downtown Permitted Land Uses

	DCC	DMU	DTM	DEM	DRL-1	DRL-2	DCL
Use Categories:							
COMMERCIAL							
Clinics	P	P	P	P	L ⁴	L ⁵	P
Retail Trade	P	P	P	P	L ⁴	L ⁵	P
Retail Services	P	P	P	P	L ⁴	L ⁵	P
Business Services	P	P	P	P	L ⁴	L ⁵	P
Auto-Dependent Use	NP	NP	NP	NP	NP	NP	L ³
Drive Through Use	L ⁶	L ⁶	NP	L ⁶	NP	NP	P
Outdoor Commercial	NP	NP	NP	NP	NP	NP	L ⁷
EMPLOYMENT							
Office	P	P	P	P	L ⁴	L ⁵	P
Manufacturing (4.0320)	L ⁸	L ⁸	L ⁸	L ⁸	NP	NP	L ⁸
Information Services (4.0320)	P	P	P	P	NP	NP	P
RESIDENTIAL							
Single-Family Detached Dwelling	NP	NP	NP	NP	P	P	NP
Duplex Dwellings	L ¹	L ¹	L ¹	NP	P	P	NP
Single-Family Attached Dwellings	P	L ²	P	P	NP	P	P
Attached Dwellings on a Single Lot	P	P	P	P	NP	P	P
Accessory Dwelling	P	P	P	P	P	P	P
Ancillary Dwellings	P	P	P	NP	P	P	NP
Residential Home	NP	NP	NP	NP	P	P	NP
Residential Facility	P	P	P	P	NP	P	P
OTHER							
Live/work	P	P	P	P	NP	P	P
Temporary Uses	P	P	P	P	P	P	P
Home Occupations	P	P	P	P	P	P	P
Community Service Uses							
Type I	P	P	P	P	P	P	P
Type II	P	P	P	P	P	P	P
Type III	L ⁹	L ⁹	L ⁹	L ⁹	L ⁹	L ⁹	L ⁹

Table 4.1120: Permitted Uses in the Downtown Plan District

USES	DCC	DMU	DTM	DEM	DRL-1	DRL-2	DCL
RESIDENTIAL							

<u>USES</u>	<u>DCC</u>	<u>DMU</u>	<u>DTM</u>	<u>DEM</u>	<u>DRL-1</u>	<u>DRL-2</u>	<u>DCL</u>
<u>Single-Family Detached Dwelling</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Duplex</u>	<u>L¹</u>	<u>L¹</u>	<u>L¹</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Single-Family Attached Dwellings</u>	<u>P</u>	<u>L²</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Attached Dwellings on a Single Lot</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Elderly Housing</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>NP</u>	<u>SUR</u>	<u>SUR</u>
<u>Manufactured Dwelling Park</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Residential Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Residential Home</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>COMMERCIAL</u>							
<u>Auto-Dependent Use</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L³</u>
<u>Business and Retail Service and Trade</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>L⁴</u>	<u>L⁵</u>	<u>P</u>
<u>Clinics</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>L⁴</u>	<u>L⁵</u>	<u>P</u>
<u>Commercial Parking</u>	<u>L⁶</u>	<u>L⁶</u>	<u>L⁶</u>	<u>L⁶</u>	<u>NP</u>	<u>L⁶</u>	<u>L⁶</u>
<u>Daycare Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SUR</u>	<u>SUR</u>	<u>P</u>
<u>Live/work</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Major Event Entertainment</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>NP</u>	<u>NP</u>	<u>SUR</u>
<u>Mini-Storage Facilities</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Outdoor Commercial</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L⁷</u>
<u>INDUSTRIAL</u>							
<u>Construction</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Exclusive Heavy Industrial Uses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Industrial Office</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Information Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
<u>Manufacturing</u>	<u>L⁸</u>	<u>L⁸</u>	<u>L⁸</u>	<u>L⁸</u>	<u>NP</u>	<u>NP</u>	<u>L⁸</u>
<u>Miscellaneous Industrial</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Trade Schools</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Transportation/Distribution</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Warehousing/Storage</u>	<u>NP⁹</u>	<u>NP⁹</u>	<u>NP⁹</u>	<u>NP⁹</u>	<u>NP⁹</u>	<u>NP⁹</u>	<u>NP⁹</u>
<u>Waste Management</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Wholesale Trade</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>INSTITUTIONAL USES</u>							
<u>Civic Uses</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Community Services</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Medical</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Parks, Open Spaces and Trails</u>	<u>L/SUR¹⁰</u>	<u>L/SUR¹⁰</u>	<u>L/SUR¹⁰</u>	<u>L/SUR¹⁰</u>	<u>L/SUR¹⁰</u>	<u>L/SUR¹⁰</u>	<u>L/SUR¹⁰</u>
<u>Religious Institutions</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SUR</u>	<u>SUR</u>	<u>P</u>
<u>Schools</u>	<u>P/SUR¹¹</u>	<u>P/SUR¹¹</u>	<u>P/SUR¹¹</u>	<u>P/SUR¹¹</u>	<u>SUR</u>	<u>SUR</u>	<u>P/SUR¹¹</u>
<u>OTHER</u>							
<u>Basic Utilities</u>							
<u>Minor basic utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Major basic utilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>L/SUR¹²</u>	<u>L/SUR¹²</u>	<u>SUR</u>
<u>Heliports</u>	<u>SUR¹³</u>	<u>SUR¹³</u>	<u>SUR¹³</u>	<u>SUR¹³</u>	<u>SUR¹³</u>	<u>SUR¹³</u>	<u>SUR¹³</u>
<u>Wireless Communications Facilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

4.1120 Table Notes

The following describe limitations on use categories marked as limited in Table 4.1120.

1. Duplexes are allowed in the following situations provided density standards are met:
 - a. In DTM and DMU on a lot of record that is 6,500 square feet or smaller and has 70 feet of street frontage or less; or
 - b. In DCC north of Eighth Street on a lot of record that is 7,600 square feet or smaller and has 70 feet of street frontage or less.
2. Single-family attached residential uses are prohibited in DMU within 320 feet of the centerline of Eastman Parkway.
3. See limits on auto sales and service in the Outdoor Commercial configuration in Section 4.1120 Table Note 7.
4. Clinics and Business and Retail Service and Trade, ~~retail trade, retail services, business services and office~~: The total floor area of all these uses combined is limited to 5,000 square feet per site in DRL-1, and these uses are limited to lots with frontage on Main Avenue or Ava Avenue. In a mixed-use building, the total square footage of Clinics and Business and Retail Service and Trade ~~commercial uses, clinics, retail trade, retail services, business services and offices~~ cannot exceed 5,000 square feet in DRL-1.
5. Clinics and Business and Retail Service and Trade, ~~retail trade, retail services, business services and office~~: The total floor area of all these uses combined is limited to 7,500 square feet per site in DRL-2. In a mixed-use building, the total square footage of Clinics and Business and Retail Service and Trade ~~commercial uses, clinics, retail trade, retail services, business services and offices~~ cannot exceed 7,500 square feet in DRL-2.
6. Structured parking only as per Section 9.0852(B)(5).
6. ~~Drive-through use: New drive-through facilities are limited in DCC, DTM and DEM and allowed only under the following conditions:~~
 - a. ~~In DCC, no new drive-through facility can be constructed unless there was a legal drive-through on the site on July 16, 2009.~~
 - b. ~~In all sub-districts where drive-throughs are limited:~~
 1. ~~Direct drive-through lane access onto an Urban Boulevard street type is prohibited; and~~
 2. ~~The drive-through shall be part of a development that meets the minimum FAR requirements of the sub-district; and~~
 3. ~~Drive-through stacking lanes and service areas shall not be located between the street and the building and shall be located to the rear of the property; and~~
 4. ~~Goods and services provided to drive-through customers also must be available to pedestrian customers inside a building on the same site.~~
7. Outdoor Commercial is limited to DCL and allowed only if:
 - a. The site has frontage on Burnside Road or Hogan Road; or
 - b. The site has frontage on Powell Boulevard east of Cleveland Avenue and west of Hogan Road and the use is not auto sales and service (auto sales and service is allowed if not in a configuration that meets the definition of “Outdoor Commercial”); and
 - c. The amount of total site area covered by buildings shall amount to no less than 25 percent of the amount of site area used for outdoor storage or display; and

- d. Screening shall be provided along any portion of the site's frontage which is not occupied by a building or parking area, in a manner which satisfies standards for Landscape/Screening along a Public Right-of-Way, as contained in Section 9.0823(C)(3).
8. ~~Manufacturing uses are defined in Community Development Code Table 4.0320 but shall be compatible with other Downtown uses and are allowed only if all of the following conditions are met:~~
- a. ~~The manufacturing component shall be allowed in conjunction with an allowed Business and Retail Service and Trade Commercial or Office use; and~~
 - b. ~~In DCC, DMU, and DTM, the manufacturing component shall occupy no more than 10,000 square feet of floor area per site. In DEM and DCL, the manufacturing component shall occupy no more than 20,000 square feet of floor area per site; and~~
 - c. ~~The emission of air pollutants and odorous gasses and changes in temperature detectable by the human senses without the aid of instruments at any point beyond the property line is prohibited; and~~
 - d. ~~Electrical disturbances that interfere with the normal operation of equipment or instruments on adjacent properties are prohibited; and~~
 - e. ~~Operations that produce heat or glare shall be conducted entirely within an enclosed building; and~~
 - f. ~~Loud, unnecessary or unusual noise that endangers health, peace or safety is prohibited.~~
9. The prohibition on warehousing and storage as a stand-alone use does not preclude the on-site storage of materials associated with another use Downtown, such as the storage of goods and supplies as an accessory use to another allowed use. The prohibition on distribution does not preclude the distribution of goods produced on-site to locations off-site as an accessory use to another allowed use or the delivery of goods to an allowed use.
9. ~~Community Services, Type III: Solid waste transfer stations, solid waste landfills, campgrounds, golf courses, recycling facilities (including drop-box transfer stations), recycling collection sites and recyclables recovery facilities, are prohibited.~~
10. Golf courses are not permitted.
11. Schools are permitted without a Special Use Review if they are occupying an existing commercial space. Schools must pursue a Special Use Review if they are proposing new construction.
12. Electrical generating facilities and sewage treatment plants are not permitted through the Special Use Review process.
13. Permitted as an accessory use to Medical and Civic Uses through the Special Use Review.

4.1121 Prohibited Uses in Downtown Sub-Districts

- A.** ~~In addition to the use categories that are not permitted because they are listed as "NP" or not listed in Table 4.1120, the following categories are specifically prohibited from Downtown sub-districts: mini-storage facilities and the following uses defined in Section 4.0320: transportation/distribution (trucking and rail), exclusive heavy industrial uses, warehouse and storage, wholesale trade, construction contractors, transport and distribution.~~

- ~~B. The prohibition on warehousing and storage as a stand-alone use does not preclude the on-site storage of materials associated with another use Downtown, such as the storage of goods and supplies as an accessory use to another use allowed in Downtown sub-districts.~~
- ~~C. The prohibition on distribution does not preclude the distribution of goods produced on-site to locations off-site as an accessory use to another use allowed in the Downtown sub-districts or the delivery of goods to an allowed use.~~

4.1122 Required First-floor commercial uses required

- a. In the following locations, a minimum of 75 percent of the street-facing ground-floor level shall have Commercial uses or Ceivic uses (such as libraries, city hall or post offices) that generate a significant number of customer visits:
 1. The north side of Powell Boulevard between Miller and Roberts.
 2. Main Avenue: Main between Powell and Fourth.
 3. Third Avenue between Main and Hood and the north side of Third Avenue between Hood and Kelly.

4.1130 Downtown Plan Sub-District Standards

- C. For purposes of minimum floor-area-ratio calculations in DCC, DMU and DTM, applicants may include the following in the ground-level floor area up to a total of 1,000 square feet or 10 percent of the site, whichever is larger:

- 4. Areas between the minimum and maximum front setbacks for Commercial, Industrial and Institutional, Employment, Live/work uses that are provided for usable, pedestrian-oriented uses such as walkways and outdoor dining areas.

Table 4.1130 is modified to updates uses to the Use Categories described in Section 3.0200.

Table 4.1130 (continued)

Street type	Urban Boulevard (in feet)	Urban Commercial (in feet)	Urban Residential (in feet)	Green/ Shared (in feet)	Main (in feet)	Stanley (in feet)	Third –(in feet)	Cleveland (in feet)
<u>Commercial, Industrial, Institutional (excluding Parks, Open Spaces and Trails) employment, live/work</u> (including mixed use buildings with those <u>Commercial or Institutional</u> uses on the first floor)								

4.1130 Table Notes:

1. The maximum height and floor-area ratio for the portion of development sites within 110 feet of the centerline of Main Avenue between Powell Boulevard and Fifth Street are limited to those shown in Table 4.1130 for DCC - Main. A minimum 10-foot building setback on Main Avenue is required on all stories above 35 feet.
2. Floor heights by building type for new buildings:
 - a. Commercial/industrial/institutional uses: 13 feet minimum height.
 - b. Residential uses Attached Dwellings on a Single Lot, Elderly Housing and Residential Facilities: 10 feet minimum height.

5. The following ~~community services~~ uses are exempt from minimum floor-area ratio and maximum setback requirements:

- a. Transit facilities such as bus shelters and storage/utility sheds;
 - b. Parks, Open Spaces and Trails; Parks, plazas and trails; and
 - c. Basic Utilities;
 - d. Wireless communication facilities;
 - e. Heliports;
 - f. Portable classrooms;
 - g. Cemeteries and mausoleums; and
 - h. Sewer and water utility structures such as storage reservoirs and pump stations; and
 - i. Museums.
- ~~___ Park-related structures such as picnic shelters;~~
~~___ Transit facilities such as bus shelters and storage/utility sheds;~~
~~___ Minor utility and public facilities (as described in Appendix 5: Public Facilities), such as lift stations and pumps;~~
~~___ Telecommunications equipment such as antennas;~~
~~___ Helicopter landing facilities.~~

7. ~~Public buildings Civic Uses~~ and schools that comply with Section 4.1151(A)(1)(d)(14) are exempt from maximum setback requirements.

12. For ~~Ceommercial, Industrial, Institutional, -employment, live/work~~ and attached dwellings on a single lot, the streetside setbacks shall be equal to the front façade setback on the street type that applies to the side street.

4.1133 Limitations on Drive- Throughs

1. New drive-through facilities are limited in DCC, DTM and DEM and allowed only under the following conditions:
 - a. In DCC, no new drive-through facility can be constructed unless there was a legal drive-through on the site on July 16, 2009.
 - b. In all sub-districts where drive-throughs are limited:
 1. Direct drive-through lane access onto an Urban Boulevard street type is prohibited; and
 2. The drive-through shall be part of a development that meets the minimum FAR requirements of the sub-district; and

3. Drive-through stacking lanes and service areas shall not be located between the street and the building and shall be located to the rear of the property; and
4. Goods and services provided to drive-through customers also must be available to pedestrian customers inside a building on the same site.

2. Drive-through uses are permitted in the DCL district.

4.1151. Downtown Design Guidelines and Standards: Purpose

Section 4.1151 does not apply to single-family detached dwellings; duplexes; residential homes; park-and-ride facilities; cemeteries and mausoleums; equipment storage facility for transit; park and ride transit facilities; parks, open space and trails; and uses in the "Other" category, including basic utilities, heliports, wireless communications facilities and temporary uses, and similar uses/structures as determined by the Manager or Design Commission. Section 4.1151 also does not apply to public facilities (as described in Appendix 5: Public Facilities).

Section 4.1151 does not apply to single-family detached dwellings; duplexes; residential homes; transit bus shelters; recycling drop boxes; utilities and public facilities (as described in Appendix 5: Public Facilities); cellular communication antennas; public urban plazas and walking paths with associated trail access points and trailheads; non-building developments; developments (such as parking lots) in public parks; park-related structures such as picnic shelters and public restrooms in public parks; cemeteries; sewerage or drainage system structures; water system structures; helicopter landing facilities; and similar uses/structures as determined by the Manager.

Commercial, Industrial, Institutional Employment, Live/work: All developments that are commercial, commercial, industrial or institutional, live/work or employment uses, plus community services uses not excluded above or included under another heading.

For mixed-use developments:

- Guidelines and standards under the Commercial, Industrial and Institutional, employment and live/work heading apply to those parts of the building designed for those uses, and the guidelines and standards under multi-family and single-family attached headings apply to those parts of the building designed for those uses. The "All Development" standards apply to the entire building.
- If any conflicts exist among the standards in DCC, DMU, DTM DEM and DCL, the guidelines and standards under the commercial, industrial and institutional employment and live/work heading will supersede the guidelines and standards under the Multi-Family Residential and Single-Family Attached headings.
- If any conflicts exist among the standards in DRL-1 and DRL-2, the guidelines and standards under the Multi-Family Residential and Single-Family Attached headings will supersede the guidelines and standards under the Commercial, Industrial and Institutional Employment and Live/Work heading.

A.1.C. Integrated Site Planning Guidelines

Commercial, Industrial and Institutional Employment, Live/work,

Civic Buildings and Schools

14. Public Civic buildings and schools such as, but not limited to, a city hall, post office, or library, and schools shall be placed to provide continuous visual interest to the pedestrian.

A.1.D. Integrated Site Planning Standards

Commercial, Industrial and Institutional Employment, Live/Work

12. In developments with commercial, industrial or institutional uses occupying the ground floor, building facades shall directly abut the sidewalk, with no intervening in-ground landscaping.

Civic Uses Buildings and Schools

14. To provide greater flexibility and to emphasize their importance, civic uses and schools public buildings such as, but not limited to, a city hall, post office, or library, and schools do not have to meet maximum setback requirements so long as parking is not located between the building frontage and the primary street frontage. Alternative frontage treatments shall meet the following objectives, as determined by the Manager or Design Commission:

Multi-family Residential and Single-Family Attached

18. Storage: Space shall be provided for garbage, recycling and storage in accordance with the following standards:
- a. Exterior garbage collection and recycling areas shall be entirely screened by the employment of a vegetative screening and/or minimum 6-foot high sight-obscuring fence or wall. This requirement applies to single-family attached dwellings only if common garbage collection and recycling facilities are provided for the site.
5. Outdoor storage facilities shall be provided for articles such as barbecues, outdoor furniture, etc. The storage facility shall be a minimum 6 feet high and 24 square feet in area. The facility shall either be connected to each unit, within a garage that belongs with a unit, or easily accessible (such as in a central facility), be completely enclosed and capable of being locked. If located within a garage, the storage space must be separate from and in addition to the area required for vehicle parking so as to not impede vehicle parking. (~~Elderly Housing retirement housing, assisted living developments and Residential Facilities need not comply with this requirement.~~)

4.1151.A.2.C Open Spaces Guidelines

Commercial, Industrial and Institutional Employment, Live/work

4.1151.A.2.D Open Spaces Standards

Commercial, Industrial and Institutional Employment, Live/work

4. Except for Civic Uses such as fire stations, police stations, city hall, court buildings, and post offices, street facing public spaces shall not exceed 20 percent of the total building footprint or 2,000 square feet, whichever is less. Such space shall have a minimum width of 30 feet and a minimum depth of 20 feet, unless otherwise approved by the Manager or Design Commission due to site constraints.
5. Except for Civic Uses such as fire stations, police stations, city hall, court buildings, and post offices, public spaces located between a building and a sidewalk shall be abutted on at least two sides by retail shops, restaurants, primary residential or office entrances or services with their windows and doors fronting on the space.

4.1151.A.4.C. Parking Lot/Parking Garage Screening Guidelines

All Development

3. On the ground-floor level facing street frontages, parking structures shall provide a perimeter of active use spaces such as commercial, industrial, institutional ~~employment, live/work~~ or residential uses unless substitutions are approved by the decision authority, either the Design Commission or the Manager. Substitutions for active uses may include trees and other vegetation or artfully designed walls or grillwork. Parking structures shall be viewed not merely as utilitarian but as contributions to the architectural quality and character of Downtown, with materials and details that reflect the composition of the building and the surrounding buildings.

D. Standards

All Development

6. Parking structures visible from the street shall be screened using at least one of the following:
7. A permitted use such as commercial, industrial, institutional ~~employment, live/work~~ or residential use with a minimum depth of 20 feet
8. An ornamental screen made of metal work
9. Trees with a minimum caliper of 2 inches at 6 feet above grade and maximum spacing of 25 feet, along with shrubs, and understory planting
10. Bas-relief sculpture
11. Another approved device that meets the intent

4.1151.A.5.D.3 Landscaping Standards

All Development

3. Site Landscaping

- a. At least 15 percent of the site area shall be landscaped. Required sidewalk easements can be subtracted from the site area for purposes of this calculation.
- b. At least 70 percent of the front yard setback area shall be landscaped in meeting the 15 percent site area total. Use of ornamental grass lawns shall be limited to 20 percent of this requirement in the front yard. Exceptions:
 1. In single-family attached developments with driveways in the front, the driveway area defined by the minimum driveway width through the front setback may be excluded from total front setback area for the calculation; and
 2. For Commercial, Industrial and Institutional ~~Employment and Live/Work~~ uses providing a publicly accessible walkway or publicly accessible open spaces or outdoor dining areas between the right of way and the building frontage, the front setback landscape percentage may be reduced by the Manager or Design Commission to as low as 10 percent.

4.1151.B.1 Building Design, Massing

C. Guidelines

Commercial, Industrial and Institutional Employment, Live/work

D. Standards

Commercial, Industrial and Institutional Employment, Live/work

4.1151.B.2. Building Design, Façade Composition

C. Guidelines

Commercial, Industrial and Institutional Employment, Live/work

D. Standards

Commercial, Industrial and Institutional Employment, Live/work

4.1151.B.3. Building Design, Ground-Level Details

C. Guidelines

Commercial, Industrial and Institutional Employment, Live/work

D. Standards

Commercial, Industrial and Institutional Employment, Live/work

1. Ground floor, street-facing facades of commercial, industrial and institutional employment and live/work buildings shall incorporate at least three of the following:

4.1151.B.4. Building Design, Sign Design

C. Guidelines

Commercial, Industrial and Institutional Employment, Live/work

D. Standards

Commercial, Industrial and Institutional Employment, Live/work

4.1151.B.5. Building Design, Transparency

C. Guidelines

Commercial, Industrial and Institutional Employment, Live/work

D. Standards

All Developments

1. For ground-level facades on Downtown streets without a street type designation that are visible from any street, a minimum of 25 percent of façade areas with a residential use must be clear, transparent glass and a minimum of 40 percent of facades with commercial, ~~employment, or live/work~~ uses must be clear, transparent glass.
12. In each building, the ground-level facade area shall contain clear, transparent glass on facades visible from any street at the following percentages (by street type):
 - a. Urban Boulevard: 25 percent for Multi-family Residential and Single-Family Attached and 50 percent for Commercial, Industrial and Institutional ~~Employment and Live/work~~ uses.
 13. Urban Commercial: 25 percent for Multi-family Residential and Single-Family Attached uses and 50 percent for Commercial, Industrial and Institutional ~~Employment and Live/work~~ uses.
 14. Urban Residential: 25 percent for Multi-family Residential and Single-Family Attached uses and 50 percent for Commercial, Industrial and Institutional ~~Employment and Live/work~~ uses.
 15. Green/Shared: 25 percent for Multi-family Residential and Single-Family Attached uses and 50 percent for Commercial, ~~Employment and Live/work~~ uses.
 16. Main Avenue: 50 percent
 17. Stanley Avenue: 25 percent for Multi-Family Residential and Single-Family Attached uses and 50 percent for Commercial, Industrial and Institutional ~~Employment and Live/work~~ uses.
 18. Third Street: 50 percent.
 19. Cleveland Avenue: 25 percent for Multi-family Residential and Single-Family Attached uses and 50 percent for Commercial, Industrial and Institutional ~~Employment and Live/work~~ uses.
20. The minimums above shall be calculated on the area of the ground floor facade between 2 feet and 12 feet above grade.

Commercial, Industrial, Institutional ~~Employment, Live/work~~

4.1151.B.6. Building Design, Prominent Uses

C. Guidelines

Commercial, Industrial and Institutional ~~Employment, Live/work~~

D. Standards

Commercial, Industrial and Institutional ~~Employment, Live/work~~

1. Buildings designed for commercial, industrial and institutional ~~uses employment and live/work~~ shall be designed to encourage multi-tenant occupancy and walk-in traffic at the street level. The following shall be incorporated in the design of street level facades:

2. For mixed-use buildings, at least one commercial, industrial or institutional ~~or employment~~ use shall provide an entrance on the primary street. Residential uses shall provide entrances on either the primary street or the secondary street. A corner door, such as one at a 45-degree angle to the primary street, qualifies as being an entrance “on the primary street.”

Section 9. Volume 3, Development Code, Section 4.1200 Civic Neighborhood Plan District is amended as follows:

4.1220 Permitted Land Uses

Table 4.1220 lists the types of land uses which are permitted in the Civic Neighborhood Plan District. In this table indicates that a use type is permitted in that sub-district, subject to conformance with applicable provisions of this section and other sections of the Community Development Code. An "L" in this table indicates a use type which may be permitted in that sub-district, but which is limited in the extent to which it may be permitted. An "NP" in this table indicates a use type which is not permitted in that sub-district. Existing uses which are not permitted in a particular sub-district may continue in existence, subject to provisions of Section 8.0200, Existing and Nonconforming Uses.

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.
- SUR = Use permitted subject to a Special Use Review.

Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

Table 4.1220 Permitted Use

Use Categories:	TDM-C	TDH-C	HDR-C	MDR-C
Commercial Uses				
A. Offices	P	P ¹²	L ⁴	L ²
B. Clinics	P	P ¹²	L ⁴	L ²
C. Retail Trade	P ⁸	L ^{3, 8, 12}	L ^{5, 8}	L ^{2, 8}
D. Retail Service	P ⁸	L ^{3, 8, 12}	L ^{5, 8}	L ^{2, 8}
E. Business Service	P ⁸	P ^{8, 12}	L ^{5, 8}	L ^{2, 8}
F. Auto-Dependent Use	L ⁷	L ^{7, 12}	L ⁷	L ⁷
G. Mini-Storage Facilities	NP	NP	NP	NP
Residential Uses				
H. Attached Dwellings on a Single Lot	P	P	P	P
I. Single-Family Attached Dwellings	P	P	P	P
J. Single-Family Detached Dwelling	NP	NP	NP	NP
K. Ancillary Dwelling ¹⁰	NP	NP	NP	P
L. Residential Homes	NP	NP	NP	NP
M. Residential Facilities	P	P	P	P
N. Temporary Health Hardship Dwellings	L ⁶	L ⁶	L ⁶	L ⁶
Community Service Uses				
O. Type I	P	P ¹²	P	P
P. Type II	P	P ¹²	P	P
Q. Type III	P ¹	P ^{1, 12}	P ¹	P ¹
R. Mixed-Use Development	P ¹¹	P ^{11, 12}	P ¹¹	P ¹¹

Table 4.1220 Permitted Use

Use Categories:	TDM-C	TDH-C	HDR-C	MDR-C
S. Temporary Uses	P ⁹	P ⁹	P ⁹	P ⁹
T. Home Occupations	P	P	P	P

Table 4.1220 Notes:

- 1— Solid waste transfer stations, solid waste landfills, campgrounds, and golf courses are not permitted in the Civic Neighborhood Plan District.
- 2— When included in a mixed use building, this use may occupy up to 100% of the total ground floor area. Commercial uses are not permitted in any mixed use development where the minimum residential density is not met.
- 3— When included in a mixed use development, the maximum building footprint size for a free-standing building occupied by retail uses shall be 10,000 square feet. Theaters, hotels and restaurants are not subject to this size limitation, and are permitted as stand alone uses.
- 4— This use is allowed only in mixed use developments. Office and clinic uses shall not exceed 50% of the proposed residential floor area within the mixed use development, and shall be permitted only when minimum residential densities are met.
- 5— These uses are permitted only within mixed use developments, and shall have a maximum size of 10,000 square feet, provided that the minimum residential densities are met.
- 6— Permitted only in conjunction with pre-existing single family homes in accordance with Section 10.1300.
- 7— Auto-Dependent Uses are limited to sites fronting on Burnside, Eastman, and Division (See Section 4.1238).
- 8— The amount of site area used for outdoor business activities, product display, or storage shall not exceed 50% of the amount of floor area on the site.
- 9— See Section 10.1400 for Temporary Use standards and time limits.
- 10— Refer to Section 10.0300 – Ancillary Dwellings
- 11— For purposes of Table 4.1220, a Mixed-Use Development is the combination on a site of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses. A Mixed-Use Building is the combination within a building of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses.
- 12— For Blocks A-6, A-9 and A-10, these uses shall be permitted only when minimum residential densities are met.

