ORDINANCE NO. 2001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 14 SIGN ORDINANCE, TITLE 17 LAND DIVISION ORDINANCE, AND TITLE 19 ZONING ORDINANCE TO MAKE ZONING ORDINANCE TABLES MORE CONSISTENT WITH ZONING ORDINANCE TEXT (FILE #ZA-09-03).

WHEREAS, it is the desire of the City that the Municipal Code be consistent and understandable; and

WHEREAS, the proposed amendments to the Zoning, Sign, and Land Division Ordinances improve the consistency and clarity of the tables in these chapters; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on May 26, 2009, the Milwaukie Planning Commission conducted a public hearing, as required by Zoning Ordinance Section 1011.5 Legislative Actions, and adopted a motion in support of the amendment; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. Findings of fact in support of the proposed amendment(s) are adopted by the City Council and are attached as Exhibit A.

Section 2. Text Amendments to Title 14 – Sign Ordinance, 17 – Land Division Ordinance, and 19 – Zoning Ordinance. The Sign Ordinance, Land Division Ordinance and Zoning Ordinance are amended as described in Exhibit B (strikeout version) and Exhibit C (clean version).

Read the first time on 6/16/09, and moved to second reading by 5-0 vote of the City Council.

Read the second time and adopted by the City Council on 6/16/09

Signed by the Mayor on 6/16/09

_____, Mayor

ATTEST:

Pat DuVal

Pat DuVal, City Recorder

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

City Attorney

ATTACHMENT 1 - Exhibit A

Recommended Findings in Support of Approval
Case File # ZA-09-03, Code Table Amendments

1. The City of Milwaukie has proposed amendments to Title 14 Sign Ordinance, Title 17 Land Division Ordinance, and Title 19 Zoning Ordinance.
2. The purpose of the proposed code amendments is "housekeeping" in order to make the ordinance tables more consistent, as follows:
   - All tables numbered appropriately, according to the section of Code to which they pertain. (Some currently unnumbered or numbered incorrectly.)
   - All tables named appropriately. (Some currently unnamed or awkwardly named.)
   - All tables placed appropriately, as soon as possible after the first paragraph where they are first referenced. (Some tables currently in illogical locations and/or in landscape orientation where not really necessary, especially once we switch to single-column format.)
   - All tables referenced appropriately, by number. (Some currently not referenced at all or only referenced as "the following table," etc.)
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).
   - MMC 19.900 Amendments
   - MMC 19.1101.5 Legislative actions
4. Sections of the Milwaukie Municipal Code not addressed in these findings are found to be not applicable to the decision on this application.
5. Public notice has been provided in accordance with MMC Subsection 19.1011.5 Legislative Review. The Planning Commission held a public hearing on May 26, 2009.

   The City Council held a public hearing on June 16, 2009, as required by law.
6. Milwaukie Municipal Code (MMC) Chapter 19.900 – Amendments.

   A. <u>Section 19.901 Initiation of amendments</u>

   MMC 19.901 requires that an amendment to the Milwaukie Zoning Ordinance be initiated by the City Council, Planning Commission, or by a property owner. This amendment is proposed by the City of Milwaukie and will be initiated by the Planning Commission prior to the first public hearing.

   The criterion for compliance with the requirements of MMC 19.901 is met.

   B. <u>Section 19.902 Amendment procedure</u>

   i. MMC 19.902.1.A requires that proposed amendment applications be heard at a public hearing and follow the procedures outlined in MMC Subsection 19.1011.5 Legislative actions.

   The Planning Commission held a public hearing for this application on May 26, 2009, the earliest practicable meeting after the application was submitted. The City Council will hold a public hearing on June 16, 2009, within 40 days of the Commission's recommendation on this application.

ii. MMC 19.902.1.B establishes standards for providing notice to Metro of any proposed amendment to the comprehensive plan or zoning ordinance.

Notice to Metro was provided 45 days in advance of the scheduled City Council hearing. A report containing the analysis of the application's consistency with the Metro Urban Growth Functional Plan has been delivered to Metro.

The criteria for compliance with the requirements of MMC 19.902 are met.

C. Subsection 19.904.1 Requirements for zoning text amendment proposals

i. MMC 19.904.1 requires that proposals for zoning text amendments provide written evidence that the following requirements are satisfied:

(1) Applicable requirements of MMC Section 19.1003 Form of Petitions, applications and appeals, which specify the form of petitions, applications, and appeals.

City staff submitted an application on the prescribed form. Because the application is for a zoning code text amendment and no development is proposed, the other portions of MMC 19.1003 are not applicable.

(2) Reasons for requesting the proposed text amendments.

The proposed code amendments apply to all of Title 19 Zoning Ordinance. The proposed revisions are designed to improve the consistency of zoning amendment tables.

(3) Explanation of how the proposed text amendments are consistent with other provisions of this title.

The proposed text amendments are minimal and are "housekeeping" amendments.

(4) The approval criteria of MMC 19.905.

The applicable approval criteria of MMC 19.905 are addressed below.

The criteria to comply with the requirements of MMC 19.904 are met.

D. Section 19.905 Approval criteria for all amendments

MMC 19.905 establishes the approval criteria for zoning text amendments. The applicable criteria are evaluated as follows:

i. The proposed amendments must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of City ordinances, Metro Urban Growth Management Functional Plan, and applicable regional policies.

Compliance with the Comprehensive Plan:

The proposed amendments will not change current City land use policy. The amendments are consistent with applicable comprehensive plan goals, policies and objectives. Specifically, the following comprehensive plan goals apply to this application:

(1) Chapter 2 – Plan Review and Amendment Process, Objective 1 – Amending the Plan

- Policy 1. Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary. The proposed amendments improve

the consistency of the ordinance tables, allowing for easier interpretation by City staff and residents.

Compliance with City Policy:

The proposed amendments will not change current City land use policy.

Compliance with Metro Policy:

Title 8 of the Metro Growth Management Functional Plan requires that the City's comprehensive plan and land use regulations comply with the Functional Plan. As required by Metro Code Section 3.07.820.A, the City provided notice of the proposed amendments to Metro's Chief Operating Officer on May 1, 2009.

ii. The proposed amendments will meet or can be determined to reasonably meet applicable regional, state, or federal regulations.

The City has complied with all applicable procedural and substantive standards imposed by Metro, as discussed above.

The Oregon Statewide Planning Goals apply to the proposed amendments as follows:

(1) Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has an adopted and acknowledged amendment process and is following that process in making these amendments. The proposed amendments do not change the City's citizen involvement program. Public hearings on the proposed amendments have been held and public notice was published twice prior to each hearing as required by the Milwaukie Comprehensive Plan.

The criteria for compliance with the applicable requirements of MMC 19.905 are met.

E. Subsection 19.1011.5 Legislative Actions
MMC 19.1011.5 outlines the procedures for processing legislative land use policies and plans. The City has followed the procedures for notification and decision making outlined in this section.

The criteria for compliance with the requirements of MMC 19.1011.5 are met.

7. Due to the fact that the proposed amendments are housekeeping amendments and do not affect policies, the application was not referred to other departments or agencies for comments.

ATTACHMENT 1 - Exhibit B
Proposed Code Amendments
Strikeout Version

In the following proposed amendments, text proposed to be added is underlined, and text proposed to be deleted is ~~struck out~~. Notes explaining the changes are highlighted in **blue**.

Title 14 SIGNS

Chapter 14.08 ADMINISTRATION AND ENFORCEMENT

14.08.090 Conditional and community service use signs.

A. Signs for conditional and community service uses shall be limited to those allowed in the underlying zone, except as allowed by Subsections 14.08.090.B and C.

