



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

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## NOTICE OF ADOPTED AMENDMENT

June 19, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gladstone Plan Amendment  
DLCD File Number 004-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: July 5, 2007**

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Stacy Humphrey, DLCD Regional Representative  
Linda Preisz, City of Gladstone

<paa> ya/

**FORM 2**

**D L C D NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

**DEPT OF**

(See reverse side for submittal requirements)

**JUN 14 2007**

**LAND CONSERVATION  
AND DEVELOPMENT**

Jurisdiction: CITY OF GLADSTONE Local File No.: TXI-06-02  
(If no number, use none)  
Date of Adoption: June 12, 2007 Date Mailed: June 13, 2007  
(Must be filled in) (Date mailed or sent to DLCD)  
Date the Notice of Proposed Amendment was mailed to DLCD: Nov. 28, 2006

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write [See Attached.]  
Adopted regulations for "portable storage containers" by specifying size, number,  
duration and requiring a permit.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write [Same.] If you did not give notice for the proposed amendment, write [N/A.]  
same

Plan Map Changed from: n/a to \_\_\_\_\_  
Zone Map Changed from: n/a to \_\_\_\_\_  
Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_  
Specify Density: Previous: n/a New: \_\_\_\_\_  
Applicable Statewide Planning Goals: 2,10  
Was an Exception Adopted? Yes: \_\_\_\_\_ No: x

DLCD File No.: 004-06 (1573A)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: xx No:       
If no, do the Statewide Planning Goals apply. Yes:      No:       
If no, did The Emergency Circumstances Require immediate adoption. Yes:      No:       
Affected State or Federal Agencies, Local Governments or Special Districts: none, really

Local Contact: Linda Preisz Area Code + Phone Number: 503-353-4528  
Clackamas County DTD  
Address: 9101 SE Sunnybrook Blvd. City: Clackamas  
Zip Code+4: 97015 Email Address: lindap@co.clackamas.or.us

### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the [Notice of Adoption] is sent to DLCD.
6. In addition to sending the [Notice of Adoption] to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your

## ORDINANCE 1392

**AN ORDINANCE AMENDING CHAPTERS 17.10 THROUGH 17.24 OF THE GLADSTONE MUNICIPAL CODE PERTAINING TO ZONING DISTRICTS, REAFFIRMING ALL REMAINING PROVISIONS OF TITLE 17 OF THE GLADSTONE MUNICIPAL CODE, ADOPTING A NEW CHAPTER 5.22 PERTAINING TO PORTABLE STORAGE CONTAINERS, AND ADDING TO CHAPTER 10.04 SECTION 10.04.215 IDENTIFYING PORTABLE STORAGE CONTAINERS.**

The City of Gladstone does ordain as follows:

Section 1. In the Gladstone Municipal Code a new Chapter 5.22 is added to read as follows:

### Chapter 5.22

#### PORTABLE STORAGE CONTAINERS

##### Sections:

**5.22.010 Definition**

**5.22.020 Regulated**

**5.22.030 General requirements**

**5.22.040 Permit required**

**5.22.050 Violation—Penalty**

##### **5.22.010 Definition**

“Portable storage container” means a portable, weather-resistant, commercially leased or rented receptacle designed and used for the storage or shipment of personal property, building materials or merchandise. The term shall not include yard waste containers, construction debris containers, or containers having a storage capacity of less than two hundred (200) cubic feet.

##### **5.22.020 Regulated**

(1) Portable storage containers located outside of an enclosed building or structure shall be allowed only as specified in Title 17 of the GMC and subject to the regulations in this Chapter.

(2) No portable storage container shall have a length greater than twenty (20) feet or a width greater than nine (9) feet or a height greater than nine (9) feet.

(3) No more than two (2) portable storage containers each having a storage capacity equal to or greater than two hundred (200) cubic feet shall be allowed for a residence or business on a Lot, street or public right of way.

##### **5.22.030 General requirements**

The following requirements shall apply to portable storage containers:

(1) Portable storage containers shall be allowed on a street or public right of way in accordance with the provisions of this Chapter for a period not exceeding seventy-two (72) consecutive hours or a total of sixteen (16) days in any consecutive six-month period.