Table 4.1220: Permitted Uses in the Civic Neighborhood District

USES	TDM-C	TDH-C	HDR-C	MDR-C
RESIDENTIAL¹				
Single-Family Detached Dwelling	NP	NP	NP	NP
Duplex	NP	NP	NP	NP
Single-Family Attached Dwellings	P	P	P	P
Attached Dwellings on a Single Lot	P	P	P	P
Elderly Housing	SUR	SUR	SUR	SUR
Manufactured Dwelling Park	NP	NP	NP	NP
Residential Facility	P	P	P	P
Residential Home	NP	NP	NP	NP
COMMERCIAL				
Auto-Dependent Use	L ²	L ^{2,3}	L ²	L ²

<u>USES</u>	<u>TDM-C</u>	<u>TDH-C</u>	<u>HDR-C</u>	<u>MDR-C</u>
<u>Business and Retail Service and Trade</u>	<u>L⁴</u>	<u>L^{3, 4, 5}</u>	<u>L^{4, 6}</u>	<u>L^{4, 7}</u>
<u>Clinics</u>	<u>P</u>	<u>L³</u>	<u>L⁸</u>	<u>L⁷</u>
<u>Commercial Parking</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Daycare Facilities</u>	<u>L⁴</u>	<u>L^{3, 4}</u>	<u>L⁴</u>	<u>L^{4, 7}</u>
<u>Live-Work</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Major Event Entertainment</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Mini-Storage Facilities</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Outdoor Commercial</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>INDUSTRIAL</u>				
<u>Construction</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Exclusive Heavy Industrial Uses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Industrial Office</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Information Services</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Manufacturing</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Miscellaneous Industrial</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Trade Schools</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Transportation/Distribution</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Warehousing/Storage</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Waste Management</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Wholesale Trade</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>INSTITUTIONAL USES</u>				
<u>Civic Uses</u>	<u>SUR</u>	<u>SUR³</u>	<u>SUR</u>	<u>SUR</u>
<u>Community Services</u>	<u>SUR</u>	<u>SUR³</u>	<u>SUR</u>	<u>SUR</u>
<u>Medical</u>	<u>SUR</u>	<u>SUR³</u>	<u>SUR</u>	<u>SUR</u>
<u>Parks, Open Spaces and Trails</u>	<u>L/SUR⁹</u>	<u>L/SUR⁹</u>	<u>L/SUR⁹</u>	<u>L/SUR⁹</u>
<u>Religious Institutions</u>	<u>L⁴</u>	<u>L^{3, 4, 5}</u>	<u>L^{4, 6}</u>	<u>L^{4, 7}</u>
<u>Schools</u>	<u>P/SUR¹¹</u>	<u>P/SUR^{3, 11}</u>	<u>L^{4, 11}</u>	<u>P/SUR¹¹</u>
<u>OTHER</u>				
<u>Basic Utilities</u>				
<u>Minor basic utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Major basic utilities</u>	<u>SUR</u>	<u>SUR</u>	<u>L/SUR¹⁰</u>	<u>L/SUR¹⁰</u>
<u>Heliports</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Wireless Communication Facilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Table 4.1220 Notes

¹ Temporary health hardship dwellings may be permitted with a pre-existing single-family detached dwelling home.

² Limited to sites fronting Burnside, Eastman and Division. See **Section 4.1238**.

³ For Blocks A-6, A-9 and A-10, these uses shall be permitted only when minimum residential densities are met.

⁴ The amount of site area used for outdoor business activities, product display, or storage shall not exceed 50% of the amount of floor area on the site.

⁵ When included in a mixed use development, the maximum building footprint size for a free-standing building occupied by this type of use shall be 10,000 square feet. Theaters, hotels and restaurants are not subject to this size limitation and are permitted as stand-alone uses.

⁶ These uses are permitted only within mixed use developments and shall have a maximum size of 10,000 square feet, provided that the minimum residential densities are met.

⁷ When included in a mixed use building, this use may occupy up to 100% of the ground floor area. Uses with this footnote are not permitted in any mixed use development where the minimum residential density is not met.

⁸ This use is allowed only in mixed use developments. Clinics shall not exceed 50% of the proposed residential floor area within the mixed use development and shall be permitted only when minimum residential densities are met.

⁹ Golf courses are not permitted in the Civic Neighborhood Plan District.

¹⁰ Electrical generating facilities and sewage treatment plants are not permitted in the Civic Neighborhood Plan District.

¹¹ Schools are permitted without a Special Use Review if they are occupying an existing commercial space. Schools must pursue a Special Use Review if they are proposing new construction.

4.1234 Setbacks

B. Building Setback Standard. Required minimum and maximum setback standards are stated in **Table 4.1230**. These setback standards apply to buildings only.

1. Minimum setback distances shall be determined in conformance with the definition for "Setback" as specified in **Section 3.0103 3.0010** - Definitions.

4.1235 Ground Floor Windows, Window Walls, Blank Walls, and Design

B. Standards

1. All new commercial, mixed-use and institutional ~~community service~~ buildings in the Civic Neighborhood PD shall comply with the following standards for Ground Floor Windows, Window Walls and Blank Walls:

4.1236 Building Lines, Orientation and Primary Entrance

B. Standards:

1. All new commercial, mixed-use, and institutional ~~community service~~ buildings in all sub-districts of the Civic Neighborhood PD shall comply with the following standards for Building Orientation and Primary Entrance:

4.1239 Drive-Through Uses

A. Purpose:

Drive-through uses (defined in **Section 3.0103 3.0010**) conflict with the safe and convenient movement of pedestrians and bicycles within the Civic Neighborhood Plan District. Drive-through uses are therefore not permitted in the Civic Neighborhood except when such use is incidental to a primary site use, and when designed in conformance with the following standards.

4.1240 Site Landscaping

B. Site Landscaping Standard

There is no minimum site area landscaping requirement. For all new development in the Civic Neighborhood Plan District, any site area not developed for building, parking, or enhanced pedestrian spaces shall be improved with landscaping, as defined in **Section 3.0103 3.0010**. Examples of enhanced pedestrian spaces include plazas, arcades, galleries, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks. Street trees are required, as provided in **Section 9.1020**.

4.1242 Architectural Design Review Guidelines

B. Provisions of this section shall apply to proposals for the following types of building construction within the Civic Neighborhood Plan District:

1. New attached dwellings;
2. New commercial buildings;
3. New mixed-use buildings;
4. New institutional buildings ~~connected to a community service use~~;
5. Substantial improvement (as defined in **Section 3.0103 3.0010**) of any of the building types specified in this subsection.
6. Structural alteration to a façade which requires a building permit.

4.1248 Mixed Use Requirements Adjacent to Civic Neighborhood LRT Station and Plaza

A. Purpose

The purpose of this section is to require development projects adjacent to the Civic Neighborhood LRT Station and the public plaza planned on the north side of the station to contain a variety of commercial, residential and institutional ~~community service~~ uses. A mix of uses will assure a high level of pedestrian activity in the area at most times of the day, and will contribute to “eyes on the street”, enhancing security and safety in the area.

B. Standards

1. Development facing the light rail station, and facing the public plaza as shown on **Map 4.1247A** shall provide for a mix of uses. On these facing developments, ~~retail, service commercial, professional office~~ Business and Retail Service and Trade, or institutional ~~community service~~ uses are required on the ground floor. Lobbies or entrances to residential uses are also permitted.
2. Ground floor ~~retail, service commercial, professional office~~ Business and Retail Service and Trade and Institutional ~~community service~~ uses shall have primary customer entrances oriented toward the light rail station and public plaza. Off-street parking and loading is not permitted along these frontages.
3. Above the ground floor, ~~professional office, Business Service, Institutional~~ community service or residential uses are required, and the facing development shall have a minimum depth of 30 feet.

Section 10, Volume 3, Development Code, Section 4.1300 Gresham Butte Plan District is amended as follows:

4.1310 Type of Development Allowed and Setback Minimum

The LDR 5 development types are allowed except the Gresham Butte Plan District specifically prohibits:

1. Two-Unit Attached Dwellings Duplexes

Section 11, Volume 3, Development Code, Section 4.1400 Pleasant Valley Plan District is amended as follows:

4.1405 Medium-Density Residential – Pleasant Valley (MDR-PV)

The approved master plan shall provide for an average density of 12-20 dwelling units per net residential acre in this Sub-district consistent with the purposes in **Section 4.1476**. ~~Elderly housing at 20-62 dwelling units per net residential acre is allowed pursuant to **Section 8.0100**, Community Services.~~

4.1406 High-Density Residential - Pleasant Valley (HDR-PV)

A. Attached Housing Areas in HDR-PV

The HDR-PV attached housing areas allow attached housing, including for rent and owner occupied housing, at an average density of 20-30 dwelling units per net acre. ~~Elderly housing at 20-62 dwelling units per net acres is also allowed pursuant to **Section 8.0100**, Community Services.~~

B. Town Center Housing Areas in HDR-PV

The HDR-PV area located generally south of the town center (west of the BPA power line and north of Kelley Creek) allows attached housing at an average density of 30-40 dwelling units per net acre. The higher minimum and maximum densities are intended to support the town center area as the lively, pedestrian-oriented, transit-supportive center within Pleasant Valley. ~~Elderly housing at 20-62 dwelling units per net acres is also allowed pursuant to **Section 8.0100**, Community Services.~~

4.1407 Permitted Uses

Table 4.1407 lists the types of land use which are permitted in the Pleasant Valley Residential Sub-districts. ~~are listed in **Table 4.1407**. Permitted uses are designated with a "P" An "L" in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted. An "NP" means that use is not permitted in the specified Sub-district(s). "NP" is only used if the use category is "P" or "L" in another Sub-district in the table. A use category not listed in this table is "NP."~~

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.
- SUR = Use permitted subject to a Special Use Review.

Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

Table 4.1407 Residential Permitted Uses

Use Categories:	LDR-PV	MDR-PV	HDR-PV
A. Single-Family Detached Dwelling	P	P	NP
B. Manufactured Homes on Individual Lots	P	P	N
C. Attached Dwellings on a Single Lot	NP	P	P
D. Single Family Attached Dwellings (2 units)	L ¹	P	P
E. Single Family Attached Dwellings (3 or more units)	NP	P	P
F. Duplexes	L ²	P	P
G. Accessory Dwellings	P	P	NP
H. Community Services	L ³	L ⁴	L ⁴
I. Accessory Structures	P	P	P
J. Home Occupations	P	P	P
K. Temporary Uses	P	P	P
L. Residential Facility	P	P	P
M. Residential Home	P	P	NP
N. Live-Work ⁵	NP	P	P

Key:

P = Permitted

L = Limited

NP = Not Permitted

Table 4.1407 Notes:

1. Lot size may be reduced to 3,500 square feet.
2. Duplexes are permitted under the provisions of Section 4.1410.
3. Community Services Type II (I) and Type III (C)(D)(E)(G)(I)(J)(M)(N)(O)(P)(T)(U)(V) are not allowed.
4. Community Services Type III (D)(E)(G)(I)(J)(W) are not allowed.
5. The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from the alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit.

Table 4.1407: Permitted Uses in the Pleasant Valley District – Residential

<u>USES</u>	<u>LDR-PV</u>	<u>MDR-PV</u>	<u>HDR-PV</u>
<u>RESIDENTIAL</u>			
<u>Single-Family Detached Dwelling</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Duplex</u>	<u>L¹</u>	<u>P</u>	<u>P</u>
<u>Single-Family Attached Dwellings</u>	<u>L²</u>	<u>P</u>	<u>P</u>
<u>Attached Dwellings on a Single Lot</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Elderly Housing</u>	<u>NP</u>	<u>SUR</u>	<u>SUR</u>
<u>Manufactured Dwelling Park</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Residential Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Home</u>	<u>P</u>	<u>P</u>	<u>NP</u>

<u>USES</u>	<u>LDR-PV</u>	<u>MDR-PV</u>	<u>HDR-PV</u>
<u>COMMERCIAL</u>			
<u>Auto-Dependent Use</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Business and Retail Service and Office</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Clinics</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Commercial Parking</u>	<u>NP</u>	<u>SUR</u>	<u>SUR</u>
<u>Daycare Facilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Live-Work³</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Major Event Entertainment</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Mini-Storage Facilities</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Outdoor Commercial</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>INDUSTRIAL</u>			
<u>Construction</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Exclusive Heavy Industrial Uses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Industrial Office</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Information Services</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Manufacturing</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Miscellaneous Industrial</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Trade Schools</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Transportation/Distribution</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Warehousing/Storage</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Waste Management</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Wholesale Trade</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>INSTITUTIONAL USES</u>			
<u>Civic Use</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Community Services</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Medical</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Parks, Open Spaces and Trails</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Religious Institutions</u>	<u>L/SUR⁴</u>	<u>SUR</u>	<u>SUR</u>
<u>Schools</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>OTHER</u>			
<u>Basic Utilities</u>			
<u>Minor basic utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Major basic utilities</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>
<u>Heliports⁶</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Wireless Communication Facilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>

Table 4.1407 Notes

¹ Permitted under the provisions of **Section 4.1410**.

² Lot size may be reduced to 3,500 square feet. In the LDR-PV, this use is limited to two-unit configurations.

³ The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from the alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit.

⁴ Limited to facilities used for religious worship with seating for 300 or fewer persons within the principal place of assembly.

⁵ Electrical generating facilities and sewage treatment plants are not permitted.

⁶ Permitted as an accessory use to Medical and Civic Uses through the Special Use Review process.

4.1408 Development Standards Table

The development standards listed in ~~Table 4.1421~~ **4.1408** are applicable to all development within the Pleasant Valley Residential Sub-districts. Development within these Sub-districts shall also be consistent with all other applicable requirements of the Community Development Code.

4.1420 Permitted Uses

Table 4.1420 lists the types of land use that are permitted in the mixed-use and employment sub-districts of Pleasant Valley Town Center, Neighborhood Center, and Mixed-use Employment Sub-districts, are listed in **Table 4.1420(A)** and in the Employment Center Sub-district in **Table 4.1420(B)**. Permitted uses are designated with a "P". An "L" in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted. An "NP" means that use is not permitted in the specified Sub-district(s). "NP" is only used if the use category is "P" or "L" in another Sub-district in the table. A use category not listed in this table is "NP."

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.
- SUR = Use permitted subject to a Special Use Review.

Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

Table 4.1420 (A) Commercial and Mixed Use Permitted Uses

Use-Categories	TC-PV	NC-PV	MUE-PV
Commercial Uses			
A. Offices	P	L ¹	L ²
B. Clinic	P	L ¹	L ²
C. Retail Trade	P	L ¹	L ^{2,3}
D. Retail Service	P	L ¹	L ^{2,3}
E. Business Services	P	L ¹	L ²
F. Auto-Dependent Use	NP	L ¹	L ²
G. Outdoor Commercial	L ³	P	L ⁴
H. Mini-Storage Facilities	NP	NP	P
Residential Uses			
A. Attached Dwellings on a Single Lot	L ⁵	L ⁵	L ⁷
B. Single Family Attached Dwellings	L ⁵	L ⁵	L ⁷
C. Mixed Use Development	P ^{5,6}	P ^{5,6}	P ^{6,7}

Table 4.1420 (A) Commercial and Mixed Use Permitted Uses

Use Categories	TC-PV	NC-PV	MUE-PV
D. Live-Work ⁸	P	P	P
E. Community Services	L ⁹	L ⁹	L ⁹
F. Temporary Uses	P	P	P
G. Home Occupations	P	P	P

Table 4.01420(A) Notes:

1. The maximum building footprint for any building occupied entirely by a commercial use or uses shall be 10,000 square feet.
2. The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 40,000 square feet.
3. Limited to mixed-use buildings (retail and non-retail or residential uses). Retail may be no more than 50% of the total floor area of the building.
4. The maximum site size for an outdoor commercial use is two acres. Certain types of outdoor commercial uses may be prohibited. See Section 4.1434.
5. Ground floor housing shall conform to the following standards:
 - a. A maximum of 50% of ground floor space in a building may be for residential use, or
 - b. More than 50% of ground floor housing allowed if separated from the street by a commercial or civic building.
6. For the purposes of Table 4.1420(A), a Mixed-Use Development is the combination on a site of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses. A Mixed-Use Building is the combination within a building of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses.
7. Residential uses permitted only as part of a mixed-use building and are not permitted on ground floor.
8. The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from an alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit.
9. Community Services Type III (D)(E)(F)(J)(V)(W) are not allowed.

Table 4.1420(B) Employment Center Permitted Uses

Use Categories	EC-PV
Office Manufacturing/Tech-Flex ¹	P
Information ²	P
Ambulatory Health Care Services ³	P
Professional, Scientific, and Technical Services ⁴	P
Laboratories/Research and Development	P
Commercial Services ⁵ (up to 30% of total floor area)	L ⁶
Retail Sales (up to 20% of total floor area)	L ⁶
Community Services	L ⁷
Temporary Uses	P

Table 4.1420(B) Notes:

1. For purposes of Table 4.1420(B) office manufacturing/tech-flex refers to building types that can include any combination of administrative, research and development, production, assembly, and testing functions.
2. For purposes of Table 4.1420(B) information are uses engaged in the following processes: (a) producing and distributing information and cultural products, (b) providing the means to transmit or distribute these products as well as data or communications, and (c) processing data as used by the North American Industry Classification System (NAICS) Sector 51, United States, 2002.
3. For purposes of Table 4.1420(B) Ambulatory Health Care Services are industries that provide health care services directly or

indirectly to ambulatory patients and do not usually provide inpatient services. Health practitioners provide outpatient services as used by the North American Industry Classification System (NAICS) Sector 621, United States, 2002. Activities can include emergency treatment, diagnostic services, training, and administration.

4. For purposes of **Table 4.1420(B)** Professional, Scientific, and Technical Services comprises establishments that specialize in performing professional, scientific, and technical activities for others. These activities require a high degree of expertise and training. Activities performed includes legal advice and representations; accounting, bookkeeping and payroll services; architectural, engineering, and specialized design services; computer services; consulting services; research services; advertising services; photographic services; translation and interpretation services; veterinary services; and other professional, scientific, and technical services as used by the North American Industry Classification System (NAICS) Sector 54, United States, 2002.
5. Commercial services include uses such as building maintenance, restaurants, childcare, banks, and recreational facilities.
6. Retail uses which include the sale, lease, or rent of new or used products to the general public, or the provision of product repair or services for consumer and business goods, are limited to a maximum of 60,000 square feet of gross leasable area in a single building or a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way. A variance from this size limitation is prohibited. Where this size limitation conflicts with the commercial service and retail total floor area allowances of **Table 4.1420(B)**, the more restrictive size limitation shall govern.
7. See **Section 8.0121(C)** for the list of Community Services prohibited in the EC-PV sub-district.

**Table 4.1420: Permitted Uses in the Pleasant Valley District
Mixed Use and Employment**

USES	TC-PV	NC-PV	MUE-PV	EC-PV
RESIDENTIAL				
Single-Family Detached Dwelling	NP	NP	NP	NP
Duplex	NP	NP	NP	NP
Single-Family Attached Dwellings	L ¹	L ¹	L ²	NP
Attached Dwellings on a Single Lot	L ¹	L ¹	L ²	NP
Elderly Housing	SUR	SUR	SUR	NP
Manufactured Dwelling Park	NP	NP	NP	NP
Residential Facility	L ¹	L ¹	L ²	NP
Residential Home	NP	NP	NP	NP
COMMERCIAL				
Auto-Dependent Use	NP	L ³	L ⁴	NP
Business and Retail Service and Trade	P	L ³	L ⁴	L ⁵
Clinics	P	L ³	L ⁴	P
Commercial Parking	SUR	SUR	SUR	NP
Daycare Facilities	P	P	P	L ⁶
Live-Work ⁷	P	P	P	NP
Major Event Entertainment	L/SUR ⁸	L/SUR ⁸	L/SUR ⁸	SUR
Mini-Storage Facilities	NP	NP	P	NP
Outdoor Commercial	L ⁹	P	L ¹⁰	NP
INDUSTRIAL				
Construction	NP	NP	NP	NP
Exclusive Heavy Industrial Uses	NP	NP	NP	NP
Industrial Office	NP	NP	NP	P
Information Services	NP	NP	NP	P

<u>USES</u>	<u>TC-PV</u>	<u>NC-PV</u>	<u>MUE-PV</u>	<u>EC-PV</u>
<u>Manufacturing</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L¹¹</u>
<u>Miscellaneous Industrial</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Trade Schools</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Transportation/Distribution</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Warehousing/Storage</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Waste Management</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>SUR</u>
<u>Wholesale Trade</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>INSTITUTIONAL USES</u>				
<u>Civic Uses</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Community Services</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>L/SUR¹²</u>
<u>Medical</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>NP</u>
<u>Parks and Open Spaces</u>	<u>L/SUR¹³</u>	<u>L/SUR¹³</u>	<u>L/SUR¹³</u>	<u>L/SUR¹³</u>
<u>Religious Institutions</u>	<u>P</u>	<u>L/SUR³</u>	<u>L/SUR⁴</u>	<u>L/SUR¹⁴</u>
<u>Schools</u>	<u>P/SUR¹⁶</u>	<u>SUR</u>	<u>P/SUR¹⁶</u>	<u>L/SUR¹⁴</u>
<u>OTHER</u>				
<u>Basic Utilities</u>				
<u>Minor basic utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Major basic utilities</u>	<u>L/SUR¹⁵</u>	<u>L/SUR¹⁵</u>	<u>L/SUR¹⁵</u>	<u>SUR</u>
<u>Heliports</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Wireless Communications Facilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Table 4.1420 Notes

¹ Ground floor housing shall conform to the following standards: a) a maximum of 50% of ground floor space in a building may be for residential use; or b) more than 50% of ground floor housing allowed if separated from the street by a commercial or civic building.

² Residential uses permitted only as part of a mixed use building and are not permitted on ground floor.

³ The maximum building footprint for any building occupied entirely by a commercial use or uses, or other use subject to this footnote, shall be 10,000 square feet. Larger religious institutions may be pursued through a Special Use Review.

⁴ The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses, or other use subject to this footnote, shall be 40,000 square feet.

⁵ Commercial services such as building maintenance, restaurants, banks, and recreational facilities may be up to 30% of total floor area. Retail uses which include the sale, lease or rent of new or used products to the general public, or the provision of product repair or services for consumer and business goods, are limited to a maximum of 60,000 square feet of gross leasable area in a single building or a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way. A variance from this size limitation is prohibited. Where this size limitation conflicts with the commercial service and retail total floor area allowances of this table, the more restrictive size limitation shall govern.

⁶ Daycare is permitted up to 30% of total floor area.

⁷ The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from an alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit.

⁸ Theme parks are not permitted.

⁹ Limited to mixed use buildings (retail and non-retail or residential uses). Retail may be no more than 50% of the total floor area of the building.

¹⁰ The maximum site size for an Outdoor Commercial Use is two acres. See also Section 4.1427.

¹¹ For purposes of this table, the following uses are permitted: building types that may include any combination of administrative, research and development, production, assembly, and testing functions.

¹² The following Community Service Uses are not permitted in the EC-PV district: adult or senior centers, drug and alcohol treatment facilities, cemeteries, and mausoleums.

¹³ Golf courses are not permitted. The following additional Parks, Open Spaces, and Trails are not permitted in the EC-PV district: public urban plazas, public neighborhood parks, and public community parks. However, public urban plazas, public neighborhood parks, and public community parks are permitted in the EC-PV district when an applicant demonstrates that title for the parcel(s) where the facility is to be developed was held by the governing body for the applicant as of April 2, 2009.

¹⁴ Religious institutions, elementary schools, middle schools and high schools are permitted in the EC-PV district when an applicant demonstrates that title for the parcel(s) where the facility is to be developed was held by the governing body for the applicant as of April 2, 2009.

¹⁵ Electrical generating facilities are not permitted.

¹⁶ Schools are permitted without a Special Use Review if they are occupying an existing commercial space. Schools must pursue a Special Use Review if they are proposing new construction.

4.1423 Setbacks

Required minimum and maximum setback standards are specified in **Table 4.1421(A)**.

- A. Minimum setback distances shall be determined in conformance with the definition for "Setback" as specified in **Section 3.0103 3.0010**.

4.1424 Building Height

Minimum and maximum building heights are specified in **Table 4.1421(A)**. Any required building story must contain a habitable floor.

- A. The minimum building height standard applies, with the following exceptions, to new commercial, residential, and mixed-use buildings. It does not apply to institutional community service buildings, accessory structures, or to building with less than 1,000 square feet of floor area.

4.1425 Transit Design Criteria and Standards

- B. Incidental Drive Through Uses.

Drive through uses as defined in **Section 3.0103 3.0010** are not permitted in TC-PV, except when such use is incidental to a primary site use and when the incidental drive through use is limited to one service window, which is part of a primary use structure, and to no more than two queuing lanes. Vehicular service bays or islands are not permitted.

4.1427 Commercial Uses

- A. At least 85% of business activities in connection with commercial uses permitted in **Table 4.1420(A)** shall be conducted within a completely enclosed structure, except for outdoor commercial uses. No more than 15 percent of the area devoted to buildings may be used for outdoor business activities, product display, or storage. However, in the TC-PV Sub-district, the amount of site area used for outdoor business activity, product display, or storage may be up to 50 percent of the amount of floor area on the site.

4.1428 Architectural Design Review

- B. Provisions of this section shall apply to proposals for the following types of building construction within the Plan District:
1. New attached dwellings (three or more units);
 2. New commercial buildings;
 3. New mixed-use buildings;
 4. New institutional buildings ~~connected to a community service use~~;
 5. Substantial improvement (as defined in Section 3.0103 3.0010) of any of the building types specified in this subsection.

4.1476 Housing Variety

- B. In the MDR-PV Sub-district, the housing variety standard is met by providing a housing mix that complies with the requirements listed below.
1. For development of 40 dwelling units or less, a mix of housing types must include at least two of the following: Single-family detached dwellings, attached dwellings, single-family attached dwellings (3 or more units), single-family attached dwellings (2 units), duplexes, live-work units, and elderly housing ~~and residential community service uses~~. If two housing types are provided, the lesser number must be at least 30% of the total dwellings. If three or more housing types are provided, two of lesser number of them must comprise at least 30% of the total dwellings;
 2. For development of more than 40 dwelling units, a mix of housing types must include at least three of the following: Single-family detached dwellings, attached dwellings, single family attached dwellings (3 or more units), single-family attached dwellings (2 units), duplexes, live-work units, and elderly housing ~~and residential community service uses~~. If three or more housing types are provided, two of the lesser number of them must comprise at least 30% of the total dwellings;

4.1485 Duration and Implementation

An approved Master Plan remains in effect until development allowed by the plan has been completed or the plan is revised. Subsequent to the approval of the Master Plan, all development permits must be in substantial conformance with the master plan. As used here, substantial conformance means the development permit reasonably implements the conceptual direction of the master plan, recognizing that flexibility is needed to respond to more detailed site information and engineering that is available at the time of the development permit review and approval. Where proposed development permits are not in substantial compliance with the master plan, the applicant shall seek a revision through a separate application or in conjunction with the development application under review. A Master Plan revision is reviewed under the Type III procedure and must comply with Section 4.14184.

Section 12. Volume 3, Development Code, Section 4.1500 Springwater Plan District is amended as follows:

4.1507 Permitted Uses

Table 4.1507 lists those uses that The types of land use, which are permitted in the Springwater Residential Sub-districts, are listed in **Table 4.1507**. Permitted uses are designated with a “P” An “L” in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted.

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.
- SUR = Use permitted subject to a Special Use Review.

Each of these uses must comply with the land use district standards in **Section 4.1500** and all other applicable requirements of the Community Development Code. An “NP” means that use is not permitted in the specified Sub-district(s). “NP” is only used if the use category is “P” or “L” in another Sub-district in the table. A use category not listed in this table is “NP.”

Table 4.1507 Residential Permitted Uses

Use Categories:	VLDR-SW	LDR-SW	THR-SW ¹
A. Single-Family Detached Dwelling	P	P	L ¹
B. Manufactured Homes on Individual Lots	P	P	P
C. Single Family Attached Dwellings	NP	NP	P
D. Duplexes	NP	L ²	NP
E. Accessory Dwellings ³	P	P	P
F. Community Services	L ⁴	L ⁵	L ⁶
G. Accessory Structures	P	P	P
H. Home Occupations	P	P	P
(I) Temporary Uses	P	P	P
(J) Residential Facility	P	P	P
(K) Residential Home	P	P	NP
(L) Live-Work ⁵	NP	NP	L ⁶

Key:

P = Permitted

L = Limited

NP = Not Permitted

Table 4.1507 Notes:

1. — Single-Family Detached Dwellings are permitted under the provisions of **Section 4.1542(C)**.
2. — Duplexes are permitted under the provisions of **Section 4.1410**.

3. Pursuant to Section 10.0100.
4. Community Services Type II (I) and Type III (C)(D)(E)(G)(I)(J)(M)(N)(O)(P)(T)(U)(V) are not allowed.
5. Community Services Type III (D)(E)(G)(I)(J)(W) are not allowed.
6. The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from the alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit. Live-work units are permitted only for buildings fronting on a collector within 300 feet of a VC-SW zone.
7. Development of the THR-SW designated land in the Brickworks site as described in Volume 1, Appendix 44, Section 4.9.2 and as shown in Volume 1, Appendix 44 in the Springwater Land Use Plan Map shall be developed with a minimum of 50% of total dwelling units being detached single family dwellings as provided in Table 4.1507(A).