B. The standards of the underlying zone may be increased to the standards in Table 14.08.090~~-1~~.B, pursuant to a Type I review.

[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN]

Table 14.08.090~~-1~~.B
Standards for Conditional and Community Service Use Signs with Type I Review

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 16 SF per display surface	One	Max. 6 ft. above ground	Not in the public right-of-way
Wall sign	Max. 16 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way except as allowed in MMC 14.20.040

C. The standards of the underlying zone may be increased to the standards in Table 14.08.090~~-2~~.C, pursuant to Minor Quasi-Judicial Review by the planning commission, as specified in MMC 19.1011.3.

In reviewing an application for a sign to meet the standards of Table 14.08.090~~-2~~.C, the planning commission will consider the proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

~~**Table 14.08.090-1**~~
~~**Standards for Conditional and Community Service Use Signs with Type I Review**~~

~~Sign Type~~	~~Size~~	~~Number~~	~~Height~~	~~Location~~
~~Monument or freestanding sign~~	~~Max. 16 SF per display surface~~	~~One~~	~~Max. 6 ft. above ground~~	~~Not in the public right-of-way~~
~~Wall sign~~	~~Max. 16 SF~~	~~One per building face~~		
~~Daily display~~	~~Max. 12 SF per display surface~~	~~One per frontage~~		~~Not in the public right-of-way except as allowed in MMC 14.20.040~~

Table 14.08.090~~-2~~.C
Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 40 SF per display surface Max. length 20 ft.	One	Max. 12 ft. above ground	Not in the public right-of-way
Wall sign	10% of the building face, up to 40 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way, except as allowed in MMC 14.20.040

Chapter 14.16 SIGN DISTRICTS

14.16.010 Residential zone.

No sign shall be installed or maintained in an R zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~Table 14.16.010.

14.16.020 Residential-office-commercial zone.

No sign shall be installed or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~Table 14.16.020.

14.16.030 Neighborhood commercial zone.

No sign shall be installed or maintained in a C-N zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~Table 14.16.030.

14.16.040 Commercial zone.

No sign shall be installed or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~Table 14.16.040.

Table 14.16.040
Standards for Signs in Commercial Zones C-L, C-G and C-CS

Sign Type	Area	Height	Location	Number	Illumination[1]
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF per each lineal ft. of frontage over 100 ft.[2]	Max. 25 ft. from ground level, 14 ft. min. clearance below lowest portion of a sign in any driveway or parking area	Not permitted on any portion of a street, sidewalk, or public right-of-way[3]	1 multifaced sign per street frontage[4]	Permitted
Wall signs	Max. 20% of building face[5]	Not above roofline or top of parapet wall, whichever is higher	N/A	No limit	Permitted
Projecting signs	Max. 20% of building face[5]	Not above roofline or top of parapet wall[6]	Not within 20 ft. of another projecting sign	1 per occupancy frontage; prohibited if the premises has a freestanding or roof sign	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage	Max. 8 ft. above highest point of building; no sign support structure can be visible	Pending approval by fire marshal[7] May not project over parapet wall	Permitted instead of, and not in addition to, projecting or freestanding signs	Permitted
Awning signs	Max. display surface is 25% of surface of awning, not to exceed 20% of building face	No higher than the point where the roofline intersects the exterior wall[8]	N/A	1 per frontage per occupancy	Permitted

Table 14.16.040 (continued)
Standards for Signs in Commercial Zones C-L, C-G and C-CS

Sign Type	Area	Height	Location	Number	Illumination[1]
Hanging sign suspended beneath awning	Max. area for hanging signs of 1 SF per 1 lineal ft. of awning length	Min. 8 ft. clearance for hanging signs from the ground to the lowest part of the sign or awning		1 hanging sign per awning	Permitted
Marquee signs	Max. display surface is 25% of surface of marquee, not to exceed 20% of building face	No higher than the point where the roofline intersects the exterior wall[8]	Not extending more than 1 ft. from the marquee surface or 1 ft. over the top edge of the marquee	1 per frontage per occupancy	Permitted
Under-marquee signs	Max. 6 SF per display surface or 12 SF in overall sign area	Min. 8 ft. clearance between the lowest portion of the sign and the ground	Shall not project within 2 ft. of curb	No limit	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall	Max. 6 ft. above ground level	Not within required landscaped areas or public right-of-way[9]	1 per property or occupancy	Permitted

Notes:

1 When fluorescent tubes are used for interior illumination of a sign within 500 ft. of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. See Section 14.24.020.

2 Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

3 Currently existing freestanding signs may project over such right-of-way for a distance not to exceed two feet.

4 Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.

5 If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20 percent of the face of the building.

6 Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in Table 14.16.060~~(E)~~.E.2 for projection of signs into public rights-of-way.

7 Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.

8 Regardless of the existence of a parapet wall.

9 A daily display sign may be allowed within the public right-of-way, subject to the standards of Section 14.20.040.

14.16.050 Manufacturing zone.

No sign shall be installed or maintained in an M or BI zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~Table 14.16.050.

14.16.060 Downtown zones.

E. Projecting Signs.

1. Area. Projecting signs shall not exceed in gross area twenty percent (20%) of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent (20%) of the face of the building.

2. Height and/or Clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. No projecting sign shall project more than five (5) feet from a building. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two (2) feet of the curb nor beyond the distances specified in ~~the following t~~Table 14.16.060.E.2~~:~~.

Table 14.16.060~~(E)~~.E.2
Projection of Signs into Public Rights-of-Way

Overhead Clearance	**Maximum Projection Into Public Right-of-Way**
Less than 8 feet above finished floor/grade	Not permitted
8 feet above finished floor/grade	1 foot
8 to 16 feet above finished floor/grade	1 foot plus 6 inches for each foot of above clearance in excess of 8 feet
Over 16 feet above finished floor/grade	5 feet

Title 17 LAND DIVISION

Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

17.12.020 Application procedure.

A. Applications for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Minor Quasi-Judicial procedures as indicated in this section.

B. Applications for property boundary changes shall be processed in accordance with Table 17.12.020 based on the type of change requested. The planning director may modify the procedures identified in Table 17.12.020 as follows:

1. Minor Quasi-Judicial review may be changed to Type II review, or a Type II review may be changed to a Type I review upon finding the following:

   a. The proposal is consistent with applicable standards and criteria;

   b. The proposal is consistent with the basis and findings of the original approval; and

   c. The proposal does not increase the number of lots.

2. Minor Quasi-Judicial review may be required in the following situations:

   a. When the planning commission approved the original land use action; and

   b. The proposed change is inconsistent with the original approval.

[TABLE MOVED HERE—NO CHANGES]

Table 17.12.020 Boundary Change Review Procedures

Boundary Change Action	Type I	Type II	Minor Quasi-Judicial
1. Lot Consolidation Other Than Replat			
a. Legal lots created by deed.	X		
2. Property Line Adjustment			
a. Any adjustment that is consistent with the Oregon Revised Statutes and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
3. Partition Replat			
a. Any modification to a plat that was decided by the planning commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
4. Subdivision Replat			X

C. An increase in the number of lots within the original boundaries of a partition plat shall be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds three (3).

D. Partitions.

1. Applications for preliminary partition plat shall be processed in accordance with Section 19.1011.2, Type II Administrative Review. Should any associated application subject to Minor Quasi-Judicial review be submitted in conjunction with a partition, the partition

application shall be processed according to Section 19.1011.3 Minor Quasi-Judicial review.