(2) In all residential, commercial, office park and industrial zoning districts, portable storage containers shall be allowed on lots in accordance with the applicable zoning district regulations of Title 17 for a period not exceeding thirty (30) days. After thirty (30) days, the portable storage container shall be deemed a violation of this Chapter.

#### **5.22.040 Permit required**

(1) A permit must be obtained from the City prior to using a portable storage container within city limits.

(2) The City Administrator or designee shall issue a permit for a portable storage container when the permit application demonstrates that the proposed use of the container will comply with this Chapter and the applicable zoning district regulations of Title 17.

(3) The fee for permits per lot or per public right of way location shall be set by resolution of the City Council.

(4) The portable storage container renter or leasee shall be responsible for displaying a permit card on the container, which must include the delivery and removal dates. Permits shall be displayed on the outside of the container in such manner as to be plainly visible from the nearest street.

#### **5.22.050 Violation—Penalty**

A Violation of any provision of Chapter 5.22 shall be a Class “D” Infraction as specified in GMC 1.08.010 through 1.08.100. Each and every day that this Chapter is violated shall constitute a separate offense.

Section 2. In the Gladstone Municipal Code Chapter 17.10, Section 17.10.030 is amended to read:

#### **17.10.030 Accessory uses allowed.**

Accessory uses shall comply with all the requirements of this zoning district, except as this section allows to the contrary. All accessory structures shall be subject to GMC Chapter 17.54 (clear vision). The following accessory uses shall be allowed in an R-7.2 zoning district:

(1) Buildings. Garages and carports, storage and other buildings, as follows:

(a) Either the side, except a street side, or rear setback may be reduced to five feet (5') for structures that:

(A) Are detached from other buildings on the same lot by a minimum of ten feet (10');

(B) Do not exceed a height of one (1) story; and

(C) Do not exceed a floor area of four hundred fifty (450) square feet;

(b) Either the side, except a street side, or rear setback may be reduced to three feet (3') for structures that do not exceed a floor area of one hundred twenty (120) square feet.

(c) A wall of rated, fire-resistive construction may be required by the Oregon Structural Specialty Code or its successor.

(d) A setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

(2) Courtyards, Patios and Decks. The minimum side, except street side, and rear setbacks for uncovered courtyards, patios and decks in excess of thirty inches (30") in height shall be five feet (5'). The minimum front and street side setbacks for such courtyards, patios and decks shall be fifteen feet (15'). No setbacks shall be required for uncovered courtyards, patios or decks thirty inches (30") or less in height. When calculating the height of a courtyard, patio or deck, railings and benches shall be excluded from the calculation.

(3) Fences and Walls. The following standards shall apply to fences and walls of all types whether open, solid, wood, metal, masonry or other material.

(a) When located between the front lot line and the front building line, fences and walls shall not exceed three feet (3') in height.

(b) Fences and walls not subject to Subsection (3)(a) of this Section shall not exceed six feet (6') in height.

(c) An exception may be granted to the maximum fence or wall height standards for conditional or nonconforming uses. Such an exception may be granted pursuant to review of an

application for conditional use; alteration, expansion or change of use of a nonconforming use; or design review and when an exception is found necessary to provide adequate screening for the use.

(4) Storage. Storage of boats, trailers, pickup campers, coaches, motorhomes and similar recreation equipment. Occupancy of such equipment is subject to a temporary permit under GMC Chapter 15.28 (temporary dwellings).

(5) Accessory dwelling units, subject to the following standards:

(a) Only one accessory dwelling unit per lot shall be permitted. An accessory dwelling unit shall not be permitted on a lot occupied by two or more dwelling units;

(b) The floor area of an accessory dwelling unit shall not exceed four hundred (400) square feet;

(c) An accessory dwelling unit shall not contain more than one bedroom;

(d) Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the other unit is being rented or otherwise occupied. Prior to issuance of a building permit establishing an accessory dwelling unit, a deed restriction requiring owner-occupancy of one of the units shall be recorded in the Clackamas County Clerk's Office in a form prescribed by the City;

(e) One off-street parking space shall be provided in addition to the off-street parking space required by GMC Chapter 17.48 (off-street parking and loading) for the primary dwelling unit;

(f) Only one entrance, other than a vehicular entrance to a garage, may be located on the street-facing façade of the structure containing the primary dwelling unit unless this structure had additional entrances before the accessory dwelling unit was created and the number of entrances will not be increased;

(g) The exterior finish materials—including siding, trim and roofing—of an accessory dwelling unit shall be the same or visually similar to those of the primary dwelling unit with respect to type, size, placement and color;

(h) The roof pitch of an accessory dwelling unit shall be the same as the predominant roof pitch of the primary dwelling unit;

(i) The windows of an accessory dwelling unit shall be the same or visually similar to those of the primary dwelling unit;

(j) The eaves on an accessory dwelling unit shall project from the structure walls the same distance as the eaves on the primary dwelling unit;

(k) An accessory dwelling unit shall comply with the minimum yard requirements and maximum building height established in GMC Section 17.10.050.