Table 4.1507: Permitted Uses in the Springwater District –Residential

USES	VLDR-SW	LDR-SW	THR-SW ⁶
RESIDENTIAL			
Single-Family Detached Dwelling	<u>P</u>	<u>P</u>	<u>L¹</u>
Duplex	<u>NP</u>	<u>L²</u>	<u>NP</u>
Single-Family Attached Dwellings	<u>NP</u>	<u>NP</u>	<u>P</u>
Attached Dwellings on a Single Lot	<u>NP</u>	<u>NP</u>	<u>NP</u>
Elderly Housing	<u>NP</u>	<u>NP</u>	<u>NP</u>
Manufactured Dwelling Park	<u>NP</u>	<u>NP</u>	<u>NP</u>
Residential Facility	<u>P</u>	<u>P</u>	<u>P</u>
Residential Home	<u>P</u>	<u>P</u>	<u>P</u>
COMMERCIAL			
Auto-Dependent Use	<u>NP</u>	<u>NP</u>	<u>NP</u>
Business and Retail Service and Trade	<u>NP</u>	<u>NP</u>	<u>NP</u>
Clinics	<u>NP</u>	<u>NP</u>	<u>NP</u>
Commercial Parking	<u>NP</u>	<u>SUR</u>	<u>SUR</u>
Daycare Facilities	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
Live-Work	<u>NP</u>	<u>NP</u>	<u>L³</u>
Major Event Entertainment	<u>NP</u>	<u>NP</u>	<u>NP</u>
Mini-Storage Facilities	<u>NP</u>	<u>NP</u>	<u>NP</u>
Outdoor Commercial	<u>NP</u>	<u>NP</u>	<u>NP</u>
INDUSTRIAL			
Construction	<u>NP</u>	<u>NP</u>	<u>NP</u>
Exclusive Heavy Industrial Uses	<u>NP</u>	<u>NP</u>	<u>NP</u>
Industrial Office	<u>NP</u>	<u>NP</u>	<u>NP</u>
Information Services	<u>NP</u>	<u>NP</u>	<u>NP</u>
Manufacturing	<u>NP</u>	<u>NP</u>	<u>NP</u>
Miscellaneous Industrial	<u>NP</u>	<u>NP</u>	<u>NP</u>
Trade Schools	<u>NP</u>	<u>NP</u>	<u>NP</u>
Transportation/Distribution	<u>NP</u>	<u>NP</u>	<u>NP</u>
Warehousing/Storage	<u>NP</u>	<u>NP</u>	<u>NP</u>
Waste Management	<u>NP</u>	<u>NP</u>	<u>NP</u>
Wholesale Trade	<u>NP</u>	<u>NP</u>	<u>NP</u>

<u>USES</u>	<u>VLDR-SW</u>	<u>LDR-SW</u>	<u>THR-SW⁶</u>
<u>INSTITUTIONAL USES</u>			
<u>Civic Uses</u>	<u>L/SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Community Services</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Medical</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Parks, Open Spaces, and Trails</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Religious Institutions</u>	<u>L/SUR⁴</u>	<u>SUR</u>	<u>SUR</u>
<u>Schools</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>OTHER</u>			
<u>Basic Utilities</u>			
<u>Minor basic utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Major basic utilities</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>	<u>L/SUR⁵</u>
<u>Heliports⁷</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Wireless Communication Facilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>

Notes

¹ See Section 4.1512(C).

² See Section 4.1410.

³ The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from the alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit. Live-work units are permitted only for buildings fronting on a collector within 300 feet of a VC-SW zone.

⁴ Limited to facilities used for religious worship with seating for 300 or fewer persons within the principal place of assembly.

⁵ Electrical generating facilities are not permitted.

⁶ Development of the THR-SW designated land in the Brickworks site as described in Volume 1, Appendix 44, Section 4.9.2 and as shown in Volume 1, Appendix 44 in the Springwater Land Use Plan Map shall be developed with a minimum of 50% of total dwelling units being detached single-family dwellings as provided in Table 4.1507(A).

⁷ Permitted as an accessory use to Medical and Civic Uses through the Special Use Review process.

4.1518 Industrial – Springwater (IND-SW)

The IND-SW sub-district shall have the following characteristics:

- A. The IND-SW sub-district is designed to provide for a functional industrial district with a high level of landscaping and sustainable design.
- ~~B. The commercial and industrial uses defined in this section are based on the North American Industry Classification System (NAICS), 2002 Edition. Subsequent revisions to the NAICS will be adopted by the City as they occur.~~
- ~~C. Transportation and Warehousing (NAICS two digit codes 48 and 49) are permitted as an ancillary use of the primary use on the site, and may not occupy more than 20% of the site.~~
- BD.** It is intended to develop with a high degree of sustainable design practices, reflecting the water quality and quantity concerns of the area as well as the sensitive streams that cross the district.

4.1520 Permitted Uses

Table 4.1520 lists those uses. The types of land use that are permitted in the Springwater Mixed-Use, Employment and Industrial districts.

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.
- SUR = Use permitted subject to a Special Use Review.

Village Center (VC-SW) are listed in **Table 4.1520(A)**, and those permitted in the Research/Technology Industrial (RTI-SW) and Industrial (IND-SW) are listed in **Table 4.1520(B)**. Permitted uses for the NC-SW zone are as listed in the standard Neighborhood Commercial (NC) District, in **Section 4.0220** and **Table 4.0220**. Permitted uses are designated with a “P.” An “L” in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted. An “NP” means that use is not permitted in the specified sub-district(s). “NP” is only used if the use category is “P” or “L” in another sub-district in the table. A use category not listed in this table is “NP.” Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

Table 4.1520(A) Permitted Uses in the Village Center

Use Categories:	VC-SW
A. Offices	L ¹
B. Clinic	L ¹
C. Retail Trade	L ²
D. Retail Service	L ²
E. Business Services	L ¹
F. Outdoor Commercial	L ³
G. Residential Uses	L ⁴
H. Mixed Use Development	P
I. Community Services	L ⁵
J. Temporary Uses	P

Table 4.1520(A) Notes:

1. The maximum building footprint for any building occupied entirely by an office or clinic use or uses shall be 10,000 square feet, except as permitted by an approved master plan.
2. The maximum building ground floor footprint size permitted for any building shall be 35,000 square feet, except as permitted by an approved master plan.
3. For the purposes of the Springwater Plan District, this is permitted subject to the standards contained in **Section 4.1527**.
4. Residential uses permitted only as part of a mixed-use building and are not permitted on ground floor.
5. Community Services Type III (D)(E)(F)(J)(V)(W) are not allowed.

Table 4.1520(B): Uses and NAICS Categories

Uses and NAICS Categories	RTI-SW	IND-SW
A. Construction: Category 23	NP	P

Table 4.1520(B): Uses and NAICS Categories

Uses and NAICS Categories	RTI-SW	IND-SW
B. Manufacturing: Category 31 through 33	NP	L ¹
C. Wholesale Trade: Category 42	NP	L ²
D. Retail Trade: Category 44 and 45	L ³	L ⁴
E. Transportation and Warehousing: Category 48 and 49	L ²	L ²
F. Information: Category 51	L ⁵	L ⁵
G. Finance and Insurance: Category 52	L ³	L ⁴
H. Real Estate and Rental and Leasing: Category 53	L ³	L ⁴
I. Professional, Scientific, and Technical Services: Category 54	L ³	L ⁴
J. Management of Companies and Enterprises: Category 55	P	P
K. Administrative and Support; Waste Management: Category 56	L ⁵	L ⁵
L. Educational Services: Category 61	L ⁷	L ⁷
M. Health Care and Social Assistance: Category 62	L ³	L ⁸
N. Arts, Entertainment, and Recreation: Category 71	NP	NP
O. Accommodation and Food Services: Category 72	L ^{3,9,10}	L ^{4,9}
P. Other Services	P	L ¹¹
Q. Public Administration: Category 92	P	P
R. Community Services	L ¹²	L ¹³
S. Other Permitted Uses	NP	L ¹⁴

Table 4.1520(B) Notes:

1. All uses permitted except: 3116: Animal Slaughtering and Processing; 316110: Leather and Hide Tanning; 3211: Sawmills and Wood Preservation; 322: Paper Manufacturing; 324: Petroleum and Coal Products Manufacturing; 325: Chemical Manufacturing except 3254 Pharmaceutical and Medicine Manufacturing is permitted; 327310: Cement Manufacturing; 327410: Lime Manufacturing; and 331: Primary Metals Manufacturing.
2. Permitted as an ancillary use to a permitted use, no more than 20% of the building floor area may be devoted to these uses.
3. Buildings for restaurants, stores, branches, agencies or other outlets for these retail uses and professional services that depend on selling goods or services to the general public shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.
4. Buildings for restaurants, stores, branches, agencies or other outlets for these retail uses and professional services that depend on selling goods or services to the general public shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.
5. Except 51213: Motion Picture and Video Exhibition
6. Limited to subcategories 5611, Office Administrative Services; 5612, Facilities Support Services; 5613, Employment Services; and 5614, Business Support Services. In addition, 5615, Travel Arrangements and Reservation Services and 5619, Other Support Services are permitted if they do not occupy more than 3,000 square feet in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service in a single building or in multiple buildings that are part of the same development project.
7. Limited to 6114, Business Schools, and 6115, Technical and Trade Schools; Public elementary and secondary schools (611110) are permitted in the RTI-SW sub-district pending City approval of a report that specifically addresses 1) the lack of available non-employment designated land in the vicinity and 2) specifically addresses need and location of multi-modal connections (such as trails and local streets) between the proposed school site and adjacent Springwater residential neighborhoods.
8. Medical and Dental offices shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.
9. The only uses permitted are: Food Services and Drinking Places (722)

- 10.— Additional permitted uses are Hotels (except Casino Hotels) (721110)
- 11.— Limited to subcategories 8112 (electrical/precision equipment repair) and 8113 (commercial/industrial machine repair)
- 12.— The uses permitted are: Electric Power Distribution (221122), Natural Gas Distribution (221210), and Water, Sewage and Other Systems (2213), Elementary and Secondary Schools (see footnote 7) and Hospitals. Other permitted Community Service Uses of Section 8.0100 are allowed except those Prohibited Uses listed in Section 8.0121(C) with the exceptions noted in this footnote.
- 13.— The uses permitted are: Electric Power Distribution (221122), Natural Gas Distribution (221210), and Water, Sewage and Other Systems (2213). Other permitted Community Service Uses of Section 8.0100 are allowed except those Prohibited Uses listed in Section 8.0121(C) with the exceptions noted in this footnote.
- 14.— For those legally existing parcels currently designated in the Multnomah County West of Sandy River Rural Area Plan as Orient Commercial-Industrial (OCI), those uses allowed under Section 36.3525 of the adopted West of Sandy River Plan are adopted as permitted uses in the Springwater Industrial District (IND-SW). For purposes of this Section, only those parcels and allowed uses in effect as part of Section 36.3525, West of Sandy Plan, effective as of the date of the Springwater Plan Adoption would be permitted uses. All other applicable standards of the Springwater Plan would apply. Permitted uses are not required to meet approval criteria of West of Sandy Plan Section 36.3527.

Table 4.1520(C) Permitted Uses in Neighborhood Commercial

Note: Permitted uses in the NC-SW District are identical to those in the NC District, Table 4.0220.

Table 4.1520: Permitted Uses in the Springwater District Mixed-Use, Employment and Industrial

USES	VC-SW	RTI-SW	IND-SW ¹⁷	NC-SW
RESIDENTIAL				
Single-Family Detached Dwelling	NP	NP	NP	NP
Duplex	NP	NP	NP	NP
Single-Family Attached Dwellings	NP	NP	NP	NP
Attached Dwellings on a Single Lot	L ¹	NP	NP	NP
Elderly Housing	SUR	NP	NP	NP
Manufactured Dwelling Park	NP	NP	NP	NP
Residential Facility	L ¹	NP	NP	NP
Residential Home	NP	NP	NP	NP
COMMERCIAL				
Auto-Dependent Use	NP	NP	NP	L ²
Business and Retail Service and Trade	L ³	L ^{4, 5}	L ⁶	L ⁷
Clinics	L ⁸	L ⁴	L ⁶	NP
Commercial Parking	SUR	NP	NP	SUR
Daycare Facilities	P	SUR	SUR	SUR
Live-Work	P	NP	NP	NP
Major Event Entertainment	L/SUR ⁹	SUR	SUR	SUR
Mini-Storage Facilities	NP	NP	NP	NP
Outdoor Commercial	L ¹⁰	NP	NP	NP
INDUSTRIAL				
Construction	NP	NP	P	NP
Exclusive Heavy Industrial Uses	NP	NP	NP	NP
Industrial Office	NP	P	P	NP
Information Services	NP	P	P	NP

<u>USES</u>	<u>VC-SW</u>	<u>RTI-SW</u>	<u>IND-SW¹⁷</u>	<u>NC-SW</u>
<u>Manufacturing</u>	<u>NP</u>	<u>L¹⁸</u>	<u>L¹¹</u>	<u>NP</u>
<u>Miscellaneous Industrial</u>	<u>NP</u>	<u>L¹²</u>	<u>L¹²</u>	<u>NP</u>
<u>Trade Schools</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Transportation/Distribution</u>	<u>NP</u>	<u>L¹³</u>	<u>L¹³</u>	<u>NP</u>
<u>Warehousing/Storage</u>	<u>NP</u>	<u>L¹³</u>	<u>L¹³</u>	<u>NP</u>
<u>Waste Management</u>	<u>NP</u>	<u>SUR</u>	<u>SUR</u>	<u>NP</u>
<u>Wholesale Trade</u>	<u>NP</u>	<u>NP</u>	<u>L¹³</u>	<u>NP</u>
<u>INSTITUTIONAL USES</u>				
<u>Civic Uses</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Community Services</u>	<u>SUR</u>	<u>L/SUR¹⁴</u>	<u>L/SUR¹⁴</u>	<u>SUR</u>
<u>Medical</u>	<u>SUR</u>	<u>SUR</u>	<u>NP</u>	<u>SUR</u>
<u>Parks, Open Spaces, and Trails</u>	<u>L/SUR¹⁵</u>	<u>L/SUR¹⁵</u>	<u>L/SUR¹⁵</u>	<u>SUR</u>
<u>Religious Institutions</u>	<u>SUR</u>	<u>L/SUR¹⁶</u>	<u>L/SUR¹⁶</u>	<u>SUR</u>
<u>Schools</u>	<u>P/SUR²⁰</u>	<u>L/SUR¹⁶</u>	<u>L/SUR¹⁶</u>	<u>SUR</u>
<u>OTHER</u>				
<u>Basic Utilities</u>				
<u>Minor basic utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Major basic utilities</u>	<u>SUR¹⁹</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Heliports</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>NP</u>
<u>Wireless Communications Facilities</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>	<u>SUR</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Notes

¹ Residential uses permitted only as part of a mixed use building and are not permitted on ground floor.

² Limited to gas stations and similar retail uses with a maximum gross floor area of 10,000 square feet.

³ The maximum building ground floor footprint size permitted for any building shall be 35,000 square feet, except as permitted by an approved master plan, and except for buildings occupied entirely by an office, in which case the maximum building ground floor footprint is 10,000 square feet, except as permitted by an approved master plan.

⁴ Buildings for restaurants, stores, branches, agencies or other outlets for these retail uses and professional services that depend on selling goods or services to the general public shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

⁵ Casino hotels are not permitted.

⁶ Buildings for Clinics, restaurants, stores, branches, agencies or other outlets for retail uses and professional services that depend on selling goods or services to the general public shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

⁷ Business and Retail Service and Trade are limited to the following:

- Eating and drinking establishments with a maximum gross floor area of 3,500 square feet
- Insurance, real estate, and other similar offices with a maximum gross floor area of 5,000 square feet
- Laundries, dry cleaners, barber salons, and other similar personal services with a maximum gross floor area of 5,000 square feet
- Clothing, drug stores, and similar retail trade uses with a maximum gross floor area of 10,000 square feet

- Grocery store with a maximum gross floor area of 35,000 square feet

⁸ The maximum building footprint for any building occupied entirely by a Clinic use or uses shall be 10,000 square feet, except as permitted by an approved master plan.

⁹ Theme parks are not permitted.

¹⁰ See Section 4.1527.

¹¹ The following types of Manufacturing are not permitted: animal slaughtering and processing, leather and hide tanning, sawmills and wood preservation, paper manufacturing, petroleum and coal products manufacturing, chemical manufacturing (except pharmaceutical and medicine manufacturing is permitted) cement manufacturing, lime manufacturing, and primary metals manufacturing.

¹² Limited to electrical and precision equipment repair, and commercial/industrial machine repair.

¹³ Permitted as an ancillary use to a permitted use. No more than 20% of the building floor area may be devoted to these uses.

¹⁴ The following Community Service Uses are not permitted in the RTI-SW and IND-SW districts: adult or senior centers, drug and alcohol treatment facilities, cemeteries, and mausoleums.

¹⁵ Golf courses are not permitted in the VC-SW, RTI-SW or IND-SW districts. The following additional Parks, Open Spaces, and Trails are not permitted in the RTI-SW or IND-SW districts: public urban plazas, public neighborhood parks, and public community parks. However, public urban plazas, public neighborhood parks, and public community parks are permitted in the RTI-SW and IND-SW districts when an applicant demonstrates that title for the parcel(s) where the facility is to be developed was held by the governing body for the applicant as of April 2, 2009.

¹⁶ Religious institutions, elementary schools, middle schools, and high schools are permitted in the RTI-SW and IND-SW districts when an applicant demonstrates that title for the parcel(s) where the facility is to be developed was held by the governing body for the applicant as of April 2, 2009. Elementary schools, middle schools, and high schools are permitted in the RTI-SW pending city approval of a report that specifically addresses 1) the lack of available non-employment designated land in the vicinity; and 2) specifically addresses need and location of multi-modal connections (such as trails and local streets) between the proposed school site and adjacent Springwater residential neighborhoods.

¹⁷ For those legally existing parcels currently designated in the Multnomah County West of Sandy River Rural Area Plan as Orient Commercial-Industrial (OCI), those uses allowed under Section 36.3525 of the adopted West of Sandy River Plan are adopted as permitted uses in the Springwater Industrial District (IND-SW). For purposes of this Section, only those parcels and allowed uses in effect as part of Section 36.3525, West of Sandy Plan, effective as of the date of the Springwater Plan Adoption would be permitted uses. All other applicable standards of the Springwater Plan would apply. Permitted uses are not required to meet approval criteria of West of Sandy Plan Section 36.3527.

¹⁸ Permitted as an accessory use.

¹⁹ Electrical Generating Facilities are not permitted.

²⁰ Schools are permitted without a Special Use Review if they are occupying an existing commercial space. Schools must pursue a Special Use Review if they are proposing new construction.

4.1523 Setbacks

- B. Minimum setback distances shall be determined in conformance with the definition for "Setback" as specified in **Section 3.0103 3.0010**.

4.1524 Building Height

- B. The minimum building height standard applies, with the following exceptions, to new

commercial, residential, and mixed-use buildings. It does not apply to institutional ~~community service~~ buildings, accessory structures, or to buildings with less than 1,000 square feet of floor area.

4.1525 Pedestrian Design Criteria and Standards

- ~ C. Incidental Drive Through Uses - Drive through uses as defined in **Section 3.0103 ~~3.0010~~** are not permitted in VC, except when such use is incidental to a primary site use and when the incidental drive through use is limited to one service window, which is part of a primary use structure, and to no more than two queuing lanes. Vehicular service bays or islands are not permitted.

4.1527 Outdoor Commercial and Industrial Uses

- A. At least 85% of business activities in connection with permitted uses in the VC-SW or the RTI-SW zone in **Tables 4.1520 (A) or (B)** shall be conducted within a completely enclosed structure. No more than 15 percent of the area devoted to buildings may be used for outdoor business activities, product display, or storage. Areas devoted to on-site outdoor business activities, product display, or storage shall be located so that they do not interfere with pedestrian circulation.

4.1528 Architectural Design Review

- B. Provisions of this section shall apply to proposals for the following types of building construction within the Plan District:
 1. New attached dwellings (three or more units);
 2. New commercial buildings;
 3. New mixed-use buildings;
 4. New institutional buildings ~~connected to a community service use~~;
 5. Substantial improvement (as defined in **Section 3.0103 ~~3.0010~~**) of any of the building types specified in this subsection.

Section 13. Volume 3, Development Code, Section 5.0100 Floodplain Overlay District is amended as follows:

5.0120 Standards for Development in the Floodplain Overlay District

In addition to standards applying to development within the underlying Plan Map district, the following standards shall apply to development proposed within the Floodplain Overlay District:

- F. Non-Residential Construction
 1. New construction and substantial improvement of any commercial, industrial, institutional or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation plus one foot; or together with attendant utility and sanitary facilities, shall:

Section 14. Volume 3, Development Code, Section 5.0200 Hillside Physical Constraint Overlay District is amended as follows:

5.0223 Minimizing Site Disturbance

The applicant shall show all site grading, clearing and other site disturbance including that proposed for rights-of-way, utilities, buildable areas and driveways, as described in **Section 5.0210(D)**, Preliminary Grading Plan.

B. Hillside Grading and Drainage Control

All development on lands within the HPCD shall provide construction plans that conform to the following items:

1. All grading, retaining wall design, drainage, and erosion control for development on HPCD lands shall be designed by a Registered Civil Engineer in accordance with the recommendations and guidelines provided in the Soils and Geology Report, as approved by the Manager. All cuts, grading or fills shall conform to Building Code. Erosion control measures shall conform to **Section 9.0514**.
2. For developments other than single family ~~detached dwellings~~ homes on individual lots, all grading, drainage improvements, or other land disturbances on slopes of 15% or greater, shall only occur from May 31 to October 1. Wet-weather erosion control measures shall be installed and functional by October 1. The time period for land disturbance activities may be extended (either earlier than May 31 or later than October 1) by the City's Engineer after approval by the Stormwater Manager or designee, based on the recommendations of the Soils and Geology Report, with the concurrence from the City's consulting engineer. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

Section 15. Volume 3, Development Code, Section 5.0400 Habitat Conservation Area (HCA) Overlay District is amended as follows:

5.0411 Specific Development Standards

B. Methods for avoiding Habitat Conservation Areas. The following habitat-friendly development practices may be used to avoid or minimize development within HCAs by allowing flexible site design.

1. Building setback flexibility to avoid or minimize, development within HCAs. The minimum building setback of the base ~~district zone~~ may be reduced to any distance between the base ~~district zone~~ minimum and zero, unless this reduction conflicts with applicable fire or life safety requirements.
3. Flexible Site Design (On-site Density Transfer) to avoid or minimize development within HCAs.
 - a. Residential. For residential development proposals on lands with a HCA, a

transfer of density of up to 50% of the maximum density permitted on the HCA portion of the site is permitted to be transferred onto the non-HCA portion of the site.

- b. In order to accommodate the transferred density, dimensional standards and lot sizes may be adjusted by no more than 20 percent.
 - c. Commercial and Industrial Districts Zones. For on-site density transfers in Commercial or Industrial districts zones, the transfer credit is 10,000 sq. ft. floor area ratio (FAR) per acre of land within the HCA.
 - d. Mixed-Use Districts Zones. Within mixed-use districts zones the density transfer credit can be factored using either 3(a) or 3(c) above, depending on the type of development proposed.
 - e. All remaining HCA shall be permanently restricted from development and maintained for habitat functions, such as by making a public dedication or executing a restrictive covenant.
4. Site Capacity Incentives. The following site capacity standards provide flexibility in the design of land divisions in order to allow ways to better protect HCAs.
- a. Density bonus if HCA is protected. In multi-family residential districts zones, a 25 percent density bonus may be allowed for any development of four (4) or more dwelling units if 75 percent or more of the HCA on a site is permanently preserved, such as by making a public dedication or executing a restrictive covenant. The bonus density shall be in addition to the base density allowed in the applicable zoning district.

- C. Development within HCAs. The following development standards apply to all development that occurs within the HCA except for exempt uses and conditioned activities addressed in **Section 5.0403** of this overlay and utility facilities addressed in **Subsection 5.0411(D)** of this overlay. If all development occurs outside of an HCA on a property, these standards do not apply. These standards also do not apply to development that occurs pursuant to the standards established by the alternative discretionary development standards in **Section 5.0412** of this Overlay. (Note: Applicants seeking to develop within a Water Quality Resource Area must utilize either the discretionary standards located in **Section 5.0412** of this Overlay or the Specific Standards of **Section 5.0411** that apply to “high value” resource areas.

- 1. Disturbance area limitations to minimize impact to HCA.

- b. All other districts. The maximum disturbance area (MDA) allowed by right within Low, Moderate and High HCAs in these districts zones is found in **Table 5.0411(B)** below; this MDA is subject to the mitigation requirements described in **subsection 5.0411(E)** of this Overlay.

Section 5.0416 Violations

Actions that violate the HCA regulations, such as removing habitat without having a required HCA permit, are subject to the abatement and penalty provisions of **Section ~~11.0600~~ 2.0008** of the Gresham Community Development Plan Code.

Section 16. Volume 3, Development Code, Section 5.0500 Open Space Overlay District is amended as follows:

5.0520 Permitted Land Uses

- A. The following ~~Community Service~~ uses are permitted in the Open Space Overlay District:
1. Utility structures, including but not limited to substations, telephone switching stations, electrical generation facilities, and other facilities required for the transmission of power or communications
 2. Sewerage or drainageway system structures, including but not limited to pump stations, or sewage or storm water treatment plants
 3. Water system structures, including but not limited to treatment plants, storage reservoirs, pump stations, or other major facilities associated with the supply or distribution of water
 4. Emergency service facility such as a fire station or ambulance service
 5. Public urban plazas, public neighborhood parks, public community parks, public walking/hiking trails and public multi-use paths
 6. Public greenway
 7. Cemeteries
 8. Portable classroom for public schools
 9. Public or private elementary school
 10. Public or private high school or college
 11. Golf course
- B. 12. Community private recreational uses such as bicycle and pedestrian paths, play areas, athletic fields and private open space.
- C. 13. Temporary uses.

5.0530 Site Development Requirements

Site development standards including minimum lot size and dimensions, minimum yard setbacks, and maximum building height shall be as specified for the underlying Plan Map District designation, except as may be modified for ~~Community Service~~ uses through a Special Use Review, under **Section 8.0100**.

Section 17. Volume 3, Development Code, Section 6.0300 Planned Developments is amended as follows:

6.0320 Site Development Requirements

- A. Site development standards of the underlying land use district, including maximum and minimum density standards, shall apply unless superseded by the standards of the PD Section or applicable Overlay District. The regulations of the PD Section shall prevail if there is a conflict.
- B. The regulations of the PD Section shall apply unless superseded by the standards of the Overlay Districts in **Article 5**. The regulations of the Overlay District(s) shall prevail if there is a conflict.
- C. ~~Community services~~ Uses subject to a Special Use Review developed in conjunction with a residential PD shall be subject to the provisions of **Sections 8.0100 and 7.0000**. Such reviews would occur concurrently with the PD.

- D. Attached single-family dwellings (~~townhouses~~) and duplexes are not allowed in the LDR-5 or LDR-7 Districts.
- E. Single family attached dwellings are required to comply with the design review process and standards of **Section 7.0201** at the same time (~~concurrently~~) as the PD review.

Section 18. Volume 3, Development Code, Section 7.0000 Design Review is amended as follows:

7.0001 Purpose

Design review examines most ~~residential, commercial, industrial and institutional~~ community service developments, ~~manufactured dwelling parks, attached dwelling structures, single family attached dwellings, commercial developments, industrial developments and developments in Design Districts~~ for compliance with the design criteria of the Community Development Code.

7.0002 General

- D. Uses exempt from Design Review include:
 1. Duplexes in the LDR-5, LDR-7, TR, TLDR district, LDR-PV or LDR-SW
 2. Single Family detached homes
 3. Accessory and Ancillary dwellings
 4. ~~Type I community service uses~~
 4. Minor basic utilities
 5. Portable classrooms
 6. Co-located antennas for a wireless communications facility.

7.0003 Applications

- C. Design Review C. Design Review C is a Type II review, but is not subject to a pre-application conference. Design Review C may apply when there is: no increase in residential density that requires an increase in building area; no new buildings; or the development proposal is not in a Design District unless otherwise specified below. The Design Review may include one of the following:
 1. A change to the primary use. A change in use from an allowed commercial to a use subject to a Special Use Review Type II or higher Community Service Use, and the change back to an allowed commercial use, shall not be considered a change to the primary use for purposes of this section;

- D. Design Review D. Design Review D is a Type II review and is subject to a pre-application conference. Design Review D is a review by the Manager. The following are Design Review D, when they are greater than the thresholds in **7.0003(A)-(C)** and not subject to Design Review E.
 1. Multi-family residential construction;
 2. Single-family attached residential construction;
 3. Manufactured dwelling parks construction;
 4. Commercial construction;
 5. Mixed Use construction;

6. Industrial construction;
7. ~~Community Services~~ Institutional Use construction; or
8. Parking garages.
9. In a Design District, additions to commercial, institutional and mixed use ~~mixed-use, live-work, community services use, commercial or employment~~ developments that are not subject to Design Review E and meet the following:

- E. Design Review E. Design Review E is a Type III review and is subject to a pre-application conference. Design Review E is a review and decision by the Design Commission for applications within a Design District where clear and objective standards and discretionary guidelines have been established and that meet the following thresholds:

3. ~~Mixed-use, live-work, community services use construction;~~ commercial, or institutional or employment developments with either 10,000 square feet of new floor area (20,000 square feet in the Corridor Design District) or 50 feet of new building frontage on a street including new buildings or additions to existing buildings.
- ~~4. Public building and public urban plaza community service uses.~~
45. Development projects that propose to use the discretionary track, regardless of scale.