2. Full compliance with all requirements for subdivision may be required if the planning commission should determine that the entire parcel being partitioned is in the process of being divided for the purpose of subdivision. This provision applies if the land to be partitioned exceeds two (2) acres and within a year is being partitioned into more than two (2) parcels, any one of which is less than one (1) acre.

E. Subdivisions. Applications for subdivision preliminary plat applications shall be processed in accordance with Section 19.1011.3 Minor Quasi-Judicial review.

F. Final plats. Applications for final plats of partitions and subdivisions shall be proc-essed in accordance with Section 19.1011.1 Type I Administrative Review.

~~Table 17.12.020 Boundary Change Review Procedures~~

~~Boundary Change Action~~	~~Type I~~	~~Type II~~	~~Minor Quasi-Judicial~~
~~1. Lot Consolidation Other Than Replat~~			
~~a. Legal lots created by deed.~~	~~X~~		
~~2. Property Line Adjustment~~			
~~a. Any adjustment that is consistent with the Oregon Revised Statutes and this title.~~	~~X~~		
~~b. Any adjustment that modifies a plat restriction.~~		~~X~~	
~~3. Partition Replat~~			
~~a. Any modification to a plat that was decided by the planning commission.~~			~~X~~
~~b. Parcel consolidation.~~	~~X~~		
~~c. Actions not described in 3(a) or (b).~~		~~X~~	
~~4. Subdivision Replat~~			~~X~~

Title 19 ZONING

Chapter 19.100 INTRODUCTORY PROVISIONS

19.103 Definitions.

"Vegetated corridor" means the area of setback between the top of the bank of a protected water feature and the delineated edge of the water quality resource area as defined in ~~Table 1~~Tables 19.322.9.A and 19.322.9.E.

Chapter 19.200 BASIC PROVISIONS

19.202 Classification of zones.

For the purposes of this title, the following zones are established in the city, per Table 19.202:

Table 19.202
Classification of Zones

Zone Description	Abbreviated Description
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential—Business Office—Commercial	R-1-B
Residential	R-1
Residential—Office—Commercial	R-O-C
Commercial, Neighborhood	C-N
Commercial, Limited	C-L
Commercial, General	C-G
Downtown Storefront	DS
Downtown Commercial	DC
Downtown Office	DO
Downtown Residential	DR
Downtown Open Space	DOS
Manufacturing	M
Commercial, Community Shopping	C-CS
Mixed Use Overlay	MU
Aircraft Landing Facility	L-F
Planned Development	PD
Willamette Greenway	WG
Community Service Use	CSU
Natural Resource Overlay	NR
Historic Preservation Overlay	HP
Business Industrial	BI

Chapter 19.300 USE ZONES

19.312 Downtown zones.

19.312.3 Uses.

A. Permitted Uses. Uses allowed in the downtown zones are listed in Table 19.312.3 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

[TABLE MOVED HERE—NO CHANGES EXCEPT TITLE, AS SHOWN]

Table 19.312.3
Downtown Zones~~—Use Table~~ Uses

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Residential					
Single-family detached	N	N	N	N	N
Townhouse	L[1]	N	N	L[1]	N
Multifamily apartment/condominium	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
Commercial/Office[1]					
Automobile service station	N	N	N	N	N
Automobile repair	N	L[2]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[3]	N	N
Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	L[4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	L[7]	P	P	L[5]	N
Retail trade	P	P	L[3]	L[5]	N
Industrial	N	N	N	N	N
Other					
Adult entertainment	N	N	N	N	N
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
Transit centers	L[9]	L[9]	N	N	N

1 Certain uses are permitted in the downtown storefront zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.312-2 and subsection 19.312.4(B)(7) for details).

B. Limited Uses. Uses that are allowed subject to limitations are listed in Table 19.312.3 with an "L." These uses are allowed if they comply with the limitations listed in subsection G below, and if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

C. Nonconforming Uses. Existing structures and uses that do not meet the standards for a particular downtown zone may continue in existence. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800, Nonconforming Uses. For privately owned property with legal nonconforming uses and structures

within the downtown open space zone, Section 19.803 is not applicable, but all other provisions of Chapter 19.800 shall apply.

D. Prohibited Uses. Uses listed in Table 19.312.3 with an "N" are prohibited as new uses.

E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in city parks and refreshment stands at the library.

F. Similar Uses. The planning director, through a Type I administrative review, may determine that a use that is not listed is considered similar to a listed use in Table 19.312.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

~~Table 19.312.3~~
~~DOWNTOWN ZONES—USE TABLE~~

~~Use Categories~~	~~Downtown Storefront~~	~~Downtown Commercial~~	~~Downtown Office~~	~~Downtown Residential~~	~~Downtown Open Space~~
~~Residential~~					
~~Single-family detached~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~
~~Townhouse~~	~~L[1]~~	~~N~~	~~N~~	~~L[1]~~	~~N~~
~~Multifamily apartment/condominium~~	~~L[10]~~	~~P~~	~~N~~	~~P~~	~~N~~
~~Senior and retirement housing~~	~~N~~	~~P~~	~~N~~	~~P~~	~~N~~
~~Second floor housing~~	~~P~~	~~P~~	~~P~~	~~P~~	~~N~~
~~Commercial/Office[1]~~					
~~Automobile service station~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~
~~Automobile repair~~	~~N~~	~~L[2]~~	~~N~~	~~N~~	~~N~~
~~Commercial recreation~~	~~P~~	~~P~~	~~P~~	~~N~~	~~N~~
~~Eating/drinking establishment~~	~~P~~	~~P~~	~~L[3]~~	~~N~~	~~N~~
~~Financial institution~~	~~P~~	~~P~~	~~P~~	~~N~~	~~N~~
~~Theater~~	~~P~~	~~P~~	~~P~~	~~N~~	~~N~~
~~Hotel/motel~~	~~N~~	~~P~~	~~P~~	~~N~~	~~N~~
~~Office, professional and administrative~~	~~L[4]~~	~~P~~	~~P~~	~~L[5]~~	~~N~~
~~Parking facility~~	~~P~~	~~P~~	~~P~~	~~N~~	~~L[6]~~
~~Personal/business services~~	~~L[7]~~	~~P~~	~~P~~	~~L[5]~~	~~N~~
~~Retail trade~~	~~P~~	~~P~~	~~L[3]~~	~~L[5]~~	~~N~~
~~Industrial~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~
~~Other~~					
~~Adult entertainment~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~
~~Community service uses~~	~~L[8]~~	~~L[8]~~	~~L[8]~~	~~L[8]~~	~~L[8]~~
~~Marinas, boat ramp~~	~~N~~	~~N~~	~~N~~	~~N~~	~~P~~
~~Parks, plazas, open space~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Transit centers~~	~~L[9]~~	~~L[9]~~	~~N~~	~~N~~	~~N~~

~~[1] Certain uses are permitted in the downtown storefront zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.312-2 and subsection 19.312.4(B)(7) for details).~~

G. Limited Uses. The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an "L" in Table 19.312.3.

19.312.4 Development Standards.

~~A. Purpose. The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.312.4 summarizes the development standards that apply in the downtown zones. Table 19.312.4 is supplemented by the explanation of the development standards provided in subsection B below, and the following figures:~~

A. Purpose. The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.312.4 summarizes the development standards that apply in the downtown zones.