(6) Swimming Pools, Ponds and Hot Tubs. The minimum side, street side and rear setbacks for swimming pools, ponds and hot tubs shall be three feet (3'). The minimum front setback for ponds no greater than five feet (5') wide and no more than two feet (2') deep shall be three feet (3').

(7) Home Occupations. Home occupations shall be subject to GMC Chapter 17.78 (home occupations).

Section 3. In the Gladstone Municipal Code Chapter 17.12, Section 17.10.030 is amended to read:

**17.12.030 Accessory uses allowed.**

Accessory uses shall comply with all the requirements of this zoning district, except as this section allows to the contrary. All accessory structures shall be subject to GMC Chapter 17.54 (clear vision). The following accessory uses shall be allowed in an R-5 zoning district:

(1) Buildings. Garages and carports, storage and other buildings, as follows:

(a) Either the side, except a street side, or rear setback may be reduced to zero for one accessory structure provided such structure:

(A) Is detached from other buildings;

(B) Does not exceed a height of one (1) story; and

(C) Does not exceed a floor area of four hundred fifty (450) square feet;

(b) A wall of rated, fire-resistive construction may be required by the Oregon Structural Specialty Code or its successor.

(c) When more than one accessory structure is present including a Portable Storage Container as defined in Chapter 5.22, a setback does not apply to the Portable Storage Container.

(2) Courtyards, Patios and Decks.

The minimum side, except street side, and rear setbacks for uncovered courtyards, patios and decks in excess of thirty inches (30") in height shall be five feet (5'). The minimum front and street side setbacks for such courtyards, patios and decks shall be fifteen feet (15'). No setbacks shall be required for uncovered courtyards, patios and decks thirty inches (30") or less in height. When calculating the height of a courtyard, patio or deck, railings and benches shall be excluded from the calculation.

(3) Fences and Walls. The following standards shall apply to fences and walls of all types whether open, solid, wood, metal, masonry or other material.

(a) When located between the front lot line and the front building line, fences and walls shall not exceed three feet (3') in height;

(b) Fences and walls not subject to Subsection (3)(a) of this Section shall not exceed six feet (6') in height.

(c) An exception may be granted to the maximum fence or wall height standards for conditional or nonconforming uses. Such an exception may be granted pursuant to review of an application for conditional use; alteration, expansion or change of use of a nonconforming use; or design review and when an exception is found necessary to provide adequate screening for the use.

(4) Storage. Storage of boats, trailers, pickup campers, coaches, motorhomes and similar recreation equipment. Occupancy of such equipment is subject to a temporary permit under GMC Chapter 15.28 (temporary dwellings).

(5) Accessory dwelling units, subject to the following standards:

(a) Only one accessory dwelling unit per lot shall be permitted. An accessory dwelling unit shall not be permitted on a lot occupied by two or more dwelling units;

(b) The floor area of an accessory dwelling unit shall not exceed 400 square feet;

(c) An accessory dwelling unit shall not contain more than one bedroom;

(d) Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the other unit is being rented or otherwise occupied. Prior to issuance of a building permit establishing an accessory dwelling unit, a deed restriction requiring owner- occupancy of one of the units shall be recorded in the Clackamas County Clerk's Office in a form prescribed by the City;

(e) One (1) off -street parking space shall be provided in addition to the off-street parking space required by GMC Chapter 17.48 (off-street parking and loading) for the primary dwelling unit;

(f) Only one entrance, other than a vehicular entrance to a garage, may be located on the street-facing façade of the structure containing the primary dwelling unit unless this structure had additional entrances before the accessory dwelling unit was created and the number of entrances will not be increased;

(g) The exterior finish materials—including siding, trim and roofing — of an accessory dwelling unit shall be the same or visually similar to those of the primary dwelling unit with respect to type, size, placement and color;

(h) The roof pitch of an accessory dwelling unit shall be the same as the predominant roof pitch of the primary dwelling unit;

(i) The windows of an accessory dwelling unit shall be the same or visually similar to those of the primary dwelling unit;

(j) The eaves on an accessory dwelling unit shall project from the structure walls the same distance as the eaves on the primary dwelling unit;

(k) An accessory dwelling unit shall comply with the minimum yard requirements and maximum building height established in GMC Section 17.12.050.