See applicability statements in individual design review district sections for exceptions, and also Table 11.0204 Land Use Applications and Review Authorities.

7.0004 Phased Design Review

- A. Purpose: The purpose of a Phased Design Review is to review and approve a specific design proposal for a site that is achieved over a longer time horizon than what is typical without having to go through a new design review for future phases.
- BA. Time Scope: As part of the Design Review, ~~the~~ The Manager may authorize a time schedule for developing the various phases in periods of time in excess of two years, but in no case shall the total time period for all stages exceed seven years. Each stage shall conform to the applicable requirements of the Code. ~~The Manager may require modifications to portions developed after the passage of one year to avoid conflicts with a change in the Community Development Code.~~
- C. When Modifications are Required: Modifications may be required to portions of a Phased Design Review developed after the passage of one year to comply with change(s) in the Community Development Code. Modifications are not required for components of the site approved and developed under previous approvals.
- D. How Modifications are Reviewed: A modification to a Phased Design Review to meet new Code standards shall be reviewed through the highest applicable Design Review procedure specified in Section 7.000. However, modifications are not subject to a pre-application conference or an early neighborhood meeting. Modifications must meet standards in the Development Code, unless meeting standards requires the removal of improvements approved and developed made under previous approvals.
- EB. If a phased development or subdivision is proposed or developed for an MDR-24 development with single family attached dwellings, or for single family attached dwelling in the RTC, SC, CMF, or CMU districts, each phase shall comply with all applicable Design Review requirements.

Section 19. Volume 3, Development Code, Section 7.0100 Multi-Family Design Guidelines and Standards is amended as follows:

7.0101 Two or More Units, Elderly Housing and Mix-Use Development (Residential) Design Guidelines and Standards

a. Applicability:

This section shall apply to developments containing ~~two dwelling units on a single lot (duplexes)~~, three or more dwelling units on a single lot (multi-family), residential facilities, elderly housing and the residential component of mixed-use developments in all residential, Downtown, Civic Neighborhood, Pleasant Valley, Springwater and Corridor districts except as provided in Section 7.0002 or as excepted within the text of the Code.

c. Design Review Process:

New multi-family developments, additions and remodels (as noted in ~~Article 3.0000~~ **Section 3.0100** Definitions of Design Districts and Article 11) are subject to design review for determination of consistency with the criteria, guidelines and/or standards contained in this Code. Projects subject to design review are either brought before the Design Commission or administered by City staff. Either the Commission or staff shall make findings and decisions concerning conformance with the criteria, guidelines and standards based on which review process is selected. For more detailed process information, see Article 11 Procedures.

d. How to Use this Code:

1. Description of Housing Types:

The purpose of this section is to describe the general types of housing developments that may have specific criteria, guidelines or standards associated with them. The housing types are not the same as the permitted uses defined in ~~Section~~ **Article 3.0000**. Illustrative multifamily housing examples are as follows:

e. Mixed-Use Style: A mixed-use style development is the combination of ~~commercial or office uses~~ with residential uses with commercial or institutional uses. The most traditional form of a mixed-use building style consists of ground floor retail or service uses with housing above. The success of a mixed-use building is dependent on good design and near-by residential units that are within walking distance.

7.0102 Approval Criteria: Two or More Units, Elderly Housing and Mixed-Use Development (Residential) Design Principles

7.0103 Two or More Units, Elderly Housing and Mixed-Use (Residential) Design Guidelines and Standards

A. Site Design

4. Inviting and Usable Public and Semi-Public Open Spaces

d. Design Standards: All developments shall comply with the following requirements.

3. Children's Play Area.

a. A minimum of fifty percent (50%) of the above minimum required shared open space shall be a children's play area. (~~An elderly adult complex~~ Elderly Housing need not comply with the children's play area requirement but shall provide the specified shared open space in **Section 7.0103(A)(4)(d)(1)** above). However, the minimum dimensions for any children's play area shall be twenty (20) feet in length and width, and be a minimum of five hundred (500) square feet in size for sites with a gross site area of twenty thousand (20,000) square feet and greater.

Section 20. Volume 3, Development Code, Section 7.0200 Standards and Criteria is amended as follows:

7.0201 Single Family Attached Dwelling Units

D. Landscaping Standards: Areas to be Landscaped as defined in **Section ~~3.0010~~ 3.0103**:

G. Vehicular Circulation and Parking

Vehicular circulation and parking shall be provided in accordance with the following standards:

2. Where new parcels or blocks are created within a development site as a result of required public street dedications, individual parcels or blocks need not meet minimum residential density standards for the district, provided the development as a whole meets the standard. Applicable standards of **Section 7.0201** regarding site landscaping shall also apply to the development as a whole, except that any parcel or block within the development that is not in the Downtown Plan District shall have a minimum of 20% of its total area in landscaping, as defined in **Section ~~3.0010~~ 3.0103**. In all districts, the Manager may require that deed restrictions be recorded to ensure that where project amenities such as swimming pools, community centers, and shared open space are on separate parcels within the same development, all residents of the development will have on-going access to those amenities and facilities.

L. Other standards for Single Family Attached Dwellings

1. Street Frontage and Building Orientations

The following standards are intended to promote and maintain an orientation to the street for single family attached dwelling developments.

- a. Single family attached units are not allowed to be constructed on flag lots except in cases where minimum density standards would otherwise not be met. When located within LDR-5, LDR-7, TLDR or TR, the standards of **Section ~~4.0138~~ 4.0138** (Residential ~~Infill~~ Compatibility Standards for LDR-5, LDR-7, TLDR and TR) would be applicable. The end unit abutting the street (as applicable) must have its primary entrance oriented to the street.

Table 7.0201(L)(3)(g)

Building Heights for SFA Dwelling Units	TLDR, MDR-12, MDR-24, and OFR districts	All other districts where SFAs are permitted
Minimum building height	1 story	1 story in CMF and CMU; all others 2 stories
Maximum building height	35 feet*	45 feet*

*See Building Height and Grade definitions from Section 3.0000 3.0103.

5. Shared Open Space Standards for Complexes

- g. Children’s play areas shall be provided for developments of 20 or more units following the dimensional, equipment and perimeter standards of **Section 7.0201(D)(4)**, except if the development is for elderly housing. Elderly housing single family attached complexes (subject to ~~Community Service requirements per Section 8.0112~~) are not required to provide children’s play areas but are required to provide required open space area if 20 units or more in complex size. In addition, the following are required for children’s play areas:

7.0202 ~~Community Service~~, Commercial (except those in a Design District), Industrial, Institutional and Mixed Use Developments (Non-Residential Commercial Component)

The following design review criteria and standards shall apply to ~~Community Service (except elderly housing)~~, Commercial (except those in and reviewed under a Design District), Industrial, Institutional and Mixed Use Developments (with the exceptions that single family attached units in a mixed use development shall be reviewed per the standards of **Section 7.0201** and that the residential portion of the mixed-use development shall comply with **Sections 7.0101-7.0103**).

In designing the site development plan and landscaping plan the following design criteria and standards shall apply:

A. Areas to be landscaped as defined in **Section 3.0103 3.0010 – Definitions**. Decorative walkways, when integrated within the landscaped area, may not contribute more than 5% of the overall required landscaping area:

- 1. ~~Community Services-Institutional Uses~~

All areas not occupied by structures, pavement, or outdoor business activity, display or storage areas. In no case shall less than fifteen percent (15%) of the gross site area be landscaped.

- K. On-Site Pedestrian Circulation. Developments shall include an on-site Pedestrian Circulation system connecting building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians. All developments must comply with the following Standards for On-Site Pedestrian Circulation Systems:

9. Public or Private Schools and Parks (~~Community Services~~) over one acre lot size, in addition, shall provide direct pedestrian access from adjacent neighborhoods, using multiple pedestrian access points in all directions, which minimize neighborhood walking distance to a site.

7.0210 Transit Design Criteria and Standards

A. Purpose and Applicability

3. Exceptions to Transit Design Criteria and Standards on Transit Streets

- b. Industrial uses within the General and Heavy Industrial Districts (such as manufacturing, processing, assembly, distribution, repair, warehousing, fabrication, and other uses as determined by the manager) are exempt. However, the following industrial use categories are not exempt from the Transit Design Criteria and Standards when located in a building in Industrial Districts, buildings devoted to 100% devoted to the use: Information Services and Trade Schools. ~~non-industrial uses, which include industrial uses listed under Table 4.0320 (F), (G), (H), (L), (M), and may include uses in office-type buildings under Table 4.0320(A) are not exempt from the Transit Design Criteria and Standards.~~

4. Orientation/ Design of Building and Entrance for Non-Residential Buildings on Transit Streets and in those Station Center lands that are not within the Rockwood Design District.

- a. Primary building and entry orientation shall be to the street rather than to a parking lot. All buildings shall have at least one (1) of their primary entrances oriented toward a Transit Street, or (if no Transit Street in the Station Center lands that are not within the Rockwood Design District) toward an adjacent street. A building may have more than one primary entry as defined in the Oregon State Structural Specialty Building Code. When a primary entrance is located on more than one street, the full address (including street name) shall also be clearly posted on or near the entrance not bearing the assigned street address.

B. Additional Design Criteria and Standards for Station Center lands that are not within the Rockwood Design District:

8. Incidental Drive-Through Uses – All Sites:
Drive through uses as defined in Section 3.0103 3.0010 are not permitted, except when such use is incidental to a primary site use and when designed in conformance with the following standards:

7.0211 Manufactured Dwelling Park Design Standards

Except as otherwise provided by the Oregon State Structural Specialty Building Code, ORS 446.003 to ORS 446.140 and OAR 918-600-0005 to 918-600-0095, the following standards shall apply:

- C. Landscaping as defined in **Section 3.0103-3.0010**:

7.0212 Standards for New Solid Waste and Recycling Collection Areas for Multi-Family, Commercial, Industrial, and Institutional Community Service Development

- A. Multi-family development of four or more units, commercial development, industrial development, and institutional community-service development shall provide for solid waste and recycling collection areas (collection areas) according to the following standards:

7.0220 Optional Improvements With Design Review

To the extent necessary to meet the criteria for design review contained in this ordinance, the approval authority may impose the following additional requirements on a development subject to advising the applicant of the reason in writing.

- E. In the case of commercial, institutional or industrial development, provide access by a frontage road having limited and controlled access onto an arterial street by means of traffic signals, traffic control islands, or other means that will preserve the traffic carrying capacity and safety of the arterial street and will avoid the cumulative effect of individual access points directly onto the arterial street.

Section 21, Volume 3, Development Code, Section 7.0300 Innovative Housing Demonstration Projects is amended as follows:

7.0310 Development Principles and Guidelines

The following principles and guidelines shall guide evaluation of Innovative Housing Demonstration Projects. The principles are provided to describe the elements the City is seeking in demonstration projects while allowing for the opportunity for flexibility and innovation. Each principle is accompanied by one or more guidelines:

- A. Housing choice shall be increased in Gresham.
 - 1. Applications shall include housing types or configurations that are not common in Gresham. Housing types common in Gresham include: single-family detached dwellings ~~homes~~ greater than 1,500 square feet; ~~rowhomes/townhomes~~ single-family attached dwellings; and attached dwellings on a single lot ~~multi-family housing~~ (apartments and condominiums).

7.0321 Permitted Uses

The following uses are permitted as part of an Innovative Housing Demonstration Project:

- A. Single-family detached ~~homes~~ dwellings.
- B. Single-family attached ~~homes~~ dwellings. In the LDR-5 and DRL-1 districts, these units may make up no more than 30 percent of the total number of units in a project.

- E. Duplexes, tri-plexes and four-plexes, if the following are satisfied:

- 1. The units are designed to appear as a single-family ~~home~~ dwelling in that they have similar scale, height, building orientation, and articulation.

Section 22, Volume 3, Development Code, Section 7.0500 Rockwood Design District is amended as follows:

7.0501 Rockwood Design District Design Guidelines and Standards

A. Applicability:

This section shall apply to all commercial, mixed-use, multi-family, single-family attached and industrial development within the Rockwood Design District. This section also applies to the following institutional uses: Civic Uses, Community Services, Medical, Religious Institutions, and Schools.

Section 7.0503 does not apply to single-family detached dwellings; duplexes; residential homes; transit bus shelters; park-and-ride facilities, cemeteries and mausoleums; parks, open space and trails; and uses in the "Other" category, including basic utilities, heliports, wireless communications facilities and temporary uses, and similar uses/structures as determined by the Manager or Design Commission. Section 7.0503 also does not apply to public facilities (as described in Appendix 5: Public Facilities), recycling drop boxes; utilities and public facilities (as described in Appendix 5: Public Facilities); cellular communication antennas; public urban plazas and walking paths with associated trail access points and trailheads; non-building developments; developments (such as parking lots) in public parks; park-related structures such as picnic shelters and public restrooms in public parks; cemeteries; sewerage or drainage system structures; water system structures; helicopter landing facilities; and similar uses/structures as determined by the Manager.

Duplexes shall follow the **Section 7.0100 Multi-Family Design Standards**.

Headings in this section apply to (except as exempted above):

All Development: All developments except single-family attached dwellings and the industrial uses permitted in the Station Center-Ruby Junction land use district.

Commercial and Institutional, Employment, Live/Work: All developments that are commercial or Institutional ; live/work or employment uses, including commercial or institutional ; live/work and employment uses as components of mixed-use structures. However, Parks, Open Spaces and Trails are not included. For purposes of the Rockwood Design Standards, Community Service Uses that are commercial, office or civic types of uses would follow the Standards herein listed as "Commercial Development." Community Service Uses that are residential in nature would follow the "Residential Development."

For mixed-use developments, guidelines and standards under the Commercial and Institutional ; Employment, Live-work heading apply to those parts of the building designed for those uses, and the guidelines and standards under multi-family and single-family attached headings apply to those parts of the building designed for those uses. The "All Development" standards apply to the entire building.

Residential Development

Multi-Family Residential: Attached dwellings on a single lot, residential facilities and elderly housing, unless otherwise specified.

Single-Family Attached: Single-family attached dwellings.

7.0503 Rockwood Design District

1. Triangle Area

A. Site Design

1. Neighborhood Connectivity and Block Structure

C. Design Guidelines:

Commercial ~~and~~, Institutional Employment, Live/Work and Mixed-Use Development

D. Design Standards:

Commercial ~~and~~, Institutional Employment, Live/Work and Mixed-Use Development

4. For an individual development, the maximum block length shall be two hundred fifty (250) feet by two hundred fifty (250) feet from curb to curb. Departures shall be considered by the Manager based on one (1) or more items listed below:

c. The location of an institutional use ~~campus or other similar Community Service Uses~~ that require a larger block size; or

3. Building Placement and Frontage

C. Design Guidelines:

Exception: Civic Buildings Uses

D. Design Standards:

All Development

2. Building Frontage: Building frontage shall be measured by the length of the building present between the minimum and maximum setback. Space attributed to public streets, driveways and primary internal drives and their associated required landscaping shall be subtracted from the total length of the frontage calculations. Commercial, Institutional ~~employment, live/work~~ and mixed-use development frontage on existing or new public streets shall be dependent upon their street location and shall be no less than the following values:

Exception: Civic Buildings Uses

4. Building Orientation and Entries

C. Design Guidelines:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

D. Design Standards:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development
5. Publicly Accessible Open Space

C. Design Guidelines:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

D. Design Standards:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

6. Parking

C. Design Guidelines:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

D. Design Standards:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

8. Landscaping

C. Design Guidelines:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

D. Design Standards:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

7.0503 Rockwood Design District
Design Guidelines and Standards

1. Triangle Area
B. Building Design
1. Building Massing

C. Design Guidelines:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

D. Design Standards:

Commercial ~~and, Institutional~~ Employment, Live/Work and Mixed-Use Development

2. Façade Composition and Building Articulation

C. Design Guidelines:

Commercial ~~and, Institutional~~ Employment, Live/Work and Mixed-Use Development

2. Commercial, Institutional and mixed-use ~~and civic~~ buildings shall not include long, monotonous, uninterrupted walls and shall utilize design strategies which create depth and add interest to the facade. Changes in depth shall be sufficient to provide visual distinction between wall planes.

a. Articulating elements shall provide surface relief, depth and shadows to the facade by being recessed and/or projected.

b. Changes in building depth shall reinforce and create a consistent street wall.

3. Commercial, institutional and mixed-use ~~and civic~~ buildings shall create a rhythm of repeating elements that help establish continuity in the facade.

D. Design Standards:

Commercial ~~and, Institutional~~ Employment, Live/Work and Mixed-Use Development

2. Commercial, Institutional and Mixed-Use ~~and Civic~~ Buildings:

Building walls shall be articulated with design features which add visual interest and prevent the appearance of blank walls. Facades visible from streets, public spaces and parking areas shall utilize at least one (1) of the following strategies:

3. Ground Level Details

C. Design Guidelines:

Commercial ~~and, Institutional~~ Employment, Live/Work and Mixed-Use Development

5. Commercial, institutional and mixed-use ~~and civic~~ buildings shall be designed to allow easy access between public areas and the building's interior.

D. Design Standards:

Commercial ~~and, Institutional~~ Employment, Live/Work and Mixed-Use Development

1. Commercial, institutional and mixed-use ~~and civic~~ building facades facing public streets shall contain additional ground level details that further enliven the pedestrian realm and create attractive building fronts. Building facades facing public streets in the Triangle Area shall contain at least three (3) of the following design features:

4. Transparency

C. Design Guidelines:

~~Commercial and, Institutional Employment, Live/Work and Mixed-Use Development~~

~~D. Design Standards:~~

~~Commercial and, Institutional Employment, Live/Work and Mixed-Use Development~~

~~4. Building Entry~~

~~C. Design Guidelines:~~

~~Commercial and, Institutional Employment, Live/Work and Mixed-Use Development~~

~~D. Design Standards:~~

~~Commercial and, Institutional Employment, Live/Work and Mixed-Use Development~~

~~7.0503 Rockwood Design District Design Guidelines and Standards~~

~~2. Outside Triangle Area~~

~~A. Site Design~~

~~1. Neighborhood Connectivity and Block Structure~~

~~D. Design Standards:~~

~~Commercial and, Institutional and Employment Development~~

~~Mixed-Use and Live/Work Development~~

~~5. For an individual development that includes a residential component such as live-work or mixed-use developments, the maximum block length shall be four hundred (400) feet by three hundred (300) feet from curb to curb. Departures shall be considered by the Manager.~~

~~3. Building Placement and Frontage Requirements~~

~~D. Design Standards:~~

~~Commercial, Employment, Live/Work and Institutional Development~~

~~5. Pedestrian-Oriented Open Space~~

~~D. Design Standards:~~

~~Commercial and, Institutional Employment, Live/Work and Mixed-Use Development~~

~~6. Parking~~

~~D. Design Standards:~~

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

8. Landscaping

D. Design Standards:

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

7.0503 Rockwood Design District Design Guidelines and Standards

2. Outside Triangle Area

B. Building Design

2. Façade Composition and Building Articulation

C. Design Guidelines

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

2. Commercial, institutional and mixed-use and eivie buildings shall not include long, monotonous, uninterrupted walls and shall utilize design strategies which create depth and add interest to the facade. Changes in depth shall be sufficient to provide visual distinction between wall planes.

D. Design Standards

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

2. Commercial, institutional and mixed-use and eivie building walls shall be articulated with design features which add visual interest and prevent the appearance of blank walls. Facades visible from streets, public spaces and parking areas shall utilize at least one (1) of the following strategies:

3. Ground Level Details

C. Design Guidelines

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

2. Street-facing facades of commercial, institutional and mixed-use and eivie buildings shall have additional design elements at the street level to add interest, enhance the building appearance and establish greater depth in the facade.

D. Design Standards:

All Development

1. Development shall comply with the Triangle Area Standards of Section 7.0503(1)(B)(3)(D) except as noted below.

Commercial and, Institutional Employment, Live/Work and Mixed-Use Development

2. Street-facing facades of commercial, institutional and mixed-use and eivie buildings shall contain additional ground level details that further enliven the pedestrian realm and create attractive building fronts. Buildings facades facing public streets in the Outside Triangle Area shall contain at least two (2) of the following design features:

4. Transparency

C. Design Guidelines

Commercial ~~and~~, Institutional Employment, Live/Work and Mixed-Use Development

3. Commercial, ~~institutional and~~ mixed-use ~~and civic~~ buildings shall contain high levels of transparency at the pedestrian level on facades which face the street.

D. Design Standards

Commercial ~~and~~, Institutional Employment, Live/Work and Mixed-Use Development

2. Street facing facades of commercial, ~~institutional and~~ mixed-use ~~and civic~~ buildings that face Stark or 181st Street shall be composed of clear glass for sixty percent (60%) of the ground floor between the heights of two (2) and twelve (12) feet.

3. Street-facing facades of commercial, ~~institutional and~~ mixed-use ~~and civic~~ buildings, other than those that face Stark or 181st, shall be composed of clear glass for fifty percent (50%) of the ground floor between the heights of two (2) and twelve (12) feet.

Section 23. Volume 3, Development Code, Section 7.0600 Commercial Design Guidelines and Standards is amended as follows:

7.0601 Corridor Design District

Commercial Design Guidelines and Standards

A. Applicability:

This section shall apply to all commercial development within the Corridor Design District as defined in Article 3, unless superseded by the Plan District Standards. The Downtown Plan district is exempt from the Section 7.0601-7.0603 regulations.

Sections 7.0601-7.0603 do not apply to single-family detached dwellings; duplexes; residential homes; transit bus shelters; park-and-ride facilities; recycling drop boxes; utilities and public facilities (as described in Appendix 5: Public Facilities); cellular communication antennas; public urban plazas and walking paths with associated trail access points and trailheads; non-building developments; developments (such as parking lots) in public parks; park-related structures such as picnic shelters and public restrooms in public parks; cemeteries; sewerage or drainage system structures; water system structures; helicopter landing facilities; and similar uses/structures as determined by the Manager.

Headings in this section apply to:

All Development: All developments that are commercial ~~or institutional~~, employment, and the commercial portion of live/work and mixed-use structures. For purposes of the Corridor Design District Commercial Design Guidelines and Standards, Community Service Uses that are commercial, office or civic types of uses would follow the standards herein listed as "Commercial Development".

Existing Development: Guidelines and standards in Section 7.0603(A) shall apply as determined by the Manager or Design Commission when the standards can reasonably apply to existing development. For example, landscaping guidelines and standards may apply when new

landscaping is being added. Guidelines and standards in Section 7.0603(B) apply to building that were constructed prior to Nov. 16, 2010, as determined by the Manager or Design Commission. For Sections 7.0603(A) and (B), site and building modifications needed to comply with Section 8.0200 shall comply with applicable guidelines and standards.

For mixed-use and live/work developments, guidelines and standards in Sections 7.0601-7.0603 apply to those parts of the building designed for commercial and institutional ~~community~~ services uses.

C. Design Review Process:

New commercial developments, additions and remodels are subject to design review as defined in ~~Article 3.0000~~ Section 3.0103 Definitions of Design District and ~~Article~~ for the determination of consistency with the Guidelines and/or Standards contained in this Code. Refer to Article 11 Procedures for review process details. Projects subject to design review are either reviewed by the Design Commission or reviewed by the Manager. Either the Design Commission or the Manager shall make findings and decisions concerning conformance with the Design Standards or Guidelines, based on which review process is selected.

D. How to Use this Code:

5. Exemptions:

Commercial development which follows this Code is exempted from the following sections:

- a. 7.0202: ~~Community Service~~, Commercial, Institutional, Industrial and Mixed Use Developments (Commercial Component);

Section 24, Volume 3, Development Code, Section 8.0100 is amended as follows:

ARTICLE 8 SPECIAL USES

~~SECTION 8.0100 COMMUNITY SERVICES~~

General

~~8.0101 Community Service~~

~~8.0102 Review of Community Services~~

~~Type I-III Community Services~~

~~8.0110 Type I Community Services~~

~~8.0111 Type II Community Services~~

~~8.0112 Type III Community Services~~

~~8.0113 Application for a Community Service Permit~~

~~8.0114 Design Review and Approval Criteria for Community Services~~

Development Requirement

~~8.0120 Introductory Provisions~~

~~8.0121 Standards~~

~~8.0122 Requirements~~

General

8.0101 Community Service

In addition to development intended for a land use district, there are community services that are appropriate in a particular area because of social or technical needs.

The approval of a community service is for a specific use. Any change or expansion of a use approved under the Type II procedures shall be subject to approval of the Manager.

8.0102 Review of Community Services

- A. Type I Community Service uses are reviewed under the Type I procedure.
- B. Type II Community Service uses are reviewed under the Type II procedure.
- C. Type III Community Service uses are reviewed under the Type III procedure. All Type III Community Service Uses, except those Community Service uses in a Design District which are associated with a Design Commission Design Review, are heard by the Hearings Officer with the Planning Commission as the appeal body except the following major community services, which will be heard by the Planning Commission with the City Council as the appeal body:
 - 1. Public or private high schools or colleges;
 - 2. Stadium, arena or auditorium;
 - 3. Public buildings such as, but not limited to a city hall, post office or library; and
 - 4. Hospital.

For those Community Service uses that are in a Design District and are associated with a Design Commission review, the applications shall be reviewed and decided on by the Design Commission with an appeal to City Council.

Type I–III Community Services

8.0110 Type I Community Services

The following community services may be approved under the Type I procedure:

- A. Recycling drop box when located in a commercial or industrial land use district and where the box is located not closer than 500 feet of a residential structure.
- B. Transit bus shelters under 100 square feet in floor area.
- C. Temporary buildings for a real estate office in a new subdivision for the sale of homes within the subdivision and temporary space while a permanent structure is being constructed.
- D. Minor utility and public facilities, including soil treatment facilities, where the facilities are treating existing, on-site soils; diversion structures and pump and lift stations; wellheads, pump stations, water purification facilities not exceeding 1,000 sq. Ft. Of building area and not exceeding the maximum building height of the underlying district; water storage facilities not occupying more than 1,000 sq. ft. of site area, and not exceeding the maximum building height of the underlying district.
- E. Portable classroom for an existing public or private school.
- F. Wireless communication facilities co-located on an existing Community Service approved WCF tower or location not in the rights of way, provided the required equipment facilities can be contained within the confines of the existing approved site. Such wireless communication facilities that qualify for Type I review will not be subject to Design Review.
- G. If an alternative plan for a required buffer is proposed, as permitted under Section 9.0110, the community service for subsections (D) and (E) above shall be processed under the Type II procedure.

- H. — A religious institution with seating for 300 or fewer persons and for more than 100 persons within the principal place of assembly, when occupying an existing commercial building that is a legal use in the underlying land use district.

Religious institutions with seating for 100 or fewer persons within the principal place of assembly, when occupying an existing commercial building that is a legal use in the underlying land use district, are exempt from a Community Service Use review.

8.0111 Type II Community Services

The following community services may be approved under the Type II procedure:

- A. — Emergency service facility such as a fire station or ambulance service.
- B. — Public urban plazas and public walking/hiking trails with associated trail access points and trailheads.
- C. — Public neighborhood parks
- D. — Buildings used for religious worship, with seating for 300 or fewer persons within the principal place of assembly.
- E. — Cemetery, crematory, mausoleum, mortuary, or funeral home.
- F. — Public or private elementary or middle school, proposed for development in any district other than the Downtown Plan District or the Civic Neighborhood Plan District.
- G. — Boat moorage, marina or houseboat moorage.
- H. — Adult or senior center.
- I. — Community food or non-profit hot meals service.
- J. — Major utility structures, including but not limited to substations, telephone switching stations, wireless communication facilities that do not meet the requirements for Type I review, and other facilities required for the transmission of power or communications.
- K. — Sewerage or drainageway system structures, including but not limited to pump stations, or sewage or stormwater treatment plants.
- L. — Water system structures, including, but not limited to treatment plants, storage reservoirs, pump stations, or other major facilities associated with the supply or distribution of water.
- M. — Expansion of an existing Type II community service, except as specified elsewhere in this code.
- N. — Bed and Breakfast inns subject to the standards of Section 8.0121(J) of the Community Development Code.
- O. — Helicopter landing facility and modification of an existing helicopter landing facility. Modification includes an increase in the number of flights; changes in flight path, number or type of helicopter, hours of operation; addition of refueling or repair facilities; or changes in size or location of landing and take off pads.
- P. — Medical offices developed in conjunction with a hospital facility or as part of a hospital facility campus.

8.0112 Type III Community Services

The following community services may be approved under the Type III procedure:

- A. — Public or private high school or college not to be located in a residential or office/residential land use district nor approved as community service.
- B. — Public or private elementary or middle school proposed for development within the Downtown Plan District or the Civic Neighborhood Plan District.
- C. — Transit facilities such as park and ride or equipment storage facilities.
- D. — Solid waste transfer stations and solid waste landfills.