[TABLE MOVED HERE—NO CHANGES EXCEPT TITLE, AS SHOWN]

Table 19.312.4
Downtown Zones—Development Standards

Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sf	10,000 sf	5,000 sf	750/5,000 sf[~~2~~1]	None
2. Floor area ratio					
Minimum	1:1	0.3:1	0.5:1	N/A	N/A
Maximum	4:1	2:1	3:1	N/A	N/A
3. Building height (see Figure 19.312-3)					
Minimum	35′	25′	25′	None	None
Maximum	45′-55′	55′	65′	45′-65′	None
4. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
5. Street setback (see Figure 19.312-4)					
Minimum	0′	0′	0′	0′	0′
Maximum	10′	50′	10′	None	None
6. Other setbacks (side and rear)	None	None	None	15′ [~~3~~2]	None
7. Ground-floor retail (see Figure 19.312-2)	Yes	Yes	Yes	No	No
8. Ground-floor windows/doors (see Figure 19.312-5)	Yes	Yes	Yes	No	No
9. Drive-through facilities	No	No	No	No	No
10. Off-street parking required	No	Yes	No/Yes[~~4~~3]	Yes	Yes
11. Landscaping	None	10%	None	15%	20%

[~~2~~1] Townhouse lots may be as small as seven hundred fifty square feet. All other lots created in the DR zone shall be a minimum of five thousand square feet.

[~~3~~2] Setbacks are required only where the DR zone abuts a lower-density residential zone.

[~~4~~3] Off-street parking is not required in the DO zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO zone located outside of this boundary.

Table 19.312.4 is supplemented by the explanation of the development standards provided in subsection B below, and the following figures:

Figure 19.312-2 — Required Retail Ground Floor Use Areas

Figure 19.312-3 — Maximum Building Heights

Figure 19.312-4 — Build-to Lines

Figure 19.312-5 — Ground-Floor Windows and Openings

~~Table 19.312.4~~
~~DOWNTOWN ZONES—DEVELOPMENT STANDARDS~~

~~Standard~~	~~Downtown Storefront~~	~~Downtown Commercial~~	~~Downtown Office~~	~~Downtown Residential~~	~~Downtown Open Space~~
~~1. Minimum lot size~~	~~750 sf~~	~~10,000 sf~~	~~5,000 sf~~	~~750/5,000 sf[2]~~	~~None~~
~~2. Floor area ratio~~					
~~Minimum~~	~~1:1~~	~~0.3:1~~	~~0.5:1~~	~~N/A~~	~~N/A~~
~~Maximum~~	~~4:1~~	~~2:1~~	~~3:1~~	~~N/A~~	~~N/A~~
~~3. Building height (see Figure 19.312-3)~~					
~~Minimum~~	~~35′~~	~~25′~~	~~25′~~	~~None~~	~~None~~
~~Maximum~~	~~45′-55′~~	~~55′~~	~~65′~~	~~45′-65′~~	~~None~~
~~4. Residential density~~					
~~Minimum~~	~~None~~	~~None~~	~~None~~	~~10-30 U/Acre~~	~~None~~
~~Maximum~~	~~None~~	~~None~~	~~None~~	~~None~~	~~None~~
~~5. Street setback (see Figure 19.312-4)~~					
~~Minimum~~	~~0′~~	~~0′~~	~~0′~~	~~0′~~	~~0′~~
~~Maximum~~	~~10′~~	~~50′~~	~~10′~~	~~None~~	~~None~~
~~6. Other setbacks (side and rear)~~	~~None~~	~~None~~	~~None~~	~~15′[3]~~	~~None~~
~~7. Ground-floor retail (see Figure 19.312-2)~~	~~Yes~~	~~Yes~~	~~Yes~~	~~No~~	~~No~~
~~8. Ground-floor windows/doors (see Figure 19.312-5)~~	~~Yes~~	~~Yes~~	~~Yes~~	~~No~~	~~No~~
~~9. Drive-through facilities~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~
~~10. Off-street parking required~~	~~No~~	~~Yes~~	~~No/Yes[4]~~	~~Yes~~	~~Yes~~
~~11. Landscaping~~	~~None~~	~~10%~~	~~None~~	~~15%~~	~~20%~~

~~[2] Townhouse lots may be as small as seven hundred fifty square feet. All other lots created in the DR zone shall be a minimum of five thousand square feet.~~

~~[3] Setbacks are required only where the DR zone abuts a lower-density residential zone.~~

~~[4] Off-street parking is not required in the DO zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO zone located outside of this boundary.~~

19.321 Community Service Use CSU.

19.321.14 Standards for Wireless Communication Facilities.

C. Application Process.

1. Placement, construction, or modification of WCFs not involving the construction of a new monopole shall be subject to the provisions of Section 19.1011.2 Type II Administrative Review process provided that the antennas and base equipment comply with the standards contained in this section. Also see Table 19.321.14.C.

2. All proposed new monopole towers are subject to Minor Quasi-Judicial Review. Also see Table 19.321.14.C.

[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER/TITLE/LEGEND, AS SHOWN]

Table 19.321.14.~~D~~C
Wireless Communication Facilities—Type and Review Process

~~1 = Minor Quasi Judicial Review- requires a public hearing in front of the Planning Commission~~
~~2 = Type II Administrative Review- provides for an administrative decision with the option of a public hearing~~
~~P = Permitted N = Not Permitted~~

Towers		WCFs Not Involving New Tower		
ZONES	**New Monopole Tower 100 feet**	**Building Rooftop or Wall mounted antenna [1]**	**Water towers, existing towers, and other stealth designs**	**On existing utility pole in ROW with or with out extensions [2]**
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
CSC	N	P2	P2	P2
DC	N	P2	P2	P2
DR	N	P2	P2	P2
DO	N	P2	P2	P2
DS	N	P2	P2	P2
ROC	N	P2	P2	P2
R1B	N	P2	P2	P2
R1	N	N	P2	P2
R2	N	N	P2	P2
R2.5	N	N	P2	P2
R3	N	N	P2	P2
R5	N	N	P2	P2
R7	N	N	P2	P2
R10	N	N	P2	P2

1 = Minor Quasi Judicial Review- requires a public hearing in front of the Planning Commission
2 = Type II Administrative Review- provides for an administrative decision with the option of a public hearing
P = Permitted N = Not Permitted

[1] Rooftop extensions are not to exceed 15 feet in height above the roof top and are not to project greater than 5 feet from the wall of a building.

[2] Antennas placed on right-of-way utility poles may be extended 15 feet. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 feet in height of the pole that is to be replaced

D. Application Submission Requirements.

In addition to the required submission material the following must also be included with the application:

1. Applications for a WCF that will include a new monopole tower:

a. A narrative description of:

1. Tower location
2. Design
3. Height
4. Antenna location and type for all planned antennas
5. Indication of the number of additional antennas the tower will be able to accommodate.

b. Type of antennas the tower is designed to accommodate and

c. Reason for the location, design and height of the proposed tower and antenna.

d. A photo simulation of the proposed tower in relation to the surrounding area.

e. A signed agreement binding present and future owners or operators of the WCF that allows co-location of antennas on the WCF.

f. Documentation that all necessary applications, permits, agreements and easements have been obtained.

g. Documentation of FAA or satisfactory evidence that FAA approval is not required. Satisfactory evidence that FAA approval is not required shall be an Aerospace Safety Analysis Corporation determination or similar evidence.

h. The signature of the property owner(s) on the application form or a written signed statement from the property owner(s) granting authorization to proceed with the land use application and building permits.

i. Documentation that alternative antenna support locations within one thousand five hundred (1500) feet have been considered and have been determined to be technologically or legally infeasible or inadequate. The applicant shall pay to the city the costs of hiring a third party to review the application for accuracy in accordance with the fee resolution adopted by the city council.

j. In addition to those items required on the site plan checklist, the following must also be included:

1. Landscaping plan showing existing and proposed vegetation, including size, type and the amount of proposed vegetation.
2. Location of connections to utilities and right-of-way curb cuts.
3. Location of required easements and access drives.
4. Location of the proposed wireless communication facility and related base equipment.
5. The lease area in relation to the underlying parcel/property as well as neighboring parcels on all sides.