(6) Swimming Pools, Ponds and Hot Tubs. The minimum side, street side and rear setbacks for swimming pools, ponds and hot tubs shall be three feet (3'). The minimum front setback for ponds no greater than five feet (5') wide and no more than two feet (2') deep shall be three feet (3').

(7) Home Occupations. Home occupations shall be subject to GMC Chapter 17.78 (home occupations).

Section 4. In the Gladstone Municipal Code Chapter 17.14, Section 17.14.030 is amended to read:

**17.14.030 Accessory uses allowed.**

Accessory uses shall comply with all the requirements of this zoning district, except as this section allows to the contrary. All accessory structures shall be subject to GMC Chapter 17.54 (clear vision). The following accessory uses shall be allowed in an MR Zoning district:

(1) Buildings. Garages and carports, storage and other buildings, as follows:

(a) Either the side, except a street side, or rear setback may be reduced to zero for one accessory structure provided such structure:

(A) Is detached from other buildings;

(B) Does not exceed a height of one (1) story; and

(C) Does not exceed a floor area of four hundred-fifty (450) square feet;

(b) A wall of rated, fire-resistive construction may be required by the Oregon Structural Specialty Code or its successor.

(c) When more than one accessory structure is present including a Portable Storage Container as defined in Chapter 5.22, a setback does not apply to the Portable Storage Container.

(2) Courtyards, Patios and Decks.

The minimum side, except street side, and rear setbacks for uncovered courtyards, patios and decks in excess of thirty inches (30") in height shall be five feet (5'). The minimum front and street side setbacks for such courtyards, patios and decks shall be fifteen feet (15'). No setback shall be required for uncovered courtyards, patios and decks thirty inches (30") or less in height. When calculating the height of a courtyard, patio or deck, railings and benches shall be excluded from the calculation.

(3) Fences and Walls. The following standards shall apply to fences and walls of all types whether open, solid, wood, metal, masonry or other material.

(a) When located between the front lot line and the front building line, fences and walls shall not exceed three feet (3') in height;

(b) Fences and walls not subject to Subsection (3)(a) of this Section shall not exceed six feet (6') in height;

(c) An exception may be granted to the maximum fence or wall height standards pursuant to review of an application for conditional use; alteration, expansion or change of use of a nonconforming use; or design review and when an exception is found necessary to provide adequate screening for the use.

(4) Storage. Storage of boats, trailers, pickup campers, coaches, motorhomes and similar recreation equipment. Occupancy of such equipment is subject to a temporary permit under GMC Chapter 15.28 (temporary dwellings).

(5) Swimming Pools, Ponds and Hot Tubs. The minimum side, street side and rear setbacks for swimming pools, ponds and hot tubs shall be three feet (3'). The minimum front setback for ponds no greater than five feet (5') wide and no more than two feet (2') deep shall be three feet (3').

(6) Home Occupations. Home occupations shall be subject to GMC Chapter 17.78 (home occupations).



Section 5. In the Gladstone Municipal Code Chapter 17.16, Section 17.16.050 and Section 17.16.060 are amended to read:

**17.16.050 Limitations on use.**

All business activities, including service, repair, processing, storage and merchandise display shall be conducted wholly within an enclosed building except for the following:

- (1) Drive-through windows accessory to a use allowed outright;
- (2) Outdoor play areas accessory to a day care center;
- (3) Display of merchandise along the outside of the walls of a building provided such display does not extend more than three feet (3') from the walls and does not obstruct required pedestrian or bicycle access, emergency access or off-street parking areas;
- (4) Activities approved in conjunction with a conditional use allowed under GMC Section 17.16.040 (conditional uses allowed); and
- (5) The use of Portable Storage Containers as defined in Chapter 5.22.