- E.—Campground.
- F.—Golf course.
- G.—Stadium, arena, or auditorium.
- H.—Public buildings such as, but not limited to, a city hall, post office, or library.
- I.—Hospital.
- J.—Theme park.
- K.—Child care facilities for 17 or more children.
- L.—Child care facilities for up to 16 children operated by a person other than a resident of the home where the care will be given.
- M.—Private club, fraternal organization, or lodge.
- N.—Resort.
- O.—Drug and alcohol treatment facility.
- P.—Elderly housing.
- Q.—Expansion of an existing Type III Community Service.
- R.—Public community parks.
- S.—Public multi-use paths with associated trail access points and trailheads.
- T.—Buildings used for religious worship, with seating for over 300 persons within the principal place of assembly.
- U.—Commercial parking facilities.
- V.—Electrical generating facilities.
- W.—Recycling facilities, including drop-box transfer stations, transfer stations, recycling collection sites, and recyclables recovery facilities.

8.0113 Application for a Community Service Permit

A community service is subject to approval pursuant to Sections 8.0101 through 8.0114, unless it has been excluded from development permit requirements by Section 11.0102. An application for the proposed development shall provide facts and evidence sufficient to enable the approval authority to make a determination in compliance with the criteria set forth in Section 8.0114, of the Community Development Code.

8.0114 Design Review and Approval Criteria for Community Services

- A.—Most Community Services require submission of a Design Review application as provided by Article 7 of the Community Development Code. Type I Community Services and the following uses are exempt from Design Review and public facilities requirements:
 - 1.—Child care facility for 16 or fewer children and adult foster homes within an existing residential structure.
 - 2.—Recycling drop box.
 - 3.—Expansion of the floor area of a community service use by less than 2,000 square feet.
- B.—An applicant shall provide a narrative that details how the proposal fulfills the applicable requirements found in Article 7, those of the applicable plan district(s) for the site and other applicable Code sections. The narrative shall also describe how the proposal is designed to be as compatible with the surrounding land uses as possible and measures are taken to mitigate any unavoidable negative impacts. Factors to be considered include:
 - 1.—location of parking and loading, and effects on off-site parking;
 - 2.—generation of high amounts of traffic;
 - 3.—street access points;
 - 4.—buffering and screening to protect privacy;
 - 5.—noise or illumination controls;

6. — structure height;
7. — hours of operation;
8. — crime prevention;
9. — visual elements (e.g., scale, structural design and form, materials);
10. — signage;
11. — noxious odors;
12. — lighting;
13. — effects on air and water quality;
14. — potential for glare, noise and dust, vibration, and other environmental effects which may disturb neighboring property owners;
15. — other impacts which are unique to the specific use.

C. — An applicant for a helicopter landing facility shall also:

1. — Provide an acoustical and mitigation plan report which details the design and measures to be taken which will minimize noise impacts to noise sensitive units as defined in Article 7.20. Noise Control Code of the Gresham Revised Code. The report, at a minimum, shall discuss and make recommendations for best management practices concerning preferred approach/departure flight paths; preferred approach/departure path slopes; preferred approach/departure air speeds; preferred times of use; nearby existing natural flight corridors such as freeways and industrial areas that the helicopter landing facility may utilize; and other relevant factors. The plan must include a discussion of the existing physical factors, such as topography and proposed physical barriers, such as walls, fences, structures or vegetation, and how these factors would be used to reduce noise impacts. The report shall be prepared by a professional consultant experienced in airport noise evaluation and federal and state airport noise standards.

The report shall include the proposed hours of operation; the number, type and size of aircraft to be located at or expected to use the site; maximum number of helicopter trips on a daily, weekly, and annual basis and the purpose of the helicopter trips and an approach/departure flight path plan showing proposed flight path locations, widths, lengths and slopes.

2. — Demonstrate that an application has been made to the Oregon Department of Transportation, Aeronautics Section, by submitting a copy of the helicopter application made to OAD which identifies the following: direction, angles, and number of approaches; helipad size and surface; nearby obstructions; lighting and markings; tie downs; number of trips; location; and fencing.

D. — An applicant for an elderly housing community service use shall demonstrate that there is a need for the facility in the vicinity of the proposed site and submit a market feasibility analysis as part of the applicant's showing that there is such a need. The "vicinity" shall be defined by the applicant; however, the burden shall be on the applicant to demonstrate that the vicinity chosen is one that is reasonable and appropriate for the project, based on its size, the type of housing included in the project and the existence of other similar projects in the target market.

E. — An applicant for a public walking/hiking trail or public multi-use path including associated trail access points and trailheads shall provide narrative and plans that demonstrate consistency with applicable provisions of the Gresham Trails Master Plan Chapters 7 and 10 and any applicable district requirements.

If the application includes a surface parking lot it shall be consistent with Section 9.0823 and any applicable district parking requirements except that the applicant may prepare an alternative landscaping plan and specifications which meets the intent of the requirement in Section 9.0823(C)(1), (2) and (3) and the general intent of the Gresham Trails Master Plan that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.

The Buffering and Screening Requirements of Section 9.0100 shall apply except in the following situations: where the proposed trail development is more than 30 feet from an abutting property line, or where the abutting property is an open space parcel, or where the proposed trail development abuts a street right of way. When buffering and screening is required an alternative buffering and screening plan may be submitted for approval. Such alternative plan shall be designed to afford the degree of desired buffering and the general intent of the Gresham Trails Master Plan which states that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.

The application is exempt from the following Site Design Criteria and Standards: 7.0202: A, B, E, F-K(5); and 7.0210 A & B.

- F. — An applicant for a wireless communications facility that includes a WCF tower must co-locate on an existing WCF tower, unless it can be reasonably demonstrated that such is not feasible, in which case the new WCF tower shall be grouped at the same site, or, be located no closer than 2,000 linear feet from another WCF tower. No WCF tower shall be located within the LDR-5, LDR-7, TLDR, TR-DRL-1 and DLR-2 Districts, unless such location is absolutely necessary for the maintenance of wireless communications within that service area. For all WCF tower proposals, the facility shall be located at least 200 feet from the nearest residence and must be constructed to allow co-location of additional wireless communication facilities.

Development Requirements

8.0120 Introductory Provisions

The Community Development Code identifies uses which because of their social or technical need can be located in most areas within the city.

8.0121 Standards

Community Services shall be located in conformance with the following standards:

- A. — Adjacent land uses: Solid waste transfer stations and solid waste landfills, sewage treatment plants, electrical generating facilities, or stadium shall not be located in or adjacent to residentially designated land.
- B. — Solid waste transfer stations, solid waste landfills, campgrounds, and golf courses are not permitted in the Downtown Plan District, the Civic Neighborhood Plan District, the Station Center District or the Rockwood Town Center District.
- C. — Except as provided in subsection (D), below, the following community service uses are prohibited in the Heavy Industrial and General Industrial Districts:
- Temporary buildings for residential real estate sales
 - Public urban plazas, public neighborhood parks, and public community parks
 - Buildings used for religious worship

- Cemetery, crematory, mausoleum, mortuary, or funeral home
 - Public or private elementary school
 - Adult or senior center
 - Bed and breakfast inns
 - Medical offices developed in conjunction with a hospital
 - Public or private high school or college
 - Campground
 - Golf course
 - Hospital
 - Private club, fraternal organization, or lodge
 - Resort
 - Drug and alcohol treatment facility
 - Elderly housing
 - Commercial parking facilities
- D. Notwithstanding provisions of Section 8.0121(C), public elementary schools, public high schools, public urban plazas, public parks, and buildings used for religious worship may be permitted in the HI and GI districts when an applicant demonstrates that title for the parcel(s) where the facility is to be developed was held by the governing body for the applicant as of the effective date of this ordinance.

In addition, notwithstanding provisions of Section 8.0121(C), the City Council, after a de novo Type III hearing before the City Council without prior Planning Commission or Hearings Officer review, may authorize application for a development permit (pursuant to Section 8.0113) for a new, public, elementary or high school in the HI or GI district when a potential applicant for such a facility demonstrates to the City Council that suitable school sites are not available outside the HI or GI district. If the City Council authorizes such application, the appropriate decision-making body reviewing the application is authorized to grant the development permit application for a new public elementary school, as a Type II Community Service, or public high school, as a Type III Community Service, in the HI or GI district, where the application also meets the applicable requirements of the Gresham Community Development Plan.

- E. Transportation Efficiency: An applicant for any Type II or Type III Community Service use which will generate 100 or more daily trips shall submit a map depicting the estimated service area. For example, a) for public schools, the estimated service area shall be that geographic area surrounding the proposed location containing 100% of the households to be served by the school; b) for other than public schools, the estimated service area shall be that geographic area surrounding the proposed location containing a majority of the employees, visitors, members, users, and/or clients, that will travel to the use. The applicant shall also provide findings demonstrating that:
1. The use is centrally located within the estimated service area, as far as is practical;
 2. The use is accessible to the estimated service area via a variety of travel modes (pedestrian, bicycle, transit, and auto) and an adjacent transportation system appropriate to the scale of use (regional, community, or local);
 3. Travel demand management measures such as the use of alternative modes, ride-share and van-pool programs, or other measures will be employed so as to limit impacts on the existing and planned transportation system adjacent to the location and within the estimated service area; and

4. — Related uses supportive of the proposed Community Service, if any, are located adjacent to the site or within the estimated service area.
- F. — Commercial parking facilities are not permitted in the LDR-5, LDR-7, DRL-1, TLDR, TR, or MDR-12 Districts.
- G. — Street Access:
1. — Buildings used for religious worship and public or private high schools shall have direct access to a street with a functional classification of Neighborhood Collector or greater.
 2. — Park & Ride facilities, campgrounds, golf courses, public buildings (such as city hall, post office, library, fire station), private club, fraternal organization or lodge, medical offices (when developed adjacent to a hospital facility), auditorium, exhibition hall, or resort shall have direct access to a street with a functional classification of Collector or greater.
 3. — Solid waste transfer stations, solid waste landfills, stadiums, arenas, hospitals, or theme parks shall have direct access to a street with a functional classification of Minor Arterial or greater.
 4. — Elderly housing shall meet at least one of the following standards:
 - a. — ~~Be~~ located in the Station Center District; or
 - b. — ~~Be~~ located in the Downtown Plan District; or
 - e. — ~~Be~~ located in the Rockwood Town Center District; or
 - d. — ~~Be~~ located in the Civic Neighborhood Plan District; or
 - e. — ~~Have~~ frontage on a Transit Street or a Transit Route, as identified in Section A5.400 of the Community Development Code; or
 - f. — ~~Be~~ within 1,000 feet walking distance of a transit facility and have direct access to a street with a functional classification of Neighborhood Collector or greater. For the purposes of this section, a transit facility includes a light rail transit station, or a park and ride lot for transit riders, or a transit center, or a transit stop and their transit improvements, including a bus stop.
- H. — Community Service structures shall meet the following site development requirements, except for proposed uses in an existing residential structure:
1. — Minimum yard setbacks in LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, and CMF:
 - a. — Front yard = 30 feet
 - b. — Side yard = 20 feet for one-story buildings and 25 feet for two or more stories.
 - c. — Rear yard = 25 feet
 - d. — Exception: structures included with a public trail development shall be as required in the district, and, structures fronting a transit street or arterial street shall be subject to the front yard setbacks as required in the district.
 2. — Minimum yard setbacks in OFR, NC, GC, RTC, SC, CMU, CC, MC, GI, HI, and all Downtown Plan Districts: — All yards shall be as required in the district.
 3. — Maximum building height: — All building heights shall be as required in the district.
 4. — Maximum lot coverage in the LDR-5 or LDR-7 Districts shall be 50%.
- I. — Elderly housing shall meet the minimum density, if any, of the underlying land use district and shall not exceed the following maximum density requirements:
1. — a maximum of 22 living units per acre in the LDR-5, LDR-7, TLDR and TR Districts.
 2. — a maximum of 62 living units per acre in all other land use districts or the maximum allowed in the land use district, whichever is greater.
- J. — Bed and Breakfast Inns shall conform and comply with all of the following standards and requirements:

1. The structure used for a Bed and Breakfast Inn shall be designed for and occupied as a single family residence. The structure shall maintain the characteristics of a single family residence. The structure must have been occupied for at least five years of its life as a single family residence before a Bed and Breakfast Inn is allowed.
 2. All residences used for Bed and Breakfast inns shall be occupied as the primary residence of the applicant who operates the Inn. The inn must be an accessory use to the primary residence use.
 3. A maximum of four sleeping rooms shall be made available for guest occupancy.
 4. A minimum of one on-site parking space shall be provided for each bed and breakfast guest sleeping room. In addition parking standards normally required for a single family residence will apply. Guest parking shall not be allowed in a required front yard.
 5. One on-premise sign shall be permitted. The sign shall be non-illuminated and shall not exceed 6 square feet of face area and 3 feet in height above grade.
 6. The duration of each guest's stay at the Bed and Breakfast inn shall be limited to no more than 30 consecutive days.
 7. All Bed and Breakfast Inns shall be inspected and approved by the City Building Official and Fire Prevention Officer prior to the issuance of an occupancy permit. The inn shall conform to the requirements of the applicable Building, Specialty, Fire and other Codes. Only rooms designed as sleeping rooms shall be used for guest rooms. Each guest room shall be protected by a smoke detector.
 8. Bed and Breakfast Inns shall obtain and maintain a City Business License and are subject to the City Transient Lodging Tax. Bed and Breakfast Inns shall obtain and maintain all applicable licenses and permits required by the State of Oregon.
 9. If a Bed and Breakfast Inn is not established within one year of the development permit approval date, or if the use of the residence as an Inn lapses for over one year, the development permit shall automatically expire and a new application will be required.
 10. If the Bed and Breakfast Inn is found to be in violation of the standards and requirements of this section, the Manager, pursuant to the Type II procedure, may revoke its development permit.
- K. Helicopter landing facilities shall meet the following standards:
1. Are permitted in GC, RTC, CC, GI, HI Districts, and the Downtown Plan District and the Civic Neighborhood Plan District.
 2. Are permitted in the LDR-5, LDR-7, DRL-1, DRL-2, TLDR, TR, MDR-12, MDR-24, CMF, CMU, SC, MC, OFR and NC Districts as an accessory to a community service use. Only trips which support the community service use are allowed.
 3. Repair facilities are allowed only in the GI and HI Districts. Minor or emergency repairs and routine maintenance are allowed in all districts. All storage and repair shall be conducted in enclosed building.
 4. Refueling facilities are allowed in conjunction with an approved helicopter landing facility.
 5. A setback distance of 200 feet shall be required for landing and take-off pads and refueling facilities from abutting Residential Development District, Mixed Use Development District and NC District property lines. A setback distance of 50 feet shall be required for landing and take-off areas and refueling facilities from all other abutting property lines. All setback distances will be measured from the edge of the landing pad. This provision does not apply to landing and take-off pads located on top of a building.

Other site improvements shall be consistent with the applicable setback yard provisions of the underlying district.

6. A 20 foot wide landscaped buffer and screening area shall be provided around the landing and take-off pads and refueling facilities. Landscape plantings shall be consistent with the vegetative requirements of the 'C' buffer of Section 9.0100 of the Community Development Code. This requirement is in addition to any buffering and screening required by Section 9.0100 of the Community Development Code. The trees must be located so as to not encroach into an 8 (horizontal) to 1 (vertical) flight path from the landing pad in all directions. This provision does not apply to a helicopter landing facility on top of a building.
7. All take-off, landing, and parking areas shall be surfaced with a dust proof and gravel free material.
8. Prior to occupancy of an approved helicopter landing facility submit a copy of the Oregon Department of Transportation Aeronautics Section heliport application approval.
- L. The following community service uses are exempt from floor area ratio and maximum setback requirements:
 1. Parks, plazas and trails.
 2. Park related structures such as picnic shelters.
 3. Transit facilities such as bus shelters and storage/utility sheds.
 4. Minor utility and public facilities (as described in Appendix 5; Public Facilities), such as lift stations and pumps.
 5. Portable classrooms.
 6. Telecommunications equipment such as antennas.
 7. Cemeteries.
 8. Sewer and water utility structures such as storage reservoirs and pump stations.
 9. Helicopter landing facilities.

8.0122 Requirements

The following conditions may be attached by the approval authority when necessary to achieve conformance with applicable provisions of Section 8.0100 and to otherwise minimize adverse impacts of the proposed use:

- A. Limiting the manner in which the use is conducted including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establishing special yard, open space, lot area or dimensional requirements.
- C. Limiting the height, size or location of a building or other structure or use.
- D. Designating the size, number, and location and nature of vehicle access points.
- E. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or loading areas.
- F. Limiting or otherwise designating the number, size, location, height and lighting of signs.
- G. Limiting the intensity of outdoor lighting and require its shielding.
- H. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for its installation and maintenance.
- I. Designating the size, height, location of screening and materials for a fence.
- J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or another significant natural resource.
- K. Limiting the time of operation, or requiring adjustments to the manner or nature of the operation

to avoid conflict with adjacent uses.

8.0100 SPECIAL USE REVIEW

Special Use Review, Generally

8.0101 Purpose:

The purpose of the Special Use Review section is to provide a method for evaluating uses that may be compatible in an underlying land use district, provide beneficial services, and serve important public interests, but require case-by-case review because of their size, operation, uniqueness, impact, or other characteristic. These uses are subject to the regulations in this section because they may, but do not necessarily, result in significant impacts upon the surrounding area, neighborhood, environment, or public facilities. This section provides the procedures under which uses subject to the Special Use Review process may be permitted, modified, enlarged or intensified.

Special use reviews are reviewed through a Type II or Type III procedure. Those uses that have a broader public interest or impact are reviewed through the Type III procedure. Both review procedures provide an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if concerns cannot be resolved.

Approval of a Special Use Review shall not constitute a change in the land use district and shall be granted only for the specific use approved at the specific site. Approval is subject to such modifications, conditions, and restrictions as may be deemed appropriate by the review authority.

8.0102 Applicability

Uses that require a Special Use Review and are subject to the regulations of this section are stated in the use tables in **Article 4** that apply to the site, or in the Land Use Classification System found in **Section 3.0200**. This includes the permitting of a new use subject to this section and the modification, enlargement, or intensification of an existing use subject to this section. **Section 8.0112** highlights uses subject to the Type II procedure. **Section 8.0142** highlights uses subject to the Type III procedure.

Over time, Development Code regulations applicable to a specific site may change. This may be a result of changes to the content of the regulations for a specific district or from a change to the Community Plan Map. After one of these changes, if an existing use was allowed outright, approved through the Community Service Use or Special Use Review, or was a nonconforming use and is now subject to the Special Use Review, the use is considered de facto approved and may continue to operate. Any modifications to the use are subject to the procedures in this section, and shall be reviewed through the Type II procedure.

When a proposed use is located on a site that is in more than one land use district, and the proposed use is subject to a Special Use Review in one district and an allowed or limited use in the other, the proposal shall be subject to Special Use Review.

8.0103 General Standards

An applicant for a Special Use Review shall provide a narrative that describes how the proposed use fulfills the applicable requirements and standards for the use and for those found in **Article 7, Section**

8.0100, the applicable plan district(s) for the site, and other applicable Code sections. In order to minimize adverse impacts of the proposed use, an approval of a Special Use Review may be conditioned based upon information provided in the narrative and staff findings.

For purposes of the Special Use Review, the narrative shall describe the following, as applicable:

1. The proposed use and its operations;
2. Traffic generation;
3. Location of parking and loading, including size, location, screening, drainage, landscaping, and surfacing;
4. Any effects on off-site parking;
5. Street access points, including size, number, location and/or design;
6. Hours of operation, including when certain activities are proposed to occur;
7. Crime prevention measures;
8. Noxious odors;
9. Lighting;
10. Effects on air and water quality;
11. Environmental effects which may disturb neighboring property owners such as:
 - a. Glare. This may be described in terms of location, design, intensity and shielding;
 - b. Noise;
 - c. Dust; and
 - d. Vibration;
12. Height, size, setback, and location of buildings and activities;
13. Any diking, berms, screening or landscaping, and standards for their installation and maintenance; and
14. Other resources. This description shall include information on protection and preservation of existing trees, vegetation, water resources, habitat areas, drainage areas, historic resources, cultural resources, sensitive lands, or other significant natural resource.

8.0110 Special Use Review, Type II Procedure

8.0111 Purpose and Review

A Type II procedure may be used to review certain uses subject to a Special Use Review. The review provides an opportunity to allow a use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

This review considers general standards found in Section 8.0103, standards specific to the use found in Sections 8.0113-8.0122 and other Development Code standards which are applicable to the proposal. The criteria and standards set forth in this section apply only when the particular use is subject to a Special Use Review in the underlying land use district. The narrative for Special Use Reviews through the Type II procedure shall describe how the operating and physical characteristics of the proposal have been made reasonably compatible with and have a minimal impact on livability, appropriate use, and development of properties in the surrounding area of the subject site.

8.0112 Applicability of the Type II Procedure

The following uses may pursue a Special Use Review through the Type II procedure when they are specified as being subject to a Special Use Review in Article 4 or in the Land Use Classification System found in Section 3.0200.

- A. Bed and Breakfast Inns (Section 8.0113)

- B. Attached Dwellings on a Single Lot, limited to transitional housing for individuals transitioning from incarceration facilities.
- C. Elderly Housing (Section 8.0114)
- D. Daycare Facilities
- E. Civic Uses, limited to police stations, fire stations, and other similar emergency service facilities (Section 8.0115)
- F. Community Services (Section 8.0116)
- G. Parks, Open Spaces, and Trails, limited to public neighborhood parks; public urban plazas; and public trails and associated trail access points (Section 8.0117)
- H. Religious Institutions, limited to those where the principal place of assembly may accommodate no more than 300 individuals (Section 8.0118)
- I. Schools, limited to elementary and middle schools (Section 8.0119)
- J. Heliport Facilities (Section 8.0120)
- K. Major Basic Utilities, excluding electrical generating facilities (Section 8.0121)
- L. Wireless Communication Facilities (Section 8.0122)

8.0113 Bed and Breakfast Facilities

In addition to the standards in Section 8.0103, the following apply to bed and breakfast facilities where they are allowed through the Type II Special Use Review procedure:

- A. The structure used for a bed and breakfast facility shall be designed for and occupied as a single-family detached dwelling. The structure shall maintain the characteristics of a single-family detached dwelling. The structure must have been occupied for at least five years of its life as a single-family detached dwelling before a bed and breakfast facility is allowed.
- B. All residences used for a bed and breakfast facility shall be occupied as the primary residence of the applicant who operates the facility. The facility must be an accessory use to the primary residential use.
- C. A maximum of four sleeping rooms shall be made available for guest occupancy.
- D. A minimum of one on-site parking space shall be provided for each bed and breakfast guest sleeping room. In addition, parking standards normally required for a single-family detached dwelling apply. Guest parking shall not be allowed in a required front yard.
- E. One on-premise sign shall be permitted. The sign shall be non-illuminated and shall not exceed 6 square feet of face area and 3 feet in height above grade.
- F. The duration of each guest's stay at the bed and breakfast facility shall be limited to no more than 30 consecutive days.
- G. All bed and breakfast facilities shall be inspected and approved by the City Building Official and Fire Prevention Officer prior to the issuance of an occupancy permit. The facility shall conform to the requirements of the applicable Building, Specialty, Fire and other Codes. Only rooms designed as sleeping rooms shall be used for guest rooms. Each guest room shall be protected by a smoke detector.
- H. Bed and breakfast facilities shall obtain and maintain a City Business License and are subject to the City Transient Lodging Tax. Bed and breakfast facilities shall obtain and maintain all applicable licenses and permits required by the State of Oregon.
- I. If a bed and breakfast facility is not established within one year of the development permit approval date, or if the use of the residence as a bed and breakfast facility lapses for over one year, the development permit shall automatically expire and a new application will be required.
- J. If the bed and breakfast facility is found to be in violation of the standards and requirements of this section, the Manager, pursuant to the Type II procedure, may revoke its development permit.

8.0114 Elderly Housing

In addition to the standards in Section 8.0103, the following apply to elderly housing where it is allowed through the Type II Special Use Review procedure:

- A. Elderly housing shall meet at least one of the following standards:
 - 1. Be located in the Station Center District; or
 - 2. Be located in the Downtown Plan District; or
 - 3. Be located in the Rockwood Town Center District; or
 - 4. Be located in the Civic Neighborhood Plan District; or
 - 5. Have frontage on a Transit Street or a Transit Route, as identified in Section A5.500 of the Community Development Code; or
 - 6. Be within 1,000 feet walking distance of a transit facility and have direct access to a street with a functional classification of Collector or greater. For the purposes of this section, a transit facility includes a light rail transit station, a park and ride lot for transit riders, a transit center, or a transit stop and their transit improvements, including a bus stop.
- B. Elderly housing shall meet the minimum density, if any, of the underlying land use district and shall not exceed a maximum of 62 living units per acre in all other land use districts or the maximum allowed in the land use district, whichever is greater.

8.0115 Civic Uses

In addition to the standards in Section 8.0103, the following apply to Civic Uses including police stations, fire stations, and other similar emergency service facilities where they are allowed through the Type II Special Use Review procedure:

- A. Civic uses shall have direct access to a street with a functional classification of Collector or greater.

8.0116 Community Services

In addition to the standards in Section 8.0103, the following apply to Community Services where they are allowed through the Type II Special Use Review procedure:

- A. Cemeteries are exempt from floor area ratio and maximum setback requirements.

8.0117 Parks, Open Spaces, and Trails

In addition to the standards in Section 8.0103, the following apply to Parks, Open Spaces, and Trails, limited to public neighborhood parks; public urban plazas; and public trails and associated trail access points where they are allowed through the Type II Special Use Review procedure:

- A. Open spaces are exempt from a Special Use Review.
- B. All Parks, Open Spaces and Trails uses are exempt from floor area ratio and maximum setback requirements.
- C. For Paths, Trails, Access Points and Trailheads:
 - 1. The applicant shall provide a narrative and plans that demonstrate the consistency of the proposal with applicable district requirements and applicable provisions of the 1996 Gresham Trails Master Plan, chapters 7 and 10.
 - 2. If the application includes a surface parking lot it shall be consistent with Section 9.0823 and any applicable district parking requirements, except that the applicant may prepare an alternative landscaping plan and specifications which meets the intent of the requirement in Section 9.0823(C)(1), (2) and (3) and the general intent of the Gresham Trails Master Plan which states that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.
 - 3. The Buffering and Screening Requirements of Section 9.0100 shall apply except in the

following situations:

- a. Where the proposed trail development is more than 30 feet from an abutting property line; or
 - b. Where the abutting property is an open space parcel; or
 - c. Where the proposed trail development abuts a street right-of-way.
4. When buffering and screening is required, an alternative buffering and screening plan may be submitted for approval. Such alternative plan shall be designed to afford the degree of desired buffering and the general intent of the Gresham Trails Master Plan which states that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.
 5. The application is exempt from the Site Design Criteria and Standards in Articles 4 and 7 relevant to: landscaping, energy conservation, loading, lighting, mechanical equipment screening and transit design.

8.0118 Religious Institutions

In addition to the standards in Section 8.0103, the following apply to Religious Institutions where they are allowed through the Type II Special Use Review procedure:

- A. The principal place of assembly has seating for no more than 300 persons. Those religious institutions that do not meet this standard shall be reviewed through the Type III procedure.
- B. Street access: Proposed religious institutions shall have direct access to a street with a functional classification of Collector or greater.
- C. Religious institutions where the principal place of assembly has seating for no more than 100 persons are exempt from a Special Use Review.

8.0119 Schools

In addition to the standards in Section 8.0103, the following apply to Schools, including elementary and middle schools, where they are allowed through the Type II Special Use Review procedure:

- A. For all school types, portable classrooms are exempt from floor area ratio, maximum setback requirements, and are not subject to a Special Use Review. They must still obtain a building permit.

8.0120 Heliports

In addition to the standards in Section 8.0103, the following apply to Heliports where they are allowed through the Type II Special Use Review procedure:

- A. Helicopter landing facilities are exempt from floor area ratio and maximum setback requirements.
- B. The applicant shall provide an acoustical and mitigation plan report that details the design and measures to be taken which will minimize noise impacts to noise sensitive units as defined in Article 7.20, Noise Control Code of the Gresham Revised Code. The report, at a minimum, shall discuss and make recommendations for:
 1. Best management practices concerning preferred approach/departure flight paths;
 2. Preferred approach/departure path slopes;
 3. Preferred approach/departure air speeds;
 4. Preferred times of use;
 5. Nearby existing natural flight corridors such as freeways and industrial areas that the helicopter landing facility may utilize; and
 6. Other relevant factors.

The plan must include a discussion of the existing physical factors, such as topography and

proposed physical barriers such as walls, fences, structures or vegetation, and how these factors would be used to reduce noise impacts. The report shall be prepared by a professional consultant experienced in airport noise evaluation and federal and state airport noise standards.

The report shall include the proposed hours of operation; the number, type and size of aircraft to be located at or expected to use the site; maximum number of helicopter trips on a daily, weekly and annual basis, and the purpose of the helicopter trips and an approach/departure flight path plan showing proposed flight path locations, widths, lengths and slopes.