2. WCF Not Including a New Tower.

a. Detailed narrative description describing the proposed antenna location, design and height.

b. Statement that antenna was placed so as to allow for placement of additional antennas on the same antenna support structure, to the extent practicable.

c. Documentation demonstrating the proposal has been submitted and approved by the owner of the structure to which the antenna will be attached.

d. Document demonstrating that necessary applications, permits, agreements, and easements have been obtained.

e. For extensions to existing facilities the applicant shall provide documentation of FAA approval of the tower design or satisfactory evidence that FAA approval is not required. Satisfactory evidence that FAA approval is not required shall be an Aerospace Safety Analysis Corporation determination or similar evidence.

f. The site plan must include the elements listed on the site plan checklist and must also include, to the extent applicable:

1. Landscaping plan showing existing and proposed vegetation, include size, type and amount of proposed vegetation. In some cases, such as co-location on rooftops or other similar uses, the city may determine that landscaping will not be required.

2. Location of connections to utilities and right-of-way curb cuts.

3. Location of required easements and access drives.

4. Location of proposed related base equipment and existing WCF.

5. Lease area in relation to the underlying parcel/property as well as neighboring parcels on all sides.

~~Table 19.321.14.D~~

~~**1** = Minor Quasi Judicial Review- requires a public hearing in front of the Planning Commission~~
~~**2** = Type II Administrative Review- provides for an administrative decision with the option of a public hearing~~
~~**P** = Permitted **N** = Not Permitted~~

~~**Towers**~~		~~**WCFs Not Involving New Tower**~~		
~~**ZONES**~~	~~**New Monopole Tower 100 feet**~~	~~**Building Rooftop or Wall mounted antenna**~~ [1]	~~**Water towers, existing towers, and other stealth designs**~~	~~**On existing utility pole in ROW with or with out extensions**~~ [2]
~~BI~~	~~P1~~	~~P2~~	~~P2~~	~~P2~~
~~M~~	~~P1~~	~~P2~~	~~P2~~	~~P2~~
~~C-N~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~C-G~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~C-L~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~CSC~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~DC~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~DR~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~DO~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~DS~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~ROC~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~R1B~~	~~N~~	~~P2~~	~~P2~~	~~P2~~
~~R1~~	~~N~~	~~N~~	~~P2~~	~~P2~~
~~R2~~	~~N~~	~~N~~	~~P2~~	~~P2~~
~~R2.5~~	~~N~~	~~N~~	~~P2~~	~~P2~~
~~R3~~	~~N~~	~~N~~	~~P2~~	~~P2~~
~~R5~~	~~N~~	~~N~~	~~P2~~	~~P2~~
~~R7~~	~~N~~	~~N~~	~~P2~~	~~P2~~
~~R10~~	~~N~~	~~N~~	~~P2~~	~~P2~~

~~[1] Rooftop extensions are not to exceed 15 feet in height above the roof top and are not to project greater than 5 feet from the wall of a building.~~

~~[2] Antennas placed on right-of-way utility poles may be extended 15 feet. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 feet in height of the pole that is to be replaced~~

E. Use of Existing Tower or Antenna Support Structure.

1. All wireless communication providers are required to attempt to co-locate on existing antenna support structures or locate on alternative antenna support structures before applying to construct a WCF that will include a new tower.

2. New towers shall not be approved unless the applicant demonstrates to the reasonable satisfaction of the planning director that no existing towers or alternative antenna support structure can accommodate the applicant's need for the placement of an antenna in the vicinity of the applicant's proposed location. Evidence demonstrating that use of an existing or alternative support structure is not possible shall be submitted to the planning director and shall include one or more of the following:

   a. That no existing antenna support structures are located within the geographic area which meet the applicant's engineering requirements in regards to location, size, and structural strength and that alternative antenna support structures are not feasible.

   b. That use of any existing structure would cause electromagnetic interference with the existing antennas and electronic and other radio frequencies.

   c. That co-locating on an existing antenna support structure would violate RF emissions standards set by the FCC.

   d. That fees, costs or contractual provisions required by the owner in order to use an existing antenna support structure are unreasonable. A refusal by the owner to allow co-location shall be considered an unreasonable provision.

3. Evidence demonstrating that alternative support structures were considered, but determined to be technologically insufficient, submitted to the planning director for review must be verified and stamped by an engineer licensed in the state of Oregon.

4. All wireless communication providers shall cooperate with other wireless communication providers and act in good faith in co-locating additional antennas on existing support structures and/or existing buildings or other alternative support structures. All support structures eighty (80) feet in height or greater shall be designed to not preclude co-location. All support structures eighty (80) feet or greater shall be designed to hold additional antennas that are substantially similar to the proposed antennas array.

F. Location and Size Restrictions.

1. Separation for New Monopole Towers.

   New monopole towers may not be constructed within one thousand five hundred (1500) ft. of any pre-existing tower. The planning commission has the authority to approve a reduction in the minimum separation requirement to not less than one thousand (1000) feet, provided that the applicant can demonstrate the need to the satisfaction of the planning commission, for the distance reduction. A tower shall include any pre-existing tower or any tower for which the city has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.

2. Height. Maximum heights. Also see table 19.321.14.~~D~~C.

19.322 Water Quality Resource Regulations.

19.322.9 Application Requirements.

Applications for Type II and minor quasi-judicial review shall provide the following information in addition to the information required for the base zone:

A. A topographic map of the site at contour intervals of five (5) feet or less showing a delineation of the water quality resource area, which includes areas shown on the Water Quality and Flood Management Area map, and that meets the definition of water quality resource areas in Table ~~1~~19.322.9.A.

[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER/TITLE, AS SHOWN]

Table ~~1~~19.322.9.A
Vegetated Corridor Measurement by Protected Water Feature Type

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor[6]
Primary Protected Water Features[1]	< 25%	• Edge of bank full flow or 2-year storm level; • Delineated edge of Title 3 wetland	50 feet
Primary Protected Water Features[1]	> 25% for 150 feet or more[5]	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	200 feet
Primary Protected Water Features[1]	> 25% for less than 150 feet[5]	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	Distance from starting point of measurement to top of ravine (break in > 25% slope)[3], plus 50 feet.[4]
Secondary Protected Water Features[2]	< 25%	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	15 feet
Secondary Protected Water Features[2]	> 25%[5]	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	50 feet

1 Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.
2 Secondary Protected Water Features include intermittent streams draining 50—100 acres.
3 Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).
4 A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).
5 Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.
6 Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

B. The location of all existing natural features including, but not limited to, all trees of a caliper greater than six (6) inches diameter at breast height (DBH), natural drainages on the site, springs, seeps, and outcroppings of rocks or boulders within the water quality resource area.

C. Location of wetlands. Where wetlands are identified, the applicant shall follow the division of state lands wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist and will be accepted only after approval by the Oregon division of state lands.