**17.16.060 Dimensional standards.**

Except as provided in GMC Chapter 17.38 (planned unit development), Chapter 17.72 (variances) and Chapter 17.76 (exceptions), the following dimensional standards shall apply in a C-1 zoning district:

- (1) Front Setbacks. There shall be no minimum front setback requirement except when a front lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum front setback shall be twenty feet (20').
- (2) Rear Setbacks. There shall be no minimum rear setback requirement except when a rear lot line abuts a residential zoning district, in which case the minimum rear setback shall be fifteen feet (15').
- (3) Side Setbacks. There shall be no minimum side setback requirement except when a side lot line abuts a residential zoning district, in which case the minimum side setback shall be fifteen feet (15').
- (4) Street Side Setbacks. There shall be no minimum street side setback requirement except when a street side lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum street side setback shall be twenty feet (20').
- (5) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines.
- (6) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area.
- (7) Building Height. The maximum building height shall be thirty-five feet (35'). Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard.
- (8) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be ten feet (10').
- (9) Fences and Walls. The following standards shall apply to fences and walls of all types whether open, solid, wood, metal, masonry or other material:
  - (a) When located between the front lot line and the front building line, fences and walls shall not exceed three feet (3') in height.
  - (b) Fences and walls not subject to Subsection (9)(a) of this Section shall not exceed six feet (6') in height.

(c) An exception may be granted to the maximum fence or wall height standards pursuant to review of an application for conditional use; alteration, expansion or change of use of a nonconforming use; or design review and when an exception is found necessary to provide adequate screening for the use.

(d) Fences and walls shall comply with GMC Chapter 17.54 (clear vision).

(10) Portable Storage Container Setbacks. When a lot line abuts a residential district, a setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

Section 6. In the Gladstone Municipal Code Chapter 17.18, Section 17.18.050 is amended to read:

**17.18.050 Limitations on use.**

All business activities, including service, repair, processing, storage and merchandise display shall be conducted wholly within an enclosed building except for the following:

- (1) Drive-through windows accessory to a use allowed outright;
- (2) Outdoor play areas accessory to a community service facility;
- (3) Display of merchandise along the outside of the walls of a building provided such display does not extend more than three feet (3') from the walls and does not obstruct required pedestrian or bicycle access, emergency access or off-street parking areas;
- (4) Activities approved in conjunction with a conditional use allowed under GMC Section 17.18.040 (conditional uses allowed); and
- (5) The use of Portable Storage Containers as defined in Chapter 5.22.

Section 7. In the Gladstone Municipal Code Chapter 17.20, Section 17.20.050 is amended to read:

**17.20.050 Dimensional standards.**

Except as provided in GMC Chapters 17.38 (planned unit development), Chapter 17.72 (variances) and Chapter 17.76 (exceptions), the following dimensional standards shall apply in a C-3 zoning district:

- (1) Front Setbacks. There shall be no minimum front setback requirement except when a front lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum front setback shall be twenty feet (20').
- (2) Street Side Setbacks. There shall be no minimum street side setback requirement except when a street side lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum street side setback shall be twenty feet (20').
- (3) Side and Rear Setbacks. There shall be no minimum side or rear setback requirements.
- (4) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines.
- (5) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area.
- (6) Building Height. The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:
  - (a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor; Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;
  - (b) Maximum building height may be increased if the city fire department reports that it possesses sufficient fire-fighting capability to provide emergency response to a structure of the height proposed.

(7) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be ten feet (10').

(8) Hotels and Motels:

(a) The minimum lot area shall be five hundred (500) square feet per dwelling unit;

(b) The minimum frontage shall be one hundred feet (100').

(9) Portable Storage Container Setbacks. When a lot line abuts a residential district, a setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

Section 8. In the Gladstone Municipal Code Chapter 17.22, Section 17.22.060 is amended to read:

**17.22.060 Dimensional standards.**

(1) Purpose. The purpose of these requirements and limitations are to:

(a) Assure that developments have a positive image and attractive appearance from within the site, and from public roads and adjacent properties;

(b) Encourage the retention of large sites and their development in a coordinated aesthetic, and efficient manner;

(c) Ensure that the minimum operational requirements of the development are provided on-site;

(d) Establish the maximum limits of development;

(e) Provide for the safety and welfare of property within and adjacent to the site.