- C. The applicant shall demonstrate that an application has been made to the Oregon Department of Transportation, Aeronautics Section, by submitting a copy of the helicopter application made to OAD which identifies the following: direction, angles, and number of approaches; helipad size and surface; nearby obstructions; lighting and markings; tie-downs; number of trips; location; and fencing.
- D. Minor or emergency repairs and routine maintenance are allowed in all districts.
- E. All storage and repair shall be conducted in enclosed buildings.
- F. All take-off, landing, and parking areas shall be surfaced with a dust proof and gravel free material.
- G. Setbacks. A setback distance of 200 feet shall be required for landing and take-off pads and refueling facilities from abutting Residential Development Districts, Mixed-Use Development Districts and NC District property lines. A setback distance of 50 feet shall be required for landing and take-off areas and refueling facilities from all other abutting property lines. All setback distances will be measured from the edge of the landing pad. This provision does not apply to landing and take-off pads located on top of a building. Other site improvements shall be consistent with the applicable setback yard provisions of the underlying district.
- H. Buffer and Screening. A 20 foot wide landscaped buffer and screening area shall be provided around the landing and take-off pads and refueling facilities. Landscape plantings shall be consistent with the vegetative requirements of the 'C' buffer of Section 9.0100. This requirement is in addition to any buffering and screening required by Section 9.0100 of the Community Development Code. The trees must be located so as to not encroach into an 8 (horizontal) to 1 (vertical) flight path from the landing pad in all directions. This provision does not apply to a helicopter landing facility on top of a building.
- I. Prior to occupancy of an approved helicopter landing facility, the applicant must submit a copy of the Oregon Department of Transportation Aeronautics Section heliport application approval.

8.0121 Major Basic Utilities

In addition to the standards in Section 8.0103, the following apply to major basic utilities where they are allowed through the Type II Special Use Review procedure:

- A. Basic utilities are exempt from floor area ratio and maximum setback requirements.
- B. Electrical generating facilities are subject to a Type III Special Use Review procedure.
- C. Sewage treatment plants shall not be located in or adjacent to residentially designated land.

8.0122 Wireless Communications Facilities

In addition to the standards in Section 8.0103, the following apply to wireless communications facilities where they are allowed through the Type II Special Use Review procedure. Additionally, the following standards apply to co-located facilities that cannot meet the standards in Section 10.0600.

- A. An applicant for a wireless communications facility that includes a cell tower must co-locate on an existing cell tower or other facility, unless it can be reasonably demonstrated that such is not feasible, in which case the new cell tower shall be grouped at the same site or be located no closer than 2,000 linear feet from another cell tower.
- B. No wireless communication facility shall be located within the LDR-5, LDR-7, TLDR, TR

DRL-1, DLR-2, LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW and THR-SW districts unless such location is absolutely necessary for the maintenance of wireless communications within that cell area.

- C. For all wireless communication facility proposals, the facility shall be located at least 200 feet from the nearest residence and must be constructed to allow co-location of additional antenna facilities.
- D. Wireless communications facilities are exempt from floor area ratio and maximum setback requirements.

8.0140 Special Use Review, Type III Procedure

8.0141 Purpose

A Type III procedure may be used to review certain uses subject to a Special Use Review. Uses subject to the Type III procedure require the exercise of discretion and judgment, and about which there may be broad public interest. The review provides an opportunity to allow a use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved. The review considers standards found in Section 8.0103, standards specific to the use found in Sections 8.0144-8.0151, and other Development Code standards which are applicable to the proposal. The criteria and standards set forth in this section apply only when the particular use is subject to a Special Use Review in the underlying land use district. The Hearings Officer is the decision authority for Type III Special Use Reviews unless otherwise noted, or if the proposed use is in a Design District, in which case the Design Commission is the decision authority.

For those Special Use Reviews where the Hearings Officer is the decision authority, appeals are heard by the Planning Commission. For those Special Use Reviews where the Planning Commission is the decision authority, appeals are heard by the City Council. For those Special Use Reviews where the Design Commission is the decision authority, appeals are heard by the City Council.

8.0142 Applicability of the Type III Procedure

The following uses are subject to the Type III Special Use Review procedure:

- A. Commercial Parking
- B. Major Event Entertainment (Section 8.0144)
- C. Waste Management (Section 8.0145)
- D. Civic Uses, excluding those subject to the Type II procedure
- E. Medical Uses (Section 8.0146)
- F. Parks, Open Spaces, and Trails, limited to golf courses, community parks, regional parks, multi-use paths and associated access points (Section 8.0147)
- G. Religious Institutions, limited to those where the principal place of assembly may accommodate more than 300 individuals (Section 8.0148)
- H. Schools, limited to high schools, community colleges and universities (Section 8.0149)
- I. Major Basic Utilities, limited to electrical generating facilities (Section 8.0150)

8.0143 Criteria

- A. Special Use Reviews through the Type III procedure shall address the standards in Section 8.0103, standards specific to the proposed use found in Sections 8.0144 to 8.0151, and development standards generally applicable to all uses and developments in the underlying land use district, unless specifically exempted by the provisions of this Section.

- B. The narrative for Special Use Reviews through the Type III procedures shall describe how the operating and physical characteristics of the proposal have been made reasonably compatible with and have a minimal impact on livability, appropriate use, and development of properties in the surrounding area of the subject site.

8.0144 Major Event Entertainment

In addition to Section 8.0143, the following apply to Major Event Entertainment where it is subject to a Type III Special Use Review:

- A. Major event entertainment shall have direct access to a street with a functional classification of Arterial or greater.
- B. Unless located in a Design District, the Planning Commission is the decision authority for review. If in a Design District, the Design Commission is the decision authority for review.

8.0145 Waste Management

In addition to Section 8.0143, the following apply to Waste Management uses where they are subject to a Type III Special Use Review:

- A. Solid waste transfer stations, composting facilities, and solid waste landfills shall not be located adjacent to residentially designated land.
- B. Solid waste transfer stations, composting facilities, and solid waste landfills shall have direct access to a street with a functional classification of Arterial or greater.

8.0146 Medical Uses

In addition to Section 8.0143, the following apply to Medical Uses where they are subject to a Type III Special Use Review:

- A. Hospitals shall have direct access to a street with a functional classification of Arterial or greater.
- B. Unless in a Design District, the Planning Commission is the decision authority for review. If in a Design District, the Design Commission is the decision authority.

8.0147 Parks, Open Spaces, and Trails

In addition to Section 8.0143, the following apply to Parks, Open Spaces, and Trails where they are subject to a Type III Special Use Review:

- A. All Parks, Open Spaces, and Trails uses are exempt from floor area ratio and maximum setback requirements.
- B. Golf courses shall have direct access to a street with a functional classification of Collector or greater.

8.0148 Religious Institutions

In addition to Section 8.0143, the following apply to Religious Institutions where they are subject to a Type III Special Use Review:

- A. This section is applicable to those religious institutions where the principal place of assembly can accommodate more than 300 individuals.
- B. Religious institutions shall have direct access to a street with a functional classification of Collector or greater.

8.0149 Schools

In addition to Section 8.0143, the following apply to Schools where they are subject to a Type III Special Use Review:

- A. For all school types, portable classrooms are exempt from floor area ratio, maximum building height, and maximum setback requirements.
- B. High schools shall have direct access to a street with a functional classification of Collector or greater.
- C. Unless in a Design District, the Planning Commission is the decision authority for review. If in a Design District, the Design Commission is the decision authority.

8.0150 Major Basic Utilities

In addition to Section 8.0143, the following apply to Major Basic Utilities where they are subject to a Type III Special Use Review:

- A. Electrical generating facilities shall not be located in or adjacent to residentially designated land.

8.0160 Modifications of a Special Use

- A. Modifications to a Special Use Review that meet the threshold for Design Review A shall be reviewed through the Design Review A. This includes interior tenant improvements and expansions less than 2,000 square feet.
- B. All other applications to modify, enlarge or intensify a use approved through the Special Use Review are through a Type II procedure, unless the following statements are true, in which case the Type III procedure shall be used.
 - 1. The use seeking modification, enlargement or intensification was originally subject to review through a Type III procedure; and
 - 2. For non-industrial uses, new floor area additions exceeds twenty-five percent of the existing floor area of the entire site or exceeds 10,000 square feet; or
 - 3. For non-industrial uses, outdoor area additions exceeds twenty-five percent of the existing outdoor area of the entire site or exceeds 10,000 square feet; or
 - 4. For industrial uses, new floor area additions exceeds twenty-five percent of the existing floor area of the site or exceeds 25,000 square feet.

Section 25. Volume 3, Development Code, Section 8.0200 Existing and Nonconforming Uses and Development is amended as follows:

8.0210 Nonconforming Situation

Nonconforming situations are created when prior uses, development and structures were developed in compliance with specific land use districts, but are no longer in conformance due to changes to the land use district or changes to the regulations of the Code. Nonconforming situations can be made up of either a nonconforming use, or a nonconforming development or both, which are defined in **Section ~~3.0010~~ 3.0100**, Definitions.

Alteration, Enlargement, Expansion, Movement or Replacement of Nonconforming Situations

8.0220 Changes to Nonconforming Uses and Developments

- A. In order to avoid undue hardship, nothing in this section shall require any change in the location, plans, construction, size, or designated use of any building, structure, or part thereof, for which a valid development permit has been granted prior to the enactment of the Community Development Plan.
- B. Where alteration, enlargement, expansion, or movement of a nonconforming use or

nonconforming development is permitted, it shall be limited to the lot or parcel on which the original use and/or development was located when the use or development was first established, or to an abutting lot or parcel under the same ownership at the time the nonconforming use or nonconforming development became nonconforming, provided the abutting lot or parcel is contiguous and not separated by right-of-way from the lot or parcel on which the nonconforming use or development is located. If the abutting lot or parcel has a different district designation than the nonconforming use or nonconforming development, alteration, enlargement, expansion or movement of the nonconforming use or nonconforming development onto that lot or parcel shall be permitted only if the use is permitted within that district.

- B.C.** A nonconforming use may be extended throughout any existing parts of a building which were clearly arranged or designed for such use at the time the use became nonconforming.
- C.D.** For any existing structure on the site of a nonconforming use or development, normal maintenance and repairs or replacement of walls, fixtures, wiring, or plumbing shall be performed in a manner not in conflict with the other provisions of this section. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- D.E.** The alteration, enlargement, or moving of a nonconforming use or development shall not increase detrimental effects (i.e. noise, vehicle traffic, vibration, dust, odor, fumes, smoke, or glare) in the surrounding area greater than the effects from the existing use or development generated at the time it became nonconforming. Findings to this effect shall be made by the Manager under the Type II procedure.
- E.F.** The enlargement, moving, or structural alteration of a nonconforming use or development shall not:
1. Place any structure associated with the nonconforming use or development in a different occupancy group as defined by the Building Code.
 2. Increase the risk to life or risk of fire hazard of the use or development, or of any structure associated with the use or development, as defined by the Building Code Occupancy Group Classification.
- F.G.** Full conformance with the following requirements and standards of the Community Development Code shall be required in connection with the enlargement or moving of any nonconforming use or development that does not require a design review as per **Section 7.0000**:
1. Public facilities standards of **Section A5.000**, et. seq.;
 2. Screening and buffering requirements of **Section 9.0100**;
 3. The requirements of **Section 8.0202**.
- G.H.** Full conformance with applicable standards which specify the proportion of the site to be landscaped, shall be achieved in connection with the enlargement or moving of a nonconforming use or development.
- H.I.** A legally established nonconforming use may be replaced by another nonconforming use that is deemed to be essentially identical to the legally established nonconforming use under the Type I procedure. An example would be the replacement of a nonconforming hair salon by a barber shop. Any such replacement is subject to compliance with **Sections 8.0220** and **8.0231**.
- I.J.** A legally established nonconforming use shall only be replaced by another such use that is deemed substantially similar to the legally established use after review under the Type II procedure. An example would be the replacement of an automotive tire and brake repair facility by an automotive muffler shop. Any such replacement is subject to compliance with **Sections**

8.0220 and 8.0231.

J.K. An alteration to a nonconforming development that requires a design review as per **Section 7.0000** shall be subject to all current standards with the exception that existing nonconforming structures are allowed to remain in a nonconforming condition. Enlargement of a nonconforming structure is subject to this section and **Section 8.0221**, and to applicable design review standards. New development and structures on a nonconforming development site are subject to all current standards.

8.0221 Alteration, Enlargement, Expansion, and Movement or Replacement of a Nonconforming Development

A nonconforming development may be enlarged or moved as authorized by meeting the requirements of this section, following Type II procedures.

C. Where a nonconforming development is substandard with respect to the minimum floor area ratio (FAR), the nonconforming development may be expanded without meeting the regard to minimum FAR standards of the district, provided the expansion has the effect of moving towards and increasing compliance with the FAR standards of the district and not reducing compliance with the FAR standards in the district, and provided the combination of new and old developments are sited so as not to preclude meeting the minimum FAR in the future.

8.0222 Alteration, Enlargement, Expansion, and Movement or Replacement of a Nonconforming Use

Except as provided in **Section 8.0260** and except as provided in **Subsections (F)** and **(G)**, a nonconforming use may be enlarged or moved as authorized by this section, following the Type II procedure.

B. Except as provided in **Subsections (F)** and **(G)**, a nonconforming use may be permitted to enlarge by no more than 20% of the floor area or land area occupied by the use. Any such enlargement of building area or of land area occupied by a nonconforming use may be permitted one time only during the life of the nonconforming use. ~~Where enlargement of a nonconforming use is permitted, it shall be limited to the lot or parcel on which the use is located, or to an abutting lot or parcel under the same ownership at the time the use became nonconforming, provided the abutting lot or parcel is contiguous and not separated by right-of-way from the lot or parcel on which the nonconforming use is located. If the abutting lot or parcel has a different district designation than the nonconforming use, enlargement of the use onto that lot or parcel shall be permitted only if the use is permitted within that district.~~

C. Except for nonconforming single-family dwellings and duplexes (see **Subsection (F)**), and except for nonconforming uses approved through the Special Use Review process ~~community services~~ (see **Subsection (G)**), any portion of a nonconforming use proposed to be enlarged or moved shall be subject to height, setback, and lot coverage standards applying in the district in which the use is located.

G. A nonconforming ~~community service~~ institutional use that was once approved through the Community Service Use Review or Special Use Review process or was permitted outright but is now subject to a Special Use Review, and is now a nonconforming use may be altered or enlarged any number of times, subject to provisions of ~~Section 8.0113~~ 8.0100. Where

enlargement or alteration of such a ~~nonconforming community service-use~~ is permitted, it shall be limited to the lot or parcel on which the use is located, or to an abutting lot or parcel under the same ownership at the time the use became nonconforming.

Section 26. Volume 3, Development Code, Section 8.0300 Institutional Master Plans is amended as follows:

8.0311 Subsequent Development Consistency

A subsequent development is not consistent with the institutional master plan if the development:

A. Does not comply with conditions of approval, including conditions of approval related to Section-8.0122 8.0103; or

Section 27. Volume 3, Development Code, Section 9.0100 Buffering and Screening Requirements is amended as follows:

Buffering and Screening Requirements

9.0110 Buffering and Screening Requirements

C. For purposes of this section, a vacant lot is a lot that is undeveloped or developed with a non-conforming use. The abutting use of a vacant lot shall be the primarily intended use of the district. Where the adjacent property allows mixed uses, the buffer and screening shall be based on the most intense conforming use. Least to more intensive uses are as shown in the sequencing in Table 9.0111(A): single family detached dwellings, manufactured homes and duplexes; single family attached dwellings; attached dwellings on a single lot; residential community service use; commercial and non-residential community service uses; outdoor commercial and auto-dependent commercial; industrial and Springwater industrial.

D. Buffers are required across streets only when:

2. Commercial or Type B (See Section 9.0111(A)(2)) Non-Residential Community Service uses greater than 10,000 square feet (either in one building or an entire site, including both indoor and outdoor uses) adjacent to single-family detached, duplex and single-family attached uses that are across streets with a designated right of way in the Public Works Standards of 60 feet or less. In this case, screening elements would not be required.

9.0111 Buffer Matrix

A. Buffer Matrix (**Table 9.0111A and B**) Notes:

1. Type A uses are those noise sensitive uses typically subject to a Special Use Review and include: Residential community services are the following noise sensitive uses: Elderly Housing, Daycare Facilities, public library, Medical uses, public urban plazas, public neighborhood parks, public community parks, public multi-use paths, public walking/hiking trails, buildings used for Religious Institutions and worship, public or private elementary, high school and college sSchools, campground, public library,

hospital, child care facilities for 17 or more, resorts, drug and alcohol treatment facility and elderly housing.

2. Type B uses are those uses typically subject to a Special Use Review and are not included as a Type A use. This includes: Commercial Parking, Major Event Entertainment, all Civic Uses except for libraries, Community Services, golf courses, Basic Utilities, and Heliport Facilities; All other community services are considered non-residential community services for the purpose of this section. No buffer is required for bed and breakfast inns or child care facilities for up to 16 children operated by a person other than a resident of the home where the care will be given. In addition, a buffer is not required for Type I Community Services, except that a buffer shall be required for a minor utility or public facility, and for a portable classroom for an existing public or private school.

Table 9.0111(A) – Buffer Matrix

	ABUTTING USE									
	Single-Family Detached Dwellings and Duplexes	Single-Family Attached Dwelling	Attached Dwellings on a Single Lot	Residential Community Service Type A Uses	Commercial	Non-Residential Community Service Type B Uses	Outdoor Commercial	Auto-Dependent Commercial	Industrial	Springwater Industrial
PROPOSED USE										
Single-Family Detached Dwellings and Duplexes		A	A	A	A	A	A	A	A	A
Single-Family Attached Dwellings	B		B	B	C	C	D	D	E	-
Attached Dwellings on a Single Lot	C	B	B	A	C	C	D	D	E	-
Residential Community Service Type A Uses	C	B	A	B	C	C	D	D	E	-
Commercial	C	C	C	C		-	-	-	-	-
Non-Residential Community Service Type B Uses	C	C	C	C	-		-	-	-	-
Outdoor Commercial	D	D	D	D	-	-		-	-	-
Auto-Dependent Commercial	D	D	D	D	-	-	-		-	-

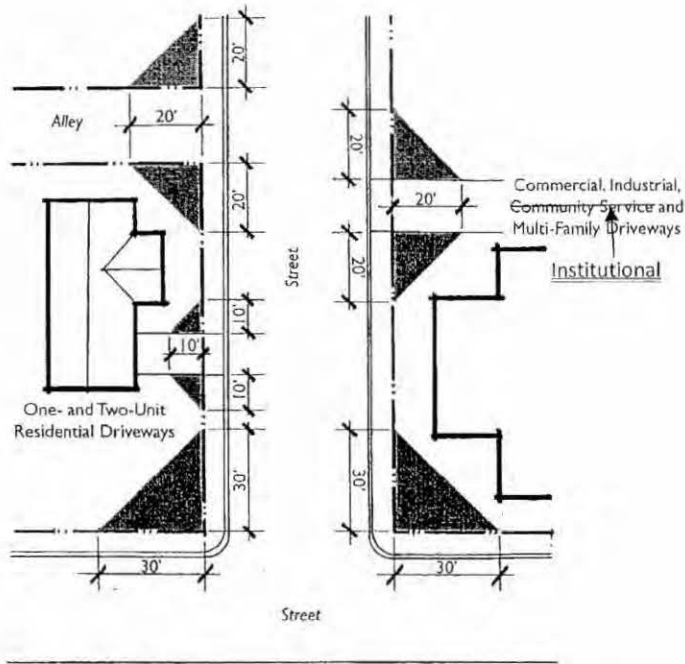
Industrial	E	E	E	E	-	-	-	-		-
Springwater Industrial	F	F	F	-	-	-	-	-	-	

Section 28. Volume 3, Development Code, Section 9.0200 Clear Vision is amended as follows:

9.0202 Driveway Clear Vision Area

- A. Commercial, Industrial, Three or more Attached Dwellings and ~~Community Service~~ Institutional Developments. Service drives to public streets shall have a minimum clear-vision area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection. No fence, wall, landscaping, sign, structure or parked vehicle that would impede visibility between a height of 3 feet to 10 feet above the center line grade of the intersecting street shall be located within the clear vision area. No off-street parking area shall be located in a driveway clear vision area.

Figure 9.0202



Section 29, Volume 3, Development Code, Section 9.0600 Height Transition is amended as follows:

9.0602 Applicability

These standards do not apply in the Civic Neighborhood, Springwater and Pleasant Valley plan districts. Refer to those sections for height and height transition information. These standards also do not apply to single-family detached dwellings homes and duplexes.

Section 30, Volume 3, Development Code, Section 9.0700 Neighborhood Circulation and Future Street Plans is amended as follows:

9.0702 Applicability

- A. The requirements of this section shall apply as follows:
1. To all Type II and Type III tentative partition and subdivision plans.
 2. To all design reviews, level D.
 3. To design reviews, level C at the discretion of the Manager.
 4. To uses subject to Special Use Review, Type II and III community service uses, except for basic utilities portable classrooms, and utility, sewage, drainageway, or water system structures.

9.0711 Filing a Future Street Plan

Upon approval by the review authority, a Future Street Plan shall be made a matter of record by being recorded by the Manager on a future street index to be maintained by the Manager Community Development Department.

Section 31, Volume 3, Development Code, Section 9.0800 Parking is amended as follows:

9.0822 Surface Parking Lot Design

- A. All parking areas shall meet the following minimum design standards. By definition, parking for detached, duplex, or single family attached dwellings are exempt from these requirements.

6. Setback Restrictions for Parking Spaces and Drive Aisles. Except in the RTC, SC, CMF and CMU districts, vehicle parking areas, including spaces, aisles, and turnaround and maneuvering areas shall not occupy the required setbacks for multi-dwelling structures containing three or more units, community service uses, or commercial, and industrial and institutional developments. Within the RTC, SC, CMF and CMU districts, parking areas may encroach only into required rear and side setbacks.

9.0840 Off-Street Loading Requirements

- A. Purpose of Loading Area Regulations. The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas in mixed-use, commercial, and

industrial and institutional uses. The intent of these regulations is to minimize disruption of traffic flow by freight-carrying vehicles blocking the public right-of-way and to minimize impacts to vehicular and pedestrian circulation.

Table 9.0840(C): Off Street Loading Requirements		
Use Category or Subcategory	Aggregated Floor Area (Square Feet)	Minimum Number of Loading Spaces Required
Residential	None Required	None Required
<u>Elderly Housing</u>	<u>10,000 – 100,000</u> <u>Over 100,000</u>	<u>1 space</u> <u>2 spaces</u>
Commercial Department stores, retail establishments, restaurants, and funeral homes	7,000 – 24,000 24,000 – 50,000 50,000 – 100,000 Each additional 100,000 or fraction thereof	1 space 2 spaces 3 spaces 1 additional space
Office Office building, banks	25,000 – 40,000 40,000 – 100,000 Each additional 100,000 or fraction thereof	1 space 2 spaces 1 additional space
Mini-Storage Facilities	None Required	None Required
Visitor Accommodations Hotel, convention hall, or sport arena	25,000 – 150,000 150,000 – 400,000 Each additional 150,000 or fraction thereof	1 space 2 spaces 1 additional space
Industrial* Freight terminals, industrial plants, manufacturing, processing, wholesale establishments, or warehouses	Under 50,000 50,000 – 100,000 Each additional 50,000 or fraction thereof	1 space 2 spaces 1 additional space
Institutions Convalescent home, Hospitals	10,000 – 100,000 Over 100,000	1 space 2 spaces
Schools – Passenger Loading	Over 14,000	1 space

9.0851 Standards for Minimum/Maximum Auto and Bicycle Parking

Except as otherwise provided in the Downtown, Civic Neighborhood and Transit Development Corridor Districts, the minimum and maximum parking for any development shall be as follows. For exceptions to minimum parking space standards, see **Section 9.0853**. For exceptions to maximum parking space standards, see **Section 9.0854**.

Table 9.0851 - Minimum/Maximum Auto And Bicycle Parking Table

	Auto Parking		Bicycle Parking
	Minimum	Maximum	
(A) RESIDENTIAL			
(1) One, two and three unit dwelling structures and single family attached dwellings ³	2 spaces per dwelling unit	None	None Required
(2) Manufactured Home ³	2 spaces per dwelling unit	None Required	None Required
<u>(23)</u> Attached dwellings containing four or more dwelling units			
(a) Studio and one-bedroom units	1.25 spaces per dwelling unit	None	1 space per unit
(b) Two-bedroom units	1.5 spaces per dwelling unit	None	1 space per unit
(c) Three or more bedroom units	1.75 spaces per dwelling unit	None	1 space per unit
(d) Visitor Parking ⁴	0.35 spaces per dwelling unit (if less than 100 total dwelling units); 0.25 spaces per dwelling unit (if 100 or more total dwelling units)	None	
<u>(34)</u> Attached dwellings containing 4 or more dwelling units within the Rockwood Town Center and Station	One space per dwelling unit	None Required	1 space per unit

Centers Districts ³			
(4) Group Living			
(a) Elderly Housing	² (see Table Note 2)	None Required	1 per 20 units first 100 units, 1 per 40 units thereafter
(b) Residential Facilities or Homes	1 space per 4 beds	None Required	1 per 5 beds
(5) Houseboat Moorage	1 space per berth	None Required	None Required
(B) COMMERCIAL			

(l) Mortuaries Funeral homes and Cemeteries	0.3 space per seat in assembly area or 6.0 linear feet bench seating in largest assembly area	0.6 space per seat in assembly area or 4.5 linear feet bench seating in largest assembly area	0.1 space per 1,000 sq. ft. of floor area
(m) Theaters and auditoriums	0.3 spaces per seat or 6.0 linear feet bench seating	0.4 space per seat or 5.0 linear feet bench seating	0.04 space per seat or 60 linear feet bench seating

(g) Commercial Schools	3.0 spaces per 1,000 sq. ft. of floor area	3.8 spaces per 1,000 sq. ft. of floor area	0.3 spaces per 1,000 sq. ft. of floor area
(2) Office			
(2a) General Office	2.7 spaces per 1,000 sq. ft. of floor area	3.4 spaces per 1,000 sq. ft. of floor area	1 space per 2,000 sq. ft. of floor area
(b3) Medical and Dental Offices and Clinics	3.9 spaces per 1,000 sq. ft. of floor	4.9 spaces per 1,000 sq. ft. of floor area	0.4 spaces per 1,000 sq. ft. of floor
(43) Vehicle Servicing			

(45) Commercial Parking			

(e) Parks and Open Space	None Required	None Required	4 spaces or 1 space per 20 vehicle parking spaces, whichever is greater

(6) Stadium, Arena, and	0.3 spaces per	0.4 spaces per	1 space per 40

Auditorium	seat or 6.0 linear ft. bench seating	seat or 5.0 linear ft. of bench seating	seats or 60 linear feet of bench seating

(C) COMMUNITY SERVICE INSTITUTIONAL USES			

(e) Commercial Schools	3.0 spaces per 1,000 sq. ft. of floor area	3.8 spaces per 1,000 sq. ft. of floor area	0.3 spaces per 1,000 sq. ft. of floor area
(4) Group Living			
(a) Elderly Housing	² (see Table Note 2)	None Required	1 per 20 units first 100 units, 1 per 40 units thereafter
(b) Residential Facilities or Homes	1 space per 4 beds	None Required	1 per 5 beds
(c) Houseboat Moorage	1 space per berth	None Required	None Required
(45) Medical Centers and Hospitals	Two spaces per bed or 2.0 spaces per 1,000 sq. ft. of floor area	2.5 spaces per 1,000 sq. ft. of floor area (excluding on-campus medical office buildings for which medical or dental office standards apply)	0.2 spaces per 1,000 sq. ft. of floor area (excluding on-campus medical office buildings for which medical or dental office standards apply)
(6) Stadium, Arena, and Auditorium	0.3 spaces per seat or 6.0 linear ft. bench seating	0.4 spaces per seat or 5.0 linear ft. of bench seating	1 space per 40 seats or 60 linear feet of bench seating
(57) Adult or Senior Center	2.0 spaces per 1,000 sq. ft. of floor area	2.5 spaces per 1,000 sq. ft. of floor area	0.2 spaces per 1,000 sq. ft. of floor area
(68) City Recreation Center	2.0 spaces per 1,000 sq. ft. of floor area	2.5 spaces per 1,000 sq. ft. of floor area	0.3 spaces per 1,000 sq. ft. of floor area
(79) Marina, Boat Moorage	1.0 spaces per berth	None Required	1 space per 40 berths
(10) Campground	4.0 space per campsite	None Required	None Required
(811) Helicopter Landing Facility	2 spaces per helicopter based at facility	2.5 spaces per helicopter based at facility	None Required

<u>(942) Institutions</u>			
(a) Welfare of Correctional Institutions	0.3 space per bed based on maximum capacity	0.4 space per bed based on maximum capacity	1 space per 5 beds
(b) Convalescent Hospital, Sanitarium	0.5 space per bed based on maximum capacity	0.6 space per bed based on maximum capacity	1 space per 20 beds for first 100 units; 1 per 40 beds thereafter
<u>(1043) Private Utility</u> (gas, electric, telephone etc.)	One space or 0.8 space per each employee on largest shift	One space per each employee on largest shift	1 space per 2,000 sq. ft. of office floor area
<u>(11) Parks and Open Space</u>	<u>None Required</u>	<u>None Required</u>	<u>4 spaces or 1 space per 20 vehicle parking spaces, whichever is greater</u>

(D) INDUSTRIAL			
(5) Office (Relating Industrial-uses)	2.7 spaces per 1,000 sq. ft. of floor-area	3.4 spaces per 1,000 sq. ft. of floor-area	0.5 space per 1,000 sq. ft. of floor-area

9.0852 Plan District Minimums and Maximums

B. Downtown Plan District. Off-street parking facilities provided in connection with new development must be appropriate for the unique characteristics of the Downtown PD. This means that parking shall be a clearly secondary use, designed so that it does not interfere with easy and safe pedestrian movement. By ensuring that parking lot sizes do not become excessive, and that appropriate landscaping is provided, the downtown area will be more attractive, and more conducive to creating a lively, prosperous district for the benefit of area residents, employees, and visitors.