D. An inventory and location of existing debris and noxious materials.

E. An assessment of the existing condition of the water quality resource area in accordance with Table ~~2~~19.322.9.E.

[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN]

Table ~~2~~19.322.9.E
WATER QUALITY RESOURCE AREA REQUIREMENTS

EXISTING CONDITION OF WATER QUALITY RESOURCE AREA	REQUIREMENTS APPLICABLE TO PORTIONS OF THE WATER QUALITY RESOURCE AREA DISTURBED DURING DEVELOPMENT OR LAND DISTURBANCE
Good Existing Corridor: Combination of trees, shrubs and groundcover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.	Submit an inventory of vegetation in areas proposed to be disturbed and a plan for mitigating water quality impacts related to the development, including: sediments, temperature and nutrients; sediment control; temperature control or addressing any other condition that may have caused the Protected Water Feature to be listed on DEQ's 303 (d) list. Inventory and remove debris and noxious materials.
Marginal Existing Vegetated Corridor: Combination of trees, shrubs and groundcover are 80% present, and 25—50 percent canopy coverage in the vegetated corridor.	Vegetated disturbed and bare areas with non-nuisance plantings from Native Plants List. Inventory and remove debris and noxious materials. Revegetate with native species using a city approved plan developed to represent the vegetative composition that would naturally occur on the site. Revegetation must occur during the next planting season following site disturbance. Annual replacement of plants that do not survive is required until vegetation representative of natural conditions is established on the site. Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List. Inventory and remove debris and noxious materials.
Degraded Existing Vegetated Corridor: Less vegetation and canopy coverage than Marginal Vegetated Corridors, and/or greater than 10% surface coverage of any non-native species.	Vegetate disturbed and bare areas with appropriate plants from Native Plants List. Remove non-native species and revegetate with non-nuisance plantings from Native Plants List. Plant and seed to provide 100 percent surface coverage. Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List. Inventory and remove debris and noxious materials.

F. An inventory of vegetation, including percentage ground and canopy coverage.

G. Alternatives analysis demonstrating that:

1. No practicable alternatives to the requested development exist that will not disturb the water quality resource area; and

2. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use; and

3. The water quality resource area can be restored to an equal or better condition in accordance with Table ~~2~~19.322.9.E; and

4. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

H. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures located within the water quality resource area:

1. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the water quality resource area than the one proposed; and

2. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the water quality resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and

3. Provide mitigation to ensure that impacts to the functions and values of the water quality resource area will be mitigated or restored to the extent practicable.

I. A water quality resource area mitigation plan that contains the following information:

1. A description of adverse impacts that will be caused as a result of development.

2. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table ~~2~~19.322.9.E.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.

4. A map showing where the specific mitigation activities will occur.

5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

J. All information contained in the application submission requirements and site plan checklist forms prescribed by the planning director.

K. The application fee as adopted by the city council.

19.322.10 Development Standards.

Applications for development or land disturbance on properties that contain water quality resource areas shall demonstrate compliance with the following standards:

A. The water quality resource area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table ~~2~~19.322.9.E.

B. To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the water quality resource area.

C. Where existing vegetation has been removed, the site shall be revegetated as soon as practicable.

D. Prior to construction, the water quality resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as may be allowed by this chapter. Such markings shall be maintained until construction is complete.

E. Stormwater pre-treatment facilities:

1. The stormwater pre-treatment facility may encroach a maximum of twenty-five (25) feet into the outside boundary of the water quality resource area of a primary water feature; and

2. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the property.

F. Additions, alterations, rehabilitation and replacement of lawful structures.

1. For existing structures, roadways, driveways, accessory uses and development which are nonconforming, this chapter shall apply in addition to the nonconforming use regulations of the city.

2. Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to the protected water feature than the existing structures, roadways, driveways, accessory uses and development.

G. Off-site Mitigation. Offsite mitigation shall not be used to meet mitigation requirements of this chapter.

H. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution or sedimentation to the adjacent water quality resource area.

I. Where practicable, the types, sizes and intensities of lights must be placed so that they do not shine directly into the natural resource locations.

J. Where proposed, development of trails, rest points, viewpoints and other facilities for the enjoyment of the resource must be done in such a manner so as to reduce impacts on the natural resource while allowing for the enjoyment of the resource.

K. Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, except where mitigation is approved, so as to provide a transition between the proposed development and the natural resource, provide opportunity for food, water and cover for animals located within the water quality resource.

L. Storm water flows as a result of proposed development within and to natural drainage courses shall not exceed pre-development flows.

M. Road crossings of major natural drainage courses will be minimized as much as possible.

N. The construction phase of the development must be done in such a manner to safeguard the resource portions of the site that have not been approved for development.

19.322.11 Variances.

A. The purpose of this section is to ensure that compliance with this ordinance does not cause unreasonable hardship. To avoid such instances, the requirements of this ordinance may be varied. Variances are also allowed when strict application of this ordinance would unreasonably deprive an owner of economically viable use of land.

B. This section applies in addition to the standards governing proposals to vary the requirements of the base zone.

C. A variance to avoid the unreasonable loss of economically viable use of a lot that contains protected water features is permitted. Applicants must demonstrate that without the proposed variance, the reasonable economic use of the property would be denied. The applicant must show

that no other development proposal could result in permission for an economically viable use of the property.

D. Variance Conditions.

The planning commission may impose such conditions as are deemed necessary to minimize adverse impacts that may result from granting relief from provisions of this chapter. If a variance is granted, it shall be subject to the following conditions:

1. The minimum width of the vegetated corridor shall be twenty-five (25) feet on each side of a primary protected water feature.

2. No more than twenty-five percent (25%) of the length of the water quality resource area for a primary protected water feature within a development site can be less than twenty-five (25) feet in width on each side of the water feature.

19.322.12 Map Administration.

A. The purpose of this section is to provide a process for amending the Water Resource Quality Map to add water resources and correct the location of protected water features and the water quality resource areas.

B. Map Corrections, Deletions.

1. Improperly mapped water features shown on the Milwaukie Water Quality Maps may be deleted by administrative review in accordance with 19.1011.2 subject to the following criteria:

a. In the case of wetlands, submission of a wetland delineation prepared by a professional wetland scientist in accordance with the 1996 Oregon Freshwater Wetland Assessment Methodology demonstrating that the site does not contain wetlands.

b. In the case of drainages, submission of a hydrology report prepared by a professional engineer demonstrating that the drainage does not meet the definition of a protected resource.

2. The planning director shall confer with the department of state lands and metro to confirm delineation and hydrology reports as may be needed prior to issuing a notice of decision on a requested map deletion.

3. The city shall amend the Water Quality Resource Map if the wetland or hydrology report demonstrates:

a. That a primary protected water feature no longer exists because the area has been legally filled, culverted or developed prior to the adoption of this chapter; or

b. The boundaries of the water quality resource area have changed since adoption of the Water Quality and Flood Management Areas Map; or

c. An error in the original mapping has been demonstrated.

C. Map Correction, Additions and Modifications. Map corrections that require the addition of a protected water feature to the water quality map shall be made in accordance with 19.900 Amendments.

D. Modification of the water quality resource area. To modify the water quality resource area, the applicant shall demonstrate that the modification will offer the same or better protection of the protected water feature, water quality resource area and flood management area by:

1. Preserving a vegetated corridor that will separate the protected water feature from proposed development; and
2. Preserving existing vegetated cover or enhancing the water quality resource area sufficient to assist in maintaining or reducing water temperatures in the adjacent protected water feature; and
3. Enhancing the water quality resource area sufficient to minimize erosion, nutrient and pollutant loading into the adjacent protected water feature; and
4. Protecting the vegetated corridor sufficient to provide filtration, infiltration and natural water purification for the adjacent protected water feature; and
5. Stabilizing slopes adjacent to the protected water feature.