(2) Site Area Requirements. A "site area" for purposes of this section shall be the total land area to be developed as a unit prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:

(a) A single tax lot, or two or more contiguous tax lots under the same ownership;

(b) Two or more contiguous tax lots under separate ownership, provided that:

(A) All individual property owners are members of a group formed for the purposes of developing the properties as a single planned development, and

(B) All individual tax lot ownerships are converted into development shares, or other satisfactory arrangement, allowing all lots to be combined into one lot prior to issuance of any building permit for the project.

(3) Site Area Standards. The following standards shall apply to office park districts.

(a) Site area. Developments shall require a minimum site area of five acres.

(b) Site area partitions and subdivisions. Design review approval of the overall development plan for the site area, including circulation, parking, landscaping, and proposed building elevations, shall be required prior to the approval of any partition or subdivisions of a site area existing at the time of application of this district to the property.

(4) Setback Requirements. For purposes of this section, a "perimeter access road," shall be any state, county, or public road which provides access to the site area, and an "internal circulation road" shall be any public or private roadway which provides direct access to more than one use, building, or parcel within a site area but not including connecting driveways within or between parking areas.

(a) Perimeter Access Road Setbacks. A minimum thirty foot (30') setback shall be maintained between structures in a development and any perimeter access road, except:

(A) An additional five feet (5') of setback shall be added for each five feet (5'), or portion thereof, of building height over thirty-five feet (35');

(B) No structure shall be erected closer than fifty-five feet (55') from the center line of a perimeter access road.

(b) Perimeter Side and Rear Yard Setbacks. A twenty foot (20') setback shall be provided between any structure and a side or rear perimeter line;

(c) Internal Site Setbacks. A twenty foot (20') setback shall be provided between buildings within a site area, and between any building and an internal circulation road.

(d) Corner Lots. A structure located on the corner of two roads shall observe the minimum setback requirement for both roads, as prescribed in this section;

(e) Perimeter Landscaping. Within the perimeter setback, a landscaped strip at least twenty feet (20') wide shall be provided.

(f) A setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

(5) Minimum Street Frontage. A site area shall have a minimum of one hundred feet (100') of frontage on a state, county, or public perimeter access road.

(6) Building Height. The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:

(a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor;

(b) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;

(c) Maximum building height may be increased if the city fire department reports that it possesses sufficient fire-fighting capability to provide emergency response to a structure of the height proposed.

(7) Exceptions to General Requirements. The requirements of this section may be modified when such modification is consistent with GMC Subsection 17.22.060(1) and GMC Chapter 17.72 (variances).

Section 9. In the Gladstone Municipal Code Chapter 17.24, Section 17.24.060 is amended to read:

**17.24.060 Dimensional standards.**

Except as provided in GMC Chapter 17.38 (planned unit development), Chapter 17.72 (variances) and Chapter 17.76 (exceptions), the following dimensional standards shall apply in an LI zoning district:

(1) Building Height. The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:

(a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor;

(b) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;

(c) Maximum building height may be increased if the city fire department reports that it possesses sufficient fire-fighting capability to provide emergency response to a structure of the height proposed.

(2) Side Setbacks. There shall be no minimum side setback requirement except when a side lot line abuts a residential zoning district, in which case the minimum side setback shall be twenty feet (20').

(3) Rear Setbacks. There shall be no minimum rear setback requirement except when a rear lot line abuts a residential zoning district, in which case the minimum rear setback shall be twenty feet (20').

(4) Front and Street Side Setbacks. There shall be no minimum front or street side setback requirements.

(5) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area.

(6) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines.

(7) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be ten feet (10').

(8) Portable Storage Container Setbacks. When a lot line abuts a residential district, a setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

Section 10. In the Gladstone Municipal Code Chapter 10.04, Section 10.04.215 is added to read as follows:

**10.04.215 Portable Storage Containers in the Right-of-way.**

Portable storage containers, as defined in Chapter 5.22.010, that are placed in the public right-of-way are regulated by Chapter 5.22.

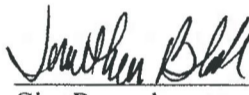
Section 11. All remaining provisions of Title 17 of the Gladstone Municipal Code are reaffirmed in their entirety.

THIS ORDINANCE ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS  
12 DAY OF June, 2007.

ATTEST:



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
City Recorder