1. Minimum Off-Street Parking.

- a.** Minimum Off-street Parking for Commercial and Industrial Employment uses per 1,000 square feet of floor area:
 1. DCC, DTM and DMU sub-districts: zero spaces.
 2. DEM, DRL-1, DRL-2: 1.0 space
 3. DCL: 1.5 spaces

2. Maximum Off-Street Parking.

- a.** Maximum Off-Street Parking for commercial per 1,000 square feet of floor area: Maximum off-street parking permitted for Commercial and Industrial Employment uses that exceed 90,000 square feet of floor space shall be 80 percent of the amount required in **Table 9.0851**. Additional off-street parking beyond these maximums

may be permitted within the Downtown Plan District, as provided in 9.0852(B)(3).

9. Commercial and Industrial Employment uses may occupy an existing building even if the existing building does not have the minimum required automobile parking for that use. Bicycle parking shall be provided.

9.0853 Exceptions to Minimum Parking Space Standards (refer to Table 9.0851)

- D. Motor Vehicle Parking Reductions near LRT Stations. Minimum off-street vehicle parking requirements may be reduced by an additional 10% to the reduction permitted in **Subsection (B)** above in the ~~Transit Development District; High Density Residential District-60;~~ Transit Development District - Medium Density - Civic; Transit Development District -High Density - Civic; High - Density Residential - Civic; Moderate - Density Residential - Civic. The reduction in this section also applies to residential uses.

9.0854 Exceptions to Maximum Parking Space Standards

- B. In the following land use districts, the Manager, under Type II procedures, may approve exceptions to the maximum parking space standards based on the criteria provided below:
 1. Station Center and Rockwood Town Center Districts.
 - a. The proposed development is highly supportive of the intent of the Station Center District, Rockwood Town Center District, or Transit Street Designations stated in **Sections 4.04500 and A5.501(G)**, if applicable, and

9.0856 Parking in Mixed-Use Projects

In mixed-use projects, (except in the Station Center District, Rockwood Town Center District, Downtown Plan District, and Civic Neighborhood Plan District) required motor vehicle parking may be determined using the following formula. Mixed-use projects using this formula are not eligible for further reductions under **Section 9.0853(B)** but may take advantage of reductions under **Section 9.0853(C), (D) and (E)**. For the purposes of this section, "mixed-use" projects can include any mix of residential, commercial, institutional, office, retail, entertainment and/or light industrial uses:

9.0857 Required Carpool and Vanpool Parking

~~Industrial and commercial development~~ Developments with 50 or more employees on any single shift, shall designate at least 10%, but not fewer than two, of the long term (4 hours or more) employee or student parking spaces for carpool/vanpool parking. These designated spaces shall be located closer to the building entrances than other employee or student parking with the exception of ADA accessible and short-term (less than 4 hours) visitor parking. These spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" and include hours of use, per the Manual of Uniform Traffic Control Devices.

This section also applies to the following ~~Community Service~~ uses: ~~schools, government offices and operational facilities; hospitals and clinics; retirement homes and nursing homes with 50 or more employees on any single shift; and transit park and ride facilities with 50 or more parking spaces.~~

9.0861 Parking Structures

- A. Ground Floor Use. For all new multi-level parking structures, at least 50% of the total ground floor street frontage excluding driveway entrances and exits, stairwells, elevators, and centralized payment booths shall be designed to accommodate commercial, ~~retail, office, institutional,~~ or

residential floor space.

9.0871 Recreational Vehicle Parking in Low Density Residential Districts

As defined by ~~Section 3.0010~~ 3.0103 of the Community Development Code a recreational vehicle parked on a residential lot within the LDR-5, LDR-7 or TR Districts shall meet the following requirements:

Section 32. Volume 3, Development Code, Section 9.0900 Projections is amended as follows:

9.0901 Projections Into Required Yards And Above The Maximum Building Height

A. Projections into Required Yards. The following objects and structures may project into the required yard:

7. Solar energy collecting structures when attached to a single-family detached dwelling residence, ~~or a duplex residence~~, or a mobile home in a mobile home subdivision may project into required front and rear yards as provided below when such structures meet the criteria of **Appendix 8.000**.

Section 33. Volume 3, Development Code, Section 9.1000 Tree Regulations is amended as follows:

9.1010 Tree Removal/Replacement/Protection – General Provisions

B. Removal of Regulated Trees: Removal of Regulated Trees as defined in ~~Section 3.0010~~ 3.0100 shall be reviewed under Type II procedures for compliance with the standards of **Sections 9.1010-9.1012**, except as allowed per year under the provisions of **Subsection 9.1010(B)(1)**; except for all trees within 10 feet of the footprint of a proposed single-family dwelling, addition, or improvement (for which the building permit serves as the tree removal permit under **Subsection 9.1010(B)(2)** regardless of overlay district); except for Street Trees, Buffer Trees, and Parking Lot Trees of any size under **Subsections 9.1010(B), (C), and (E)**; except as provided for those trees identified as Significant Trees and/or Groves in **Section 9.1014** and **Appendix 14**, Significant Trees; and except as noted in **Subsection 9.1010(E)** relating to ornamental trees of regulated size on developed lots in Special Purpose Districts.

C. Removal/Replacement of Street Trees/Buffer Trees/Parking Lot Trees: On a developed property, removal of any existing street tree, parking lot tree, or buffer tree as defined in ~~Section 3.0010~~ 3.0100 shall require prior City approval through a Type I procedure.

3. On properties developed with uses other than a single family dwelling residential use, street trees, parking lot trees and/or buffer trees shall be replaced with trees of equal caliper to the size at the time of removal up to a maximum of six inch caliper trees, or as determined by the Manager.
4. Street trees to be replaced along the frontage of an existing single family dwelling home shall have a minimum caliper of 1-3/4 inches and shall be of a variety provided for in the Public

Works Standards.

5. In the event of unauthorized street tree removal, including those trees along the frontage of a single family dwelling home, the Manager may require replacement with trees of comparable value and size (up to 6-inch caliper) in addition to any other penalties.

- D. Removal of Significant Trees: Removal of Significant trees as defined in **Section 3.0010 3.0100** shall be through the Type III process, as regulated by **Sections 9.1013** and **Appendix 14**, except as allowed under **Section 9.1014(C)** in association with development near a Significant Grove and under **Section A14.006** for removal of an imminent hazard. When a tree or trees identified as part of a Significant Grove are approved for removal in association with development, an equal number of a similar species, at least 2 inches in caliper, shall be planted as replacements and shall automatically be included in the Significant Grove, so as to help mitigate the loss and ensure perpetuation of the Grove for the future generations. An alternative mitigation plan may be proposed under the Type II procedure for the loss of trees in a Significant Grove allowed under **Section 9.1014(C)** due to development. The alternative plan may allow for off-site mitigation but shall also clearly demonstrate an intent to retain and enhance the Significant Grove over time.

9.1012 Criteria for Removal of Regulated Trees

- A. Except for tree removal on a fully developed single-family residential lot (i.e., the lot has a dwelling and is not capable of further division) and except as superseded by the provisions of **Section 9.1010**, removal of Regulated Trees is subject to the following criteria, conditions, and limitations:

2. Trees shall be retained along property lines to serve as buffers to adjacent property. When perimeter trees are in poor health and would become a hazard after development, they may be removed, subject to approval by the City of a mitigation plan. Lost perimeter trees shall generally be replaced with a minimum 1 ¾ -inch caliper trees that are a minimum of 10 feet high at the time of planting. Where buffering and screening is required under **Section 9.0100** or where perimeter trees that meet the definition of "major tree" in **Section 3.0010 3.0100** are lost to development (including but not limited to clear cutting as defined in **Article 3**), replacement perimeter trees may be required beyond the basic 1-3/4 inch caliper standard, up to a maximum of 6-inch caliper trees, as determined by the Manager under the Type II procedure.

9.1013 Review of Development on a Site with a Significant Tree or Trees

- A. When development is proposed for property that abuts the dripline of a Significant Tree or Trees or contains a Significant Tree or Trees, the property owner shall provide a tree preservation plan prepared by a consulting arborist as defined in **Section 3.0010 3.0100** that demonstrates how the Significant Tree or Trees will be preserved. The Significant Tree or Trees abutting the site shall be preserved and protected during all development activities, including preliminary grubbing and clearing.

Section 34. Volume 3, Development Code, Section 10.0100 Accessory Dwellings is amended as follows:

10.0101 Purpose

The purpose of this section is to allow for establishment of an accessory dwelling unit in conjunction with a single-family detached dwelling. An accessory dwelling may be permitted as a means of providing more affordable housing opportunities for young families, empty nesters and others; encouraging additional density with minimal cost and disruption to surrounding neighborhoods; allowing individuals and smaller households to retain large houses as residences; providing convenient care for the elderly and infirm on a long-term basis; and allowing more energy-efficient use of large, older homes.

10.0120 Approval Criteria

The Manager shall approve an application for not more than one accessory dwelling per existing primary single-family detached dwelling if the applicant shows compliance with the following criteria and standards:

- A. The proposed accessory dwelling is located either; within or added to a single-family detached dwelling; over a garage; or over a garage which is under construction. In the latter case, the Manager shall also find that the accessory dwelling will be occupied no sooner than the primary dwelling. No separate, free-standing units shall be permitted and the accessory dwelling must at least have a common wall, floor, or ceiling with the single-family detached dwelling or garage.

10.0121 Standards

- C. An accessory dwelling shall ~~shall~~ not result in any new door entrance on an exterior wall facing a front yard property line.

Section 35. Volume 3, Development Code, Section 10.0300 Ancillary Dwellings is amended as follows:

10.0301 Ancillary Dwellings

- A. Purpose: Ancillary dwellings provide a means of increasing residential densities in areas where single-family detached dwellings already exist. They also allow for a convenient and practical housing option for owners of existing single-family detached dwellings in neighborhoods where it is not yet economically feasible to redevelop the property to more intensive use. The size and placement of ancillary dwellings must be regulated in order to maintain compatibility with adjacent uses, and to prevent units of such size and value that they work to impede redevelopment and conversion of single-family residential properties to more intensive uses.
- B. Criteria for Ancillary Dwellings: A maximum of one ancillary dwelling per lot may be permitted when the Manager finds conformance, under the Type I Procedure, with the following criteria:
 - 1. The lot on which the ancillary dwelling will be located is in one of the following districts: DCC, DMU, DTM, DRL-1, DRL-2, or MDR-C.
 - 12. The ancillary dwelling will be located on the same lot as an existing single-family detached dwelling.
 - 23. The floor area of the ancillary dwelling will not exceed 750 square feet.
 - 34. Placement of the ancillary dwelling conforms with setback standards for accessory

dwellings, as contained in **Section 10.0100**, except that the ancillary dwelling need not maintain a 5 foot separation from other structures where it is proposed to be attached to the principal dwelling, e.g. by a breezeway.

45. A proposed ancillary dwelling need not comply with **Appendix 5.000** - Streets, et seq. of the Community Development Code, except as required to serve the site of the proposed ancillary dwelling.

Section 36, Volume 3, Development Code, Section 10.0400 Conversions of Units is amended as follows:

10.0410 Application

An application for conversion of elderly housing ~~that was approved as a Type III Community Service Use~~ to a non-elderly housing use shall be made under the ~~Type II III~~ procedure.

10.0411 Conversion Criteria

- A. Conversion under **Section 10.0410** shall satisfy one of the following criteria:
1. The facility is remodeled so that the number of units in the facility does not exceed the number of units allowed for non-elderly housing in the land use district; or
 2. The land use designation of the property has been changed to or already is a designation which would allow the proposed number of units; or
 3. The proposed conversion is to a use subject to a Special Community Service-Use Review and an application is approved pursuant to **Section 8.0100**, of the Community Development Code; or
 4. The proposed conversion is to a permitted land use in the land use district and meets the applicable requirements of the Community Development Plan.

Section 37, Volume 3, Development Code, Section 10.0500 Home Occupations is amended as follows:

10.0502 Home Occupation General Requirements

- D. For the purposes of this section, "home" refers to the residential location, including single family dwelling, single family dwelling unit, single family accessory dwelling unit, apartment unit, duplex, condominium unit, and associated garage, of the home occupation. All "homes," as described here may seek approval of a home occupation.

Section 38. Volume 3, Development Code, Section 10.0600 Wireless Communication Facilities – Co-Location Standards is added as follows:

SECTION 10.0600 WIRELESS COMMUNICATION FACILITIES CO-LOCATION STANDARDS

10.0601 Co-Location Standards

The purpose of this section is to provide standards for the co-location of wireless communication facilities. Co-located facilities that cannot meet the standards of this section shall be reviewed through a Type II Special Use Review procedure.

- A. Co-located wireless communication facility antennas shall meet the following standards:
 - 1. The co-located antennas are proposed for an approved wireless communication facility or other location;
 - 2. Additional equipment facilities may be contained within the confines of the existing approved site;
 - 3. Antennas do not extend more than two feet from the pole, co-location facility or existing antenna array upon which it will be attached; or do not extend beyond the easement where the co-location facility is located, whichever distance is less.
- B. Co-located antennas shall obtain a building permit.

Section 39. Volume 3, Development Code, Section 10.0700 Mineral and Aggregate Resource Extraction is amended as follows:

10.0710 Standards for Mineral and Aggregate Resource Extraction

- A. A strip of land at the existing topographical level, and not less than 15 feet in width, shall be retained around the perimeter of that portion of the site for which a reclamation plan has been prepared in conformance with requirements of the State Department of Geology and Mineral Industries. When any portion of the perimeter strip lies within 500 feet of a public street right-of-way or property which is not under the ownership of the applicant, that portion of the perimeter strip shall be landscaped in accordance with Section 9.0110(E).

Section 40. Volume 3, Development Code, Section 10.0800 Moving of Buildings is amended as follows:

10.0810 Moving of Buildings, Development Permit Required

- A. A building that exceeds 8 feet in width, 40 feet in length, or extends more than 14 feet from the ground when loaded for moving, may be moved across or along a public street of the city:
 - 1. in accordance with a permit applied for and issued in accordance with this code, and
 - 2. by a bonded building mover with adequate liability insurance.
- B. A building, for purposes of this section, shall not include a manufactured home as defined in Article 3the Community Development Standards Document.

Section 41. Volume 3, Development Code, Section 10.1300 Temporary Health Hardship Dwelling is amended as follows:

10.1301 Purpose

The purpose of a temporary health hardship dwelling is to allow convenient support and care for infirm relatives by allowing temporary placement of a manufactured home as an accessory to an existing single-family detached dwelling.

10.1312 Approval Criteria

The Manager shall approve an application for development permit if the applicant shows that either the primary dwelling or the temporary accessory dwelling will be occupied by a person with a health hardship, and that;

- C. The manufactured home to be occupied as the temporary accessory dwelling is located on the site of an existing single-family detached dwelling, or on a vacant lot abutting the site of the existing single-family detached dwelling and in the following districts: MDR-12, MDR-24, OFR, NC, RTC, SC, SC-RJ, CMF, CMU, CC, MC, TDM-C, TCH-C, HDR-C, and MDR-C.
- D. The application is consistent with the following:
 - 1. Temporary health hardship dwellings shall meet the standards of the LDR-5 or LDR-7 Districts.
 - 2. The temporary health hardship dwelling (if placed on the same lot as the existing single-family detached dwelling) shall be located behind the farthest back front wall of the existing primary dwelling, when located on an interior lot. When located on a corner lot, the temporary health hardship dwelling (if placed on the same lot as the existing single-family detached dwelling) shall be placed in conformance with streetside yard setback requirements on the streetside.

Section 42. Volume 3, Development Code, Section 10.1400 Temporary Uses is amended as follows:

Table 10.1401 - Uses Permitted as a Temporary Use	
Uses Permitted As A Temporary Use	Maximum Number of Days Allowed

J. <u>Temporary Real Estate Offices</u>	<u>Up to 365</u>
K. <u>Mass shelters</u>	<u>90</u>
JL. All of the above uses and other uses of a temporary nature that are compatible with the primary uses of the district, as determined by the Manager under the Type II procedure.	Up to 365

Section 43. Volume 3, Development Code, Section 10.1500 Variance and Adjustment Procedures is amended as follows:

10.1521 Modification of Regulations

- A. Under the Type II procedure, the Manager may modify standards in the Community Development Code regarding public facilities, parking requirements, building lot coverage, yard setbacks, building height, and landscaping if any one of the following criteria is satisfied:

4. The street system is designed in an east/west alignment to maximize solar orientation. Attached dwellings on a single lot ~~Multi-family structures~~ include solar space heating or water heating devices, or insulation beyond the minimum standards of the Building Code.

Section 44. Volume 3, Development Code, Section 11.0100 Development Permit Requirements is amended as follows:

11.0101 Development Permit Required

- A. Except as excluded by **Section 11.0102**, no person may engage in or cause a development to occur, as defined in ~~Section 3.0010~~ **3.0103**, without first obtaining a Development Permit through the procedures set forth in this code.

11.0102 Exclusions from Development Permit

The following activities do not require a Development Permit except as noted.

- E. The following activities do not require a Development Permit, except in the Habitat Conservation Area, Floodplain, and Hillside Physical Constraint Overlay District:

1. The establishment, construction, maintenance, or termination of minor basic utilities and the following authorized public facilities: public streets, public sidewalks, sanitary sewers, storm sewers, water lines, electrical power and gas lines, communication and data lines, and telephone and television cable lines.

11.0107 Request for Staff Interpretation

~~A request for staff interpretation shall follow the Type I procedure per **Section 11.0300**, including the opportunity for an appeal. The request shall include a completed application form, narrative, and filing fee appropriate for interpretation requests. A staff interpretation is not binding upon the Hearings Officer, Design Commission, Planning Commission or City Council. The City Council has the only ultimate authority to interpret the Gresham Community Development Code.~~

11.0107 Application for Staff Interpretation

An application for staff interpretation shall follow the Type II procedure per **Section 11.0400**, including the opportunity for an appeal. A staff interpretation is not binding upon the Hearings Officer, Design Commission, Planning Commission or City Council. Only the City Council has the ultimate authority to interpret the Gresham Community Development Code.

A. Application. In addition to any other requirements established by the Manager for the application the following shall be provided by the applicant:

1. The applicant shall identify the specific section(s) of the Gresham Community Development Code for which the applicant is seeking Interpretation.
2. The applicant may submit an assumed set of hypothetical facts that can be used to inform the application. Any interpretation decision that utilizes an assumed set of hypothetical facts will not determine the truth or falsity of such facts and such facts shall not be subject to any substantial evidence in the record determination. Factual determinations will not be made in an Application for Staff Interpretation. Such factual determinations are left to any later proceedings where a specific application is made for a development permit or application.

B. Criteria for Staff Interpretation. The criteria for staff interpretation are:

1. The Interpretation is consistent with the context of the Gresham Community Development Plan, including, particularly, the land use district in which the use is proposed, if applicable.
2. The Interpretation is consistent with the text of applicable Gresham Community Development Code provisions. In interpreting the section or sections the Gresham Community Development Code Section 3.0100 shall apply.
3. The Interpretation is consistent with the legislative intent of the section and for the words or phrases at issue. The intent is based on the legislative record for the ordinance that adopted or amended the section or sections at issue as well as any related sections.
4. The Interpretation will not vary or modify any clear and unambiguous language of the section or sections at issue in the Gresham Community Development Code.
5. The Interpretation is consistent with the stated purpose of the land use district or other purpose or intent statement or general provision applicable to the section or sections at issue, if available.

Section 45. Volume 3, Development Code, Section 11.0200 Initiation and Classification of Applications is amended as follows:

Table 11.0204

Land Use Applications and Review Authorities

R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
RESIDENTIAL										

10.0410	Conversion of Elderly Housing	Y	<u>II</u> / <u>III</u>	<u>D</u>	<u>A</u> / <u>D</u>					<u>A</u>
4.0135	Single Family Dwelling Residence/Duplex on a Lot	N	I	D	A					

MODIFICATIONS AND VARIANCES										
10.1520	Adjustment to Regulations	N	II	D	A					
11.0107	Code <u>Application for Staff</u> Interpretation	N	<u>II</u>	D	A					
<u>3.0206</u>	<u>Determination of Similar Use</u>	<u>N</u>	<u>II</u>	<u>D</u>	<u>A</u>					

DESIGN REVIEW (7.0000)										

7.0003	Design Review D, Non-Design District	Y	II	D	A					
7.0003	Design Review D, Design District	Y	II	D				A		
7.0003	Design Review D, Design District, Exempt from Design Standards and Guidelines as described in 4.1151 through 4/1155 (except for public urban plazas)	Y	II	D	A					
7.0003	Design Review E, Design District	Y	III					D		A
COMMUNITY SERVICE USES <u>SPECIAL USE REVIEW</u> (8.0100)										

Table 11.0204

Land Use Applications and Review Authorities

R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
8.0110 -	Community Service Use-I	N	I	D	A					
8.0110	Community Service <u>Special Use Review</u> II	Y	II	D	A					
8.0140	Community Service <u>Special Use Review</u> III**	Y	III		<u>D</u>				<u>A</u>	
- -	— Minor	Y	III		D				A	
- -	— Major	Y	III						D	A
	Major in Design District	Y	III					D		A

*	Level of review for modification shall be the same level of review as for the component of the application for which the modification is sought, <u>unless specified otherwise.</u>									
**	Unless noted in Section 8.0100 that the Planning Commission is the decision authority. In that case, the City Council is the appeal authority									

Section 46. Volume 3, Development Code, Section 11.0700 Optional Conferences and Pre-Application Conference is amended as follows:

11.0703 Optional Conferences and Pre-Application Conference Procedures

- C. Pre-Application Conference Validity Period, Optional Design Commission Consult Validity Period and Follow-Up
1. If a complete application relating to a proposed development action that was the subject of a pre-application conference has not been submitted within eighteen (18) months of the conference, the applicant shall schedule a follow-up pre-application conference.
 2. An applicant may request a follow-up pre-application conference, if desired.
 3. A new or follow-up pre-application conference is required in the following instances:
 - a. The number of residential units increases by twenty percent (20%) or more;
 - b. The proposed use changes between residential, mixed-use, commercial, or industrial, or institutional;
 - c. There is a significant change in circulation; or
 - d. The type of community service use is changed; or
 - de. Additional application reviews that require a pre-application conference as per Table 11.0204 are needed to accommodate the proposal.

A new or follow-up pre-application conference is not needed if these instances were discussed in the pre-application conference and incorporated in the City's meeting notes.

Section 47. Volume 3, Development Code, Appendix 5.000 Public Facilities is amended as follows:

A5.007 Commercial, Mixed Use, Industrial, Institutional, and Moderate and High Density Residential and Community Service Building Permits Development

- A. Commercial, mixed use, industrial, institutional, and moderate and high density residential and community service building permits shall not be issued until the receipt of engineered drawings and a Guarantee of Completion as per Section A5.003 for any required public improvements.

A5.105 Subsurface Sewage Disposal

- B. New subsurface disposal systems may be permitted in those portions of the City outside the mid-Multnomah County sewer implementation plan affected area, subject to the following conditions:

5. No new commercial, industrial, institutional, or multi-family or community service use may be served by a subsurface sewage disposal system.
6. The property must not be within the boundaries of a proposed sanitary sewer LID.
7. The applicant must agree to connect to the sewer when it becomes available.

An existing commercial, industrial or institutional community service use which is currently using subsurface disposal may expand, if its existing subsurface disposal system can accommodate the increased loading without modification. A licensed sanitarian must confirm the adequacy of the existing system for the proposed expansion of use. An existing single family dwelling presently using subsurface

sewage disposal may be remodeled if no additional dwelling units are created.

A5.501 Streets

E. Community Street

Community Streets are low speed, low volume streets with two travel lanes. They distribute local trips to larger streets and within neighborhoods. Through trips should be discouraged. Land uses and development which attract a significant volume of vehicle trips from outside the neighborhood area should be discouraged along a Community Street. Principal land uses served will be residential uses and special community service uses allowed in residential districts. Traffic volumes will generally be in the range of 3,000 to 10,000 vehicles per day.

A5.503 Driveways

Within commercial, industrial, institutional and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

A5.506 Sidewalks

- A. Public sidewalks are required on the public street frontage of all new residential construction, all commercial and industrial construction that requires a development permit and residential remodeling that involves substantial improvement as defined in **Section 3.0010 3.0103** of this document. Sidewalks will be required along street frontage of dedicated greenway areas. If required, their construction will be the responsibility of the applicant. Construction of sidewalks and driveways will be in accordance with the City of Gresham Public Works Standards. In a subdivision the applicant shall provide a guarantee of completion equal to 110% of the estimated cost to complete construction of sidewalks to assure complete construction of all public sidewalks within two years of the date the street is accepted for ownership and operation.

Section 48. Volume 3, Development Code, Appendix 6.000 Sign Regulations is amended as follows:

A6.050 Sign Requirement Exemptions

The following signs shall not require a Development Permit but shall conform to all other applicable provisions of the Gresham Development Code.

- O. Window signs in conjunction with a permitted commercial, industrial, ~~community service~~ institutional use, or, a sales or manager's office associated with a permitted multi-family or PUD facility, provided no more than 50% of the window area is obscured by signage.

~~Community Service Development Signs for Institutions and Uses Subject to Special Use Review~~

A6.110 ~~Community Service Development Signs for Institutional Uses and uses subject to Special Use Review~~

~~Community Service Developments are permitted in all land use districts. All Community Service~~

Development signs for Institutional Uses and uses subject to a Special Use Review shall conform to the sign standards identified in the specific land use district of the property except for development in LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, CMF and OFR Districts and LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW and THR-SW sub-districts. Signs located in these districts shall comply with the following standards, except that institutional campus signs are limited to the standards of A6.110(H):

C. Illumination:

3. Unless the ~~community service~~ use operates on a 24-hour basis or abuts nonresidential designed property, the sign shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

- F. Residential Sign. Notwithstanding the above, a ~~community service~~ an institutional use subject to a Special Use Review permitted in a residential structure and fronting on a neighborhood collector or local street shall only be permitted one 6 square foot, non-illuminated wall sign.

A6.133 Commercial/Industrial District A-Board Signs

Within the Neighborhood, General, Moderate, and Community Commercial Districts, and the TC-PV, MUE-PV, NC-PV, NC-SW and VC-SW sub-districts, and for permitted retail sales in the ~~Business Park~~, Light General Industrial and Heavy Industrial Districts, and EC-PV, RTI-SW and IND-SW sub-districts, on-premise A-board signs shall be permitted subject to the following criteria.

Section 49. Volume 3, Development Code, Appendix 14 Significant is amended as follows:

A14.006 Emergency Cutting or Removal of a Significant Tree

- C. A Significant Tree may automatically be removed from the Significant Tree list (after pruning beyond 20% or being cut down without prior permit) if the tree presents a clear and present threat to persons or property that cannot be corrected through standard arboricultural practices. For example, the tree has fallen or is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process.

2. Documentation of the emergency shall be by signature of the City of Gresham Police Chief, Fire Marshal, Public Works Director, or consulting arborist as defined in ~~Section 3.0010~~ 3.0100 called to the scene of the emergency.

First reading: March 5, 2013

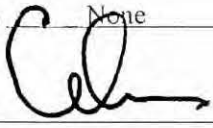
Second reading: April 2, 2013

Yes: Echols, Hinton, Fuhrer, Palmero, McCormick, Stegmann

No: None

Absent: Bemis

Abstain: None




Erik Kvarsten
City Manager



Shane T. Bemis
Mayor

Approved as to Form:



 David R. Ris
City Attorney



MEMORANDUM

URBAN DESIGN & PLANNING
Comprehensive Planning

STAFF REPORT
TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT
DEVELOPMENT CODE IMPROVEMENT PROJECT – CLASSIFYING USES

To: Gresham Planning Commission

From: Jonathan Harker, AICP, Urban Design and Planning Director
Stacy Humphrey, AICP, Associate Comprehensive Planner

Hearing Date: January 28, 2013

Report Date: January 17, 2013

File: CPA 10-142

Proposal: To adopt comprehensive plan amendments to Volumes 2 and 3 of the Community Development Plan with text amendments that:

- 1) Create a Land Use Classification System
- 2) Create a process for making Determinations of Similar Uses
- 3) Introduce a Special Use Review process
- 4) Update the Interpretation Process
- 5) Update the Permitted Uses tables in Article 4

Exhibits: 'A' – Text Amendments, Draft Council Bill, Community Development Plan

Recommendation: Staff recommends **adoption** of the proposed comprehensive plan amendments.