~~Table 1~~

~~**Protected Water Feature Type (see definitions)**~~	~~**Slope Adjacent to Protected Water Feature**~~	~~**Starting Point for Measurements from Water Feature**~~	~~**Width of Vegetated Corridor**~~[6]
~~**Primary Protected Water Features**~~[1]	~~< 25%~~	~~• Edge of bank full flow or 2-year storm level;~~ ~~• Delineated edge of Title 3 wetland~~	~~50 feet~~
~~**Primary Protected Water Features**~~[1]	~~> 25% for 150 feet or more~~[5]	~~• Edge of bankful flow or 2-year storm level;~~ ~~• Delineated edge of Title 3 wetland~~	~~200 feet~~
~~**Primary Protected Water Features**~~[1]	~~> 25% for less than 150 feet~~[5]	~~• Edge of bankful flow or 2-year storm level;~~ ~~• Delineated edge of Title 3 wetland~~	~~Distance from starting point of measurement to top of ravine (break in > 25% slope)~~[3]~~, plus 50 feet.~~[4]
~~**Secondary Protected Water Features**~~[2]	~~< 25%~~	~~• Edge of bankful flow or 2-year storm level;~~ ~~• Delineated edge of Title 3 wetland~~	~~15 feet~~
~~**Secondary Protected Water Features**~~[2]	~~> 25%~~[5]	~~• Edge of bankful flow or 2-year storm level;~~ ~~• Delineated edge of Title 3 wetland~~	~~50 feet~~

~~[1] Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.~~

~~[2] Secondary Protected Water Features include intermittent streams draining 50 – 100 acres.~~

~~[3] Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).~~

~~[4] A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).~~

~~[5] Vegetated corridors in excess of 50 feet for primary protected features, or in excess of 15 feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.~~

~~[6] Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.~~

~~Table 2~~

~~WATER QUALITY RESOURCE AREA REQUIREMENTS~~

~~EXISTING CONDITION OF WATER QUALITY RESOURCE AREA~~	~~REQUIREMENTS APPLICABLE TO PORTIONS OF THE WATER QUALITY RESOURCE AREA DISTURBED DURING DEVELOPMENT OR LAND DISTURBANCE~~
~~**Good Existing Corridor:**~~ ~~Combination of trees, shrubs and groundcover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.~~	~~Submit an inventory of vegetation in areas proposed to be disturbed and a plan for mitigating water quality impacts related to the development, including: sediments, temperature and nutrients; sediment control; temperature control~~ ~~or addressing any other condition that may have caused the Protected Water Feature to be listed on DEQ's 303 (d) list.~~ ~~Inventory and remove debris and noxious materials.~~
~~**Marginal Existing Vegetated Corridor:**~~ ~~Combination of trees, shrubs and groundcover are 80% present, and 25—50 percent canopy coverage in the vegetated corridor.~~	~~Vegetated disturbed and bare areas with non-nuisance plantings from Native Plants List.~~ ~~Inventory and remove debris and noxious materials.~~ ~~Revegetate with native species using a city approved plan developed to represent the vegetative composition that would naturally occur on the site.~~ ~~Revegetation must occur during the next planting season following site disturbance. Annual replacement of plants that do not survive is required until vegetation representative of natural conditions is established on the site.~~ ~~Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.~~ ~~Inventory and remove debris and noxious materials.~~
~~**Degraded Existing Vegetated Corridor:**~~ ~~Less vegetation and canopy coverage than Marginal Vegetated Corridors, and/or greater than 10% surface coverage of any non-native species.~~	~~Vegetate disturbed and bare areas with appropriate plants from Native Plants List.~~ ~~Remove non-native species and revegetate with non-nuisance plantings from Native Plants List.~~ ~~Plant and seed to provide 100 percent surface coverage.~~ ~~Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.~~ ~~Inventory and remove debris and noxious materials.~~

Chapter 19.500 OFF-STREET PARKING AND LOADING

19.503 Off-street parking standards.

19.503.3 Minimum Number of Required Parking Spaces and Maximum Allowable Parking.

A. Parking shall be provided for all uses in accordance with specifications of Table 19.503.~~9~~3. Where a use is not named in Table 19.503.~~9~~3, determination of applicable parking standards shall be made in accordance with subsection 19.503.6.

B. Except as provided herein, parking provided shall not be less than "minimum parking required" nor shall parking provided exceed "maximum allowable parking" as shown in Table 19.503.~~9~~3.

[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN]

Table 19.503.~~9~~3
MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS

Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
A. Residential Uses			
1. 1- and 2-unit attached home; manufactured home; single-family detached	2 spaces per dwelling unit, one of which must be covered.	Not applicable.	Not applicable.
2. Flag lots	2 spaces per dwelling unit, one of which must be covered, plus 1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.	Not applicable.	Not applicable.
3. Studio or 1-bedroom unit 600 sf or less (see Chapter 19.100)	1 space per dwelling unit; enclosure/cover not required.	None.	None.
4. Attached dwellings containing 3 or more dwelling units	1.25 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	Same as Zone A
5. Mobile home park	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.	Same as minimum.	Same as Zone A
6. Residential employees, staff, caregivers, and caretakers	1 space per each full-time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.	Same as minimum.	Same as Zone A

Table 19.503.~~9~~3 (continued)
MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS

Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
B. Residential Support Uses			
1. Church	1 space per 5 seats, or 1 space per 12 lineal feet of bench.	1 space per 3 seats, or 1 space per 8 lineal feet of bench.	Same as Zone A
2. College, university, institute of higher learning	1 space per 3 students.	1 space per 2 students.	Same as Zone A
3. Daycare center	1 space per employee on the largest shift, plus 1 per facility vehicle, plus 1 space per 8 pupils.	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 pupils.	Same as Zone A
4. School—elementary or junior high	1.75 spaces per classroom.	1.5 spaces per classroom.	Same as Zone A
5. School—senior high	.33 spaces per student, plus 1 space per staff.	.25 space per student, plus 1 space per staff.	Same as Zone A
C. Lodging Places			
1. Motel, hotel	.9 space per lodging unit.	1.1 spaces per lodging unit.	Same as Zone A
2. Boarding house	1 space per guest room.	1.25 spaces per guest room.	Same as Zone A
3. Bed and breakfast establishments	1 space per guest room, plus 1.5 spaces per permanent residents.	1 space per guest room, plus 2 spaces per permanent residents.	Same as Zone A
D. Places of Public Assembly			
1. Auditorium or meeting room (other than church or school)	1 space per 4 seats, or 1 space per 60 square feet of floor area.	1 space per 3 seats, or 1 space per 45 square feet of floor area.	Same as Zone A
2. Club, lodge, or association	1 space per 4 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	1 space per 3 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	Same as Zone A
3. Library, museum, art gallery	1 space per 1,000 square feet of gross floor area.	1.2 spaces per 1,000 square feet of gross floor area.	Same as Zone A
E. Commercial Uses—Recreational			
1. Amusement park	1 space for each 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
2. Billiard hall	1 space per table, plus 1 space per employee of the largest shift.	Same as minimum.	Same as Zone A
3. Bowling alley	2 spaces for each alley, plus 1 space per employee of the largest shift.	4 spaces for each alley, plus 1 space per employee of the largest shift.	Same as Zone A
4. Dance hall, skating rink, or gymnasium	1 space per 100 square feet of gross floor area.	1 space per 50 square feet of gross floor area.	Same as Zone A
5. Golf driving range	1 space per each driving tee.	1.5 spaces per each driving tee.	Same as Zone A
6. Indoor arena or theater	1 space per 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.	1 space per 3 seats.	Same as Zone A