SECTION I EXECUTIVE SUMMARY

Background

This Development Code Improvement Project (DCIP) component, which is on the 2012 Council Work Plan, does the following:

1. Creates a Land Use Classification System
2. Creates a process for making Determinations of Similar Uses
3. Introduces a Special Use Review process
4. Updates the Interpretation Process
5. Updates the Permitted Uses tables in Article 4

A Land Use Classification System provides a systematic way of describing uses and provides common terminology for uses throughout the Development Code. The proposed system is organized by primary categories of uses – Residential, Commercial, Industrial, Institutional and Other – then further describes uses by sub-category. Each sub-category is then described in terms of its characteristics, example uses, accessory uses, and exceptions (similar uses, but not in the sub-category). Once this system is created, the list of uses considered Community Service Uses may be assessed and assigned to the appropriate use sub-category.

It is possible that a use may be proposed that is not immediately described in the Land Use Classification System. In order to determine if and how the use is permitted, it is necessary to make a determination of what use sub-category the proposed use is most similar to. The proposal includes a process for making such a determination and includes criteria that address consistency with the Comprehensive Plan, the Development Code, the underlying land use district, and consistency with the characteristics of the anticipated use sub-category. In crafting the Determination of Similar Use process, staff recognized that the existing Staff Interpretation process needed amendments to ensure it used appropriate criteria and was reviewed through the appropriate Type II procedure.

The process through which some uses are reviewed is also updated. The existing process – the Community Service Use Review – assumes that almost all community service uses may be permitted in any land use district, provided impacts are mitigated. The proposal recognizes that some uses can be allowed without this review depending on the underlying land use district, and other uses are not compatible in a land use district so they should be prohibited. The new review process that replaces the Community Service Use Review is called a Special Use Review.

The Permitted Uses tables in Article 4 are updated to reflect the Land Use Classification system. This ensures a cohesive presentation of uses and a demonstration of how every use is considered in every land use district. Further, the need for a Special Use Review, as outlined above is demonstrated in these tables. With the exception of the uses currently listed as Community Service Uses, there are no modifications to the permissibility of uses within a land use district. Those uses currently listed as a Community Service Use are allocated to an appropriate land use category, then the permissibility is determined by land use district.

This phase of this DCIP project identified issues with the existing approaches, reviewed alternatives, developed a preferred approach, and produced Development Code amendments.

The project included a thorough public outreach effort, including:

- Issues identification: Aug. 17, 2010, community forum
- Alternative approaches: Jan. 18, 2011, community forum
- Preferred approaches, Aug. 1, 2011 and Sept. 9, 2011, focus groups
- On-line draft code review "open house", Jan. 18, 2012 – Feb. 1, 2012

It also included several presentations to the Planning Commission and City Council.

A notice was sent to all property owners in Gresham alerting them of the potential Code change and the hearing dates, in accordance with state statute. The original notice contained a technical error in it. A subsequent notice was sent with corrected information. The revised notice provided information on the project, hearing dates, and the proposed impact to each property owner's property.

Proposed Comprehensive Plan Amendments Overview

Text changes to the Community Development Plan are proposed. The format of the attached Exhibit 'A' is a ~~strikeout~~/underline version with comments inserted into the document to help explain the rationale for each proposed change. The overview provided below summarizes the changes.

In summary, the Code:

- Creates a Land Use Classification System. This includes:
 - Descriptions of use types, organized by category and sub-category. Primary categories include: Residential, Commercial, Industrial, Institutional, and Other.
 - Descriptions of each sub-category in terms of characteristics, example uses, accessory uses, and exceptions.
 - A process by which a use that is not specified in the Development Code is determined to be similar to other uses described in the Code. This is a Type II procedure, with public notice and a decision made by the Manager. Criteria are specified for this review.
- Creates a Special Use Review process that replaces the existing Community Services Use Review process. The Special Use Review process includes the following:
 - Lists of uses subject to the Type II procedure and the Type III procedure.
 - General standards for uses subject to the review to address.
 - Standards unique to specific uses.
 - A process by which modifications to a use approved through the Special Use Review are reviewed and approved.
- Updates the Permitted Uses tables throughout Article 4. Updates include:
 - Incorporation of the Land Use Classification System.
 - Indication of uses that are subject to a Special Use Review in each district.
 - Additional commentary is included at the beginning of each table to describe changes in permissibility of uses in the proposal from the current Development Code.
 - Removal of NAICS references found in the Springwater Plan District.
- Updates the Staff Interpretation process in Section 11.0107. Updates include:
 - Modification of level of review from a Type I procedure to a Type II procedure.
 - Introduction of criteria applicable for making a Staff Interpretation.

- Organizes the Definitions, including:
 - Introduction of new definitions as needed, including definitions for Electrical Generating Facility, Certified Child Care, Registered Child Care, Theme Park, Community Garden, Transitional Housing, Boarding House, Shelter, Mass Shelter, and Redemption Center.
 - Removal of definitions that are absorbed in the Land Use Classification System.
 - Removal of definitions that are not used in the Development Code.
- Updates Volume 2, Policies, to ensure that the level of review specified for Interpretations is appropriate.
- Clarifies how modifications to a Phased Design Review (Section 7.0004) are submitted and reviewed.
- Updates Section 8.0200, Existing and Nonconforming Uses and Development. Updates provide additional clarification that a nonconforming situation may be altered, enlarged, expanded, or moved provided it become less non-conforming through the process.
- Adds a new Section 10.0600 regarding Wireless Communication Facilities, co-location standards. These standards maintain the existing standards as described in the Type I Community Service Use section for co-located facilities.
- Provides updates throughout the Development Code with terms and titles from the Land Use Classification System and the replacement of the Community Service Use Review process with the Special Use Review process.

Staff Report Organization

- Sections II and III identify those current Community Development Plan procedures and policies that apply to the proposal.
- Section IV identifies the applicable Metro Urban Growth Management Functional Plan (UGMFP) titles that apply to the proposal.
- Section V identifies the applicable Oregon Statewide Goals that apply to the proposal.
- Section VI contains specific findings of fact that detail how the proposal is consistent with Sections II through V:
 - Subsection A is findings of fact for the Community Development Plan procedures.
 - Subsection B is findings of fact for the Community Development Plan policies.
 - Subsection C is findings of fact for the UGMFP titles.
 - Subsection D is findings of fact for the Statewide Planning Goals.
- Sections VII and VIII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 2, Policies and Volume 3, Development Code, as well as commentary. The commentary provides additional findings for this proposal.

**SECTION II
APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

Section 11.0201	Initiation of an Application
Section 11.0203	Classification of Applications by Procedure
Section 11.0204	Review Authorities
Section 11.0600	Type IV Legislative Procedures
Section 11.1000	Public Hearings

**SECTION III
APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES**

Section 10.014	Land Use Policies and Regulations
Section 10.100	Citizen Involvement

**SECTION IV
APPLICABLE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLES**

Title 8	Compliance Procedures
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**SECTION V
APPLICABLE OREGON STATEWIDE PLANNING GOALS**

Goal 1	Citizen Involvement
Goal 2	Land Use Planning

**SECTION VI
FINDINGS OF FACT**

The proposed Community Development Plan amendments attached as Exhibit 'A' are consistent with all applicable procedures, goals and policies of the Community Development Plan, applicable titles of the Metro Urban Growth Management Functional Plan, and applicable Statewide Planning Goals as indicated in the following findings. Attachment "A" provides "*commentary*" which supplements the findings.

A. Community Development Code Procedures

1. Section 11.0201 – Initiation. This section provides that only the City Council may initiate a Type IV legislative application to amend the text of the Map or Code of the Gresham Community Development Plan. This project was initiated by the City Council when they adopted the 2011 and 2012 Council Work Plans, which included the Development Code Improvement Project. The 2012 Council Work Plan was approved on Jan. 3, 2012.

2. Sections 11.0203 and 11.0204 – Classification of Applications and Review Authorities. These sections provide that Type IV procedures are legislative and typically involve the adoption, implementation or amendment of policy by ordinance and that it generally applies to a relatively large geographic area containing many property owners. They also provide that the Planning Commission provide a

recommendation on the amendments and the City Council be the decision-making authority. This project meets those conditions, is being processed under the Type IV procedures and will be heard by the City Council.

3. Section 11.0600 – Type IV Legislative Procedures. For a Type IV Comprehensive Plan Amendment this section requires a submittal to the Department of Land Conservation and Development at least 45 days prior to the Planning Commission hearing. This submittal was made on Jan. 12, 2012, which is at least 45 days prior to the Planning Commission hearing date of January 28, 2013. This section also requires that hearings be scheduled, a notice published in a newspaper of general circulation in the City and a copy of the decision be mailed to those required to receive such notice. Required notice of public hearing for these proposed text amendments has been published in the *Gresham Outlook* as required by this section.

This section requires that a notice be mailed to property owners within the city for which the proposed ordinance, if adopted, may affect the permissible uses of land. This notice must be mailed 20 to 40 days prior to the first evidentiary hearing. This notice was sent on January 7, 2013. A technical error was identified in the notice. A revised notice was sent on January 8, 2013 to all property owners in the city. The notice contained information on: the hearing, the case file number, the approval criteria, how to inspect the staff report. It also included a statement that information needed to be raised in person or by letter in order for a person to have standing to appeal a decision.

This section requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council for an amendment to the Community Development Code and the Community Development Plan. The Council shall hold another public hearing and make a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission will make a recommendation and the Council will make a decision that will be based on findings of fact contained in this report and in the hearings record, and a decision will be sent to those who participated in the hearings. A decision shall be made accompanied by findings and an order.

4. Section 11.1000 - Public Hearings. This section provides for a hearing process consistent with Section 11.1000. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal.

B. Community Development Plan Goals and Policies (Volume II)

This section identifies the applicable Community Development Plan goals and policies. The text (*italicized*) of the policy is followed by corresponding findings and conclusions.

Section 10.014 Land Use Policies and Regulations

Goal: Maintain an up-to-date Comprehensive Plan and implementing regulations as the legislative foundation of Gresham's land use program.

Policy 1: The City's land use program will be consistent with state and regional requirements but also shall serve the best interests of Gresham.

Policy 2: The City's land use regulations, actions and related plans shall be consistent with and implement the Comprehensive Plan.

Police 3: Gresham's Community Development Plan Map shall implement the Comprehensive Plan by providing for a range of needed urban land uses including:

- a. Residential;*
- b. Commercial and office uses including business parks;*
- c. Mixed-Use;*

- d. Industrial uses;
- e. Overlay Districts where conditions warrant the use of special regulatory tools, and
- f. Community services where compatible with existing land uses.

Policy 5: The City shall adopt regulations and standards to protect life and property from hazardous/harmful conditions related to land use activities. These include, but are not limited to traffic conditions, inadequate public facilities, flooding, landslides and other natural hazards.

Policy 18: When it is not definitively clear that a land use designation allows a specific use, the City may interpret that a "similar" use may locate in the district under a Type III process. The City's interpretation shall include specific findings that the "similar use" has characteristics comparable to land uses allowed in the district.

Policy 20: The City shall periodically review and update the Comprehensive Plan text and the Community Development Plan Map(s) to ensure they remain current and responsive to community needs; provide reliable information and dependable, factually based policy direction, and conform to applicable state law, administrative rules and regional requirements.

Policy 21: Council may, upon finding it is in the overall public interest, initiate legislative processes to change the Comprehensive Plan text and Community Development Plan Map(s) and Development Code.

Policy 23: Gresham shall coordinate the development, adoption and amendment of its land use related goals, policies and implementing measures with other affected jurisdictions, agencies and special districts.

Findings

The proposed amendments are part of the Development Code Improvement Project, which was requested by the Gresham City Council to provide an update to Gresham's Community Development Plan and how it classifies and reviews uses. Gresham's Plan has been found in compliance with state and regional requirements, and the proposed amendments are also in compliance with Gresham's code and state and regional requirements, as described in Sections II, III, IV, V and VI of this staff report.

The proposed amendments introduce a new land use classification system, and assign uses currently considered Community Service Uses into this system as appropriate. For example auditoriums, fraternal organizations, and funeral homes are all currently considered Community Service Uses; however their characteristics are more akin to business and retail services in terms of hours of operation and traffic generation. Consequently, they are recommended to be classified in the Business and Retail Service and Trade sub-category. Other assignments of Community Service Uses to different use sub-categories, and the reasons why, are described below:

- **Elderly Housing:** new Elderly Housing sub-category. Listing this use as its own sub-category facilitates the description of where this use may be permitted and any additional standards for the use. As used here, elderly housing refers to housing for the elderly that may exceed the maximum density of the underlying land use district, and may demonstrate more of an "attached residence" quality. This use is permitted in districts where attached dwellings on a single lot are permitted. Housing for the elderly that meets the definition of a group home (up to five residents) will continue to be permitted in low density residential districts.
- **Marinas, Houseboats, and Moorages:** Single Family Detached Dwellings sub-category. The only area of the city where these uses may occur is along the Columbia River. Land in Gresham fronting the river is in the LDR-5 land use district.
- **Bed and Breakfast Inns:** accessory use to Single Family Detached Dwellings. This use is only permitted in a single family detached dwelling by current Code standards.

- Commercial Parking: new Commercial Parking sub-category. Listing this use as its own sub-category facilitates the description of where this use may be permitted and any additional standards for the use. This use may be permitted in commercial districts and higher density residential districts through a Special Use Review.
- Child Daycare: new Daycare Facilities sub-category. Listing this use as its own sub-category facilitates the description of where this use may be permitted and any additional standards for the use. This use may be permitted in commercial areas, and in residential and industrial areas with a Special Use Review.
- Stadiums, Theme Parks, and Sports Arenas: new Major Event Entertainment sub-category. Listing this use as its own sub-category facilitates the description of where this use may be permitted and any additional standards for the use. These uses may be permitted in commercial and industrial areas with a Special Use Review.
- Solid Waste Transfer Station and Landfills: Waste Management sub-category. These uses provide services for handling waste. They are not compatible in residential or commercial areas because they have impacts that cannot be mitigated. Classifying these uses as Waste Management better captures these uses within the land use classification system. These uses may be permitted in industrial areas with a Special Use Review.
- Fire Stations, Police Stations, City Hall, Post Office, Library, Equipment Storage Facility for Transit, and Park and Ride Transit Facility: new Civic Uses sub-category. Listing these uses in a single sub-category facilitates the description of where they may be permitted and any additional standards. These uses may be permitted throughout the city with a Special Use Review.
- Hospitals: new Medical sub-category. Listing this use as its own sub-category facilitates the description of where this use may be permitted and any additional standards for the use. This use may be permitted in most residential and commercial land use districts with a Special Use Review.
- Parks, Plazas, and Trails: new Parks, Open Space and Trails sub-category. Listing these uses as their own sub-category facilitates the description of where they may be permitted and any additional standards. These uses may be permitted throughout the city with a Special Use Review.
- Religious Institutions: new Religious Institutions sub-category. Listing this use as its own sub-category facilitates the description of where this use may be permitted and any additional standards for the use. These uses may be permitted in commercial districts, and permitted in other districts with a Special Use Review.
- Elementary School, High School, and Colleges: new Schools sub-category. Listing these uses as their own sub-category facilitates the description of where they may be permitted and any additional standards. Schools are recommended to be permitted uses in districts where Business and Retail Services and Trade are permitted if they locate in an existing structure, and permitted through a Special Use Review if they involve new construction. Case studies have demonstrated that schools do not have impacts that exceed other retail-type uses, so the historic Community Service Use Review has not concluded with additional conditions for a school.
- Uses such as Lift Stations, Wellheads, Bus Shelters, Storm Water Treatment Facilities: new Basic Utilities sub-category. Listing these uses as their own sub-category facilitates the description of where they may be permitted and any additional standards for the use. These uses may be permitted throughout the city. Depending on scale, they may be permitted with or without a Special Use Review.
- Heliport: new Heliport Facilities sub-category. Listing this use as its own sub-category facilitates the description of where this use may be permitted and any additional standards for the use. This use may be permitted as an accessory use to a Medical or Civic use, or may be permitted as a primary use in industrial areas and higher-intensity commercial uses with a Special Use Review.

- Cellular Facilities: new Wireless Communications Facility sub-category. Listing this use as its own sub-category facilitates the description of where this use may be permitted and any additional standards for the use. This use may be permitted throughout the city with a Special Use Review.

There are two uses that are currently considered Community Service Uses that are recommended to not be permitted within the City of Gresham: campgrounds and resorts. Campgrounds are uses in which people stay overnight in a tent, yurt, or an RV. Typically, these are provided in rural settings such as the mountains or the coast. Since land within cities is intended to be urban or urbanizable, it is recommended to no longer allow this use through the Community Service Use process. By State Statute, resorts are not permitted uses within an urban growth boundary. Consequently, this use cannot currently be pursued in Gresham.

Through the assignments outlined above, the list of uses considered Community Services is reduced and is proposed to reflect those uses that provide a social need for the community. Uses that remain in this sub-category include: senior and adult centers, community food services, drug and alcohol treatment facilities, and cemeteries. These uses remain as permitted in all the same land use districts where they are permitted currently through a Special Use Review.

It is possible that a land use can be proposed that is not identified in the land use classification system. The amendments include a process for considering such a use, and determining which other use it is most similar to. Criteria for this review examine consistency with the Community Development Plan, the Development Code, the characteristics of the land use classifications, and the stated purpose of the land use district.

The proposed amendments also introduce a new Special Use Review process which replaces the Community Service Use Review process. Uses subject to the Special Use Review must address standards and criteria to demonstrate how they are compatible with other land use activities. Standards address traffic, public facilities, natural areas, and other potential sources for impacts on the surrounding area.

The Permitted Uses tables throughout Article 4 are updated to reflect the new list of uses and how they are permitted in the underlying land use district. With the exceptions highlighted in the Council Bill, uses are permitted in the same fashion under the proposal as they are currently.

The Gresham City Council signaled the legislative intent for this project through adoption of the 2011 Council Work Plan and the 2012 Council Work Plan. The 2012 Council Work plan was adopted on Jan. 3, 2012. The City submitted the proposed amendments to Metro and DCLD on Jan. 12, 2012, which was at least 45 days prior to the first evidentiary hearing of January 28, 2013. Neither agency has contacted the City regarding this notice.

Conclusion

Policies 1 and 2 are addressed because the proposed text amendments provide an update to the City of Gresham's Community Development Plan. The updates are consistent with state and regional requirements, as described in these findings.

Policy 3 is addressed by continuing to allow a range of needed urban land uses throughout the city including residential, commercial, mixed-use, industrial and community service uses. Many uses currently considered Community Services are proposed to be assigned to a different land use sub-category and remain as possible land uses in Gresham.

Policy 5 is addressed by including standards for uses subject to a Special Use Review. These standards address topics such as traffic conditions, public facilities, and natural hazards.

Policy 18 is addressed by including a process for making a Determination of Similar Use. This process includes criteria that a proposed use must have characteristics comparable to other land uses allowed in a district.

Policy 20 is addressed by providing text amendments that address the need to ensure the land use classification system is current and responsive to community needs. The public and elected and appointed officials were provided with research and analysis concerning this project and were able to review and comment on the preferred approaches and draft code changes, and as noted in this staff report, ensure the proposal conforms to relevant state and regional rules.

Policy 21 is addressed because the City Council initiated these amendments.

Policy 23 is addressed through the notice of the proposed amendment to DLCD and Metro.

The proposal is consistent with the applicable general goals and policies listed in this section.

Section 10.100 - Citizen Involvement

Goal: The City shall provide opportunities for citizens to participate in all phases of the planning process by coordinating citizen involvement functions; effectively communicating information; and facilitating opportunities for input.

Policy 1: The City shall ensure the opportunity for citizen participation and input when preparing and revising policies, plans and implementing regulations.

Policy 5: The City shall keep citizens informed of issues confronting the City.

Policy 6: The City shall ensure that technical information necessary to make policy decisions is readily available.

Policy 8: The City shall ensure that citizen concerns are considered in land use decisions and shall provide feedback to the public regarding how these concerns have impacted decisions.

Policy 10: The City shall ensure the opportunity for the public to be involved in all phases of planning projects and issues.

Policy 11: The City shall ensure that the public has complete and timely access to all public information concerning land use projects and issues. This includes private development proposals once they are in the formal application process.

Findings

The public involvement goals and policies establish the City's intent that its citizens have meaningful opportunities throughout a planning project to be informed and to affect proposals.

A public participation plan was created as part of the project work plan. Elements of the public participation plan include:

- Issues identification: Aug. 17, 2010, community forum
- Alternative approaches: Jan. 18, 2011, community forum
- Preferred approaches, Aug. 1, 2011 and Sept. 9, 2011, focus groups

- On-line draft code review "open house", Jan. 18, 2012 – Feb. 1, 2012
- The Ask Gresham email tool was used to alert interested parties when new materials were available on the website and when upcoming meetings would occur.
- Project information, including analysis and alternative documents, has been available on the City's website and at the Urban Design & Planning office.
- Articles on the project have been published in the Neighborhood Connections newsletter.
- Staff has discussed the project with the Neighborhood Coalition and the Development Group throughout the project.

Planning Commission work sessions have been held throughout this process. The Commission discussed the project on Aug. 23, 2010; Jan. 24, 2011, July 11, 2011, Oct. 24, 2011, Dec. 5, 2011, Dec. 12, 2011, Jan. 23, 2012, March 26, 2012, and Dec. 10, 2012.

Conclusion

The *Citizen Involvement Goal (10.100)* and related policies were addressed through public outreach efforts. This included community forums, email notices, focus groups, and presentations at the Planning Commission, other city committees, and the City Council.

The proposal is consistent with the applicable citizen involvement goals and policies listed in this section.

C. Metro Urban Growth Management Functional Plan

Title 8 Compliance Procedures

Findings

Section 3.07.820 of this title requires that at least 45 days prior to the first evidentiary hearing on an amendment to a comprehensive plan or land use regulation that the City submit the proposed amendments to Metro. Metro may review the amendments and can request that the City provide an analysis of compliance with the Functional Plan.

The City submitted the proposed amendments to Metro on Jan. 12, 2012, which was at least 45 days prior to the first evidentiary hearing of Jan. 28, 2013. Metro has not contacted the City regarding this notice.

Conclusion

The City has submitted the proposed amendments to Metro at least 45 day prior to the first evidentiary hearing. The proposal is consistent with Title 8.

D. Oregon Statewide Planning Goals

Findings

Statewide Planning Goal 1 requires that cities "provide the opportunity for citizens to be involved in all phases of the planning process."

Statewide Planning Goal 2 requires cities to "establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. This shall result in land use plans and implementation measures that are consistent with the land use plans."

A thorough public input process was conducted in the creation of the proposed amendments, which allowed the public to be involved at each stage of the amendment's development. The resulting

processes, including the Determination of Similar Use, Staff Interpretation, and Special Use Review process include opportunities for public involvement.

The City has a state-acknowledged Comprehensive Plan. Section VI of this report describes findings and conclusions that the proposed Comprehensive Plan Amendments are consistent with applicable procedures and applicable goals and policies of the City's Comprehensive Plan.

Conclusion

The proposed amendments comply with Statewide Planning Goals 1 and 2.

SECTION VII CONCLUSION

The proposed comprehensive plan amendments attached as Exhibit 'A' is consistent with applicable criteria and policies of the Community Development Plan, the applicable development code of the Community Development Plan; Applicable Metro UGMFP titles and the applicable Oregon Statewide Planning Goals; as indicated by findings contained or referenced in Section VI of this report.

SECTION VIII RECOMMENDATION

Staff recommends **adoption** of the proposed comprehensive plan amendments as contained in the attached Exhibit 'A'.

End of Staff Report



MEMORANDUM

URBAN DESIGN & PLANNING Comprehensive Planning

ADDENDUM STAFF REPORT TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT DEVELOPMENT CODE IMPROVEMENT PROJECT - CLASSIFYING USES

To: Mayor Bemis and Members of the Council

From: Jonathan Harker, Urban Design & Planning Director
Stacy Humphrey, Associate Planner

Hearing Date: March 5, 2013

Report Date: February 12, 2013

File: CPA 10-142

Four sets of written comments have been received since the Jan. 28, 2013 Planning Commission hearing was closed. One addresses concerns with expanding a marina. Three address concerns with the location of elderly housing under the proposed amendments. Two of these three relate to land near Persimmon Country Club. One of these three relates to land in the Transit Low Density Residential (TLDR) district. These correspondences have been made part of the record and available for Council review at the hearing.

This addendum report addresses the issues raised in these letters and make recommendations. The following addendum report format is as follows: **Issue** – a statement of the issues; **Findings** – a staff finding; and **Recommendation** – staff recommendation regarding the issue.

Issue 1: Marinas, houseboats, and moorages will no longer be permitted in the GI district. The property owner requests that marinas, houseboats, and moorages remain a permitted use in a General Industrial district since he is planning on expanding facilities for residents at the Big Eddy Marina to the south side of Marine Drive in the future. (Attachment D Exhibit 8)

Findings:

Marinas, houseboats, and moorages are currently permitted in the GI district through a Community Service Use Review procedure. Through the Development Code Improvement Project, it was determined that these uses should only be permitted in the LDR-5 land use district since all the land where they may occur abuts the Columbia River and is in the LDR-5 land use district.

As described in the letter from Mr. Whitmore, Big Eddy Marina was approved by Multnomah County in 1978 to use land on the south side of Marine Drive for overflow parking and storages for the marina.

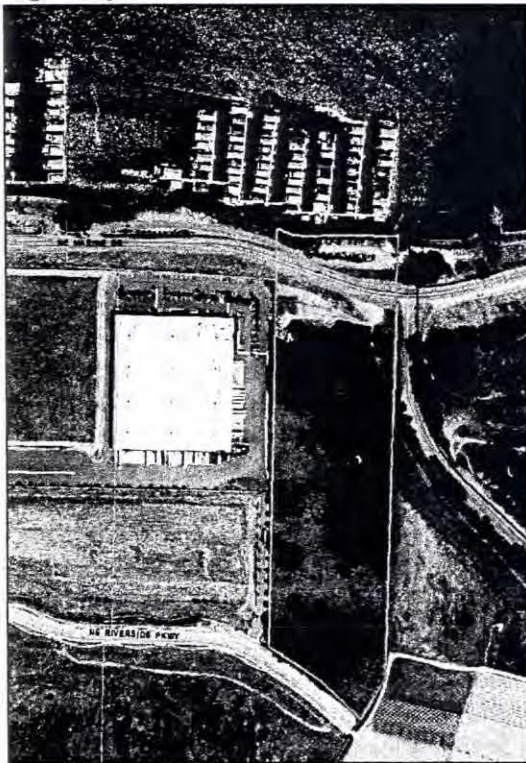
Staff did not consider that an existing marina may expand to the south side of Marine Drive, which is in the General Industrial (GI) land use district. Under the proposal, this expansion would not be permitted.

Maintaining marinas, houseboats, and moorages as a Community Service use, permitted throughout the city through the Special Use Review procedure, would enable Big Eddy Marina to expand the marina, just as the marina would be able to do under current Code provisions. This would have no adverse effect on the rest of the city since the areas where this type of expansion could occur is extremely limited.

Recommendation:

Staff recommends that marinas, houseboats, and moorages be identified as an example Community Service use, thus enabling the use to be permitted through a Special Use Review in the GI district, based on the findings and recommendations of this Addendum Staff Report.

Big Eddy Marina



Issue 2: Proposed amendments will not allow elderly housing on property adjacent to Persimmon Golf Club. (Attachment D Exhibits 5 and 6)

Findings:

Although not specifically stated in the written comments, a search using the City's GreshamView II map software shows ownership of a 5.25-acre parcel with a land use designation of Townhouse

Residential-Springwater (THR-SW) owned by McMorihara, Inc. The THR-SW allows single-family attached dwellings (townhouses) at a density of 10.0 to 17.4 dwelling units per acre.

Elderly Housing is currently allowed in the THR-SW as a Community Service Use and would be permitted under the proposed amendments as a permitted use subject to a Special Use Review. It would be allowed at a maximum of 62 units per acre. Elderly Housing is required to be located in any of the following:

- Station Center District
- Downtown Plan District
- Rockwood Town Center District
- Civic Neighborhood Plan District
- Have frontage on a Transit Street or Transit Route
- Be within 1,000 feet walking distance of a transit facility and have direct access to a street with a classification of Collector or higher. Transit facilities include bus stops.

The purpose for these locational requirements is to ensure that transit is available to Elderly Housing development. Elderly Housing is currently allowed at higher densities because it is assumed that they would have fewer drivers and less impact on the street system, as opposed to other forms of multi-family housing.

The written commentary expressed concern that Elderly Housing would not be permitted at this site due to the current lack of a bus stop within 1,000 feet walking distance. However, this segment of SE Hogan Road is designated as a primary transit route in the Springwater Plan District and thus meets the requirement of having frontage on a Transit Street or Transit Route.

Recommendation:

Staff would not recommend changing the current locational requirements for Elderly Housing, including being within 1,000 feet of a transit facility. However, no change is needed for this property to be developed as Elderly Housing at the higher densities permitted through the Special Use Review process.

Issue 3: Elderly Housing limits prevent a current in-home nursing home. (Attachment D Exhibit 7)

Findings:

The address cited in the letter – 660 SE 176th Place – is a single-family dwelling located in the Transit Low Density Residential district. The writer indicates the home is used as in-home elderly housing. Nothing in the proposal makes in-home elderly housing prohibited. In-home care for up to five individuals is permitted in single-family homes throughout Oregon wherever single-family homes are permitted. Such housing must obtain relevant licenses from the County and State.

Recommendation:

Staff recommends no change since the proposal does not limit the existing use of the property for in-home elderly housing.

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