Table 19.503.93 (continued) MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS			
Use	**Minimum Required**	**Zone A Maximum Allowed**	**Zone B Maximum Allowed**
E. Commercial Uses—Recreational (continued)			
7. Miniature golf	1.25 spaces per hole.	1.5 spaces per hole.	Same as Zone A
8. Race track or stadium	1 space per 4 seats, or 1 space for 8 feet of bench length.	1 space per 3.5 seats, or 1 space for 6 feet of bench length.	Same as Zone A
9. Indoor racquet courts	2 spaces per court, plus 1 space per employee of largest shift.	3 spaces per court, plus 1 space per employee of largest shift.	Same as Zone A
F. Commercial Uses—Retail Goods			
1. Eating and drinking establishments			
a. Sit-down	10 spaces per 1,000 square feet of gross floor area.	15 spaces per 1,000 square feet of gross floor area.	Same as Zone A
b. Fast food	9.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	12.4 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	14.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.
2. Convenience store	4 spaces 1,000 square feet of gross floor area.	5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
3. Grocery store	1 space per 245 square feet of gross floor area.	1 space per 200 square feet of gross floor area.	1 space per 165 square feet of gross floor area.
4. Apparel and department stores	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
5. Furniture and home furnishings	1 space per 1,000 square feet of gross floor area.	1.5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
6. Gas stations			
a. Gas-only	1 space per 4 pumps.	1.25 spaces per 4 pumps.	Same as Zone A
b. Full-service	1 space per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	Same as Zone A
7. Auto, boat, or trailer sales	1 space per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	Same as Zone A
G. Commercial Uses—Services			
1. Banking			
a. Automatic teller	2 spaces per machine.	Same as minimum.	Same as Zone A
b.Bank (walk-in only)	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
c. Bank (with drive-in windows)	3 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	Same as Zone A
2. Barber shop or beauty parlor	1 space per 125 square floor area.	1 space per 100 square feet of floor area.	Same as Zone A
3. Health practitioner's office	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A

Table 19.503.~~9~~3 (continued) MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS			
Use	**Minimum Required**	**Zone A Maximum Allowed**	**Zone B Maximum Allowed**
G. Commercial Uses—Services (continued)			
4. Animal hospital/veterinary clinic	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
5. Hospital	1 space per bed.	2 spaces per bed.	Not applicable.
6. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.	Same as Zone A
7. Professional services	1 space per 370 square feet of gross leasable area.	1 space per 295 square feet of floor area.	1 space per 245 square feet of floor area.
8. Personal services	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
9. Repair shops (items other than motorized vehicles)	1 space per 350 feet of gross floor area.	1 space per 300 feet of gross floor area.	Same as Zone A
10. Car wash			
a. Self-serve	2 spaces, plus 1 space per wash bay (clear of the right-of-way)	2 spaces, plus 2 spaces per wash bay (clear of the right-of-way)	Same as Zone A
b. Full-serve	1 space per 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
11. Dry cleaners	1 space per 350 square feet of gross floor area.	1 space per 300 square feet of gross floor area.	Same as Zone A
12. Mortuary/funeral home	1 space per each 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	1 space per each 4 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	Same as Zone A
13. Automotive, truck, and trailer rental	1 space per 400 square feet of gross floor area.	1 space per 350 square feet of gross floor area.	Same as Zone A
H. Industrial Uses			
1. Manufacturing	1 space per 1,000 square feet of gross floor area.	1.25 spaces per 1,000 square feet of gross floor area.	Same as Zone A
2. Storage, warehouse, wholesale establishment less than 150,000 square feet	1 space per 1,500 square feet of gross floor area.	1 space per 1,000 square feet of gross floor area.	Same as Zone A
3. Storage, warehouse, wholesale establishment greater than or equal to 150,000 square feet	1 space per 3,000 square feet of gross floor area.	1 space per 2,500 square feet of gross floor area.	1 space per 2,000 square feet of gross floor area.
4. Miniwarehouse; self-service storage	1 space per 12 storage units, plus 1 space per employee of the largest shift.	1 space per 10 storage units, plus 1 space per employee of the largest shift.	Same as Zone A

19.503.4 Special Exemption from Maximum Allowable Parking Standards.

The following uses shall be exempt from maximum allowable parking standards of Table 19.503.~~9~~3. This exemption does not limit any provision or authority to restrict the size, location, or design of such uses. On sites where the following parking is provided, it shall not be included in the parking count used for determining maximum allowable parking:

A. Structured parking;

B. Valet lots;

C. Pay lots;

D. Employee carpool parking, when such areas are dedicated by way of on-site reservation or dedication;

E. Fleet parking;

F. Automobile sales lots;

G. Truck loading areas.

19.503.5 Determination of Parking Zone Classification.

A. Zone A.

1. All areas zoned DS, DC, DO, DR, DOS, and mixed use overlay shall be classified zone A; and

2. All properties located within one-quarter mile walking distance of a transit bus stop that provides twenty (20) minute peak hour service shall be classified zone A. In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the nearest point of the subject lot located along the nearest street frontage that allows for the shortest walking distance. The transit provider shall be the official source for transit stop location and peak service availability.

B. Zone B.

1. All properties not located within zone A shall be classified zone B.

19.503.6 Determination of Required Parking for Unlisted Uses.

The planning director shall determine the minimum required parking spaces and maximum allowable parking spaces for all uses not listed in Table 19.503.~~9~~3; unless an application is under review by the planning commission, in which case the commission shall make the determination. In all determinations for unlisted uses, the applicant shall be required to submit studies or technical information about the use, parking demand, traffic (vehicle trip) generation, and otherwise as deemed necessary to make a determination. The city may consider testimony and publications of individuals, agencies, or institutions experienced in parking and traffic engineering in its determination of parking standards.

19.503.7 Reduction of Required Parking.

Notwithstanding provisions for modification of parking requirements found in subsection 19.503.8, the following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. No reduction taken pursuant to this section shall discount required minimum parking used in any request for modification of required parking.

In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking

distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

A. Parking for commercial and industrial uses may be reduced by ten percent providing the development is within five hundred feet walking distance of a transit stop.

B. Parking for multifamily uses may be reduced by twenty percent providing the development is located within five hundred feet walking distance of a transit stop.

C. Commercial and industrial developments may reduce the required number of parking spaces by ten percent if at least one carpool/vanpool space is located near the entrance of the structure.

19.503.8 Modification of Minimum and Maximum Parking.

A. Minimum parking required and maximum parking allowed may be modified by the planning director; unless there is an application under review by the planning commission, in which case the commission shall consider the request for modification. Any request must demonstrate the modification is acceptable through parking and traffic analyses prepared by a qualified professional using methods generally accepted in the field. The procedure for planning director review shall be in accordance with subsection 19.1011.1, Type I Administrative Review. This provision shall not be used in cases of zoning hardship. Any proposed modification of parking related to hardship shall be reviewed in accordance with variance procedures in Chapter 19.700.

B. For uses requiring a minimum of ten or more parking spaces, inclusive of all uses in the case of mixed used, required parking may be reduced by up to fifteen percent of the minimum required for sites located in parking zone A, upon a demonstration the modification is warranted, pursuant to subsection 19.503.8A, and meets the following criteria.

1. Will not result in undue site congestion;
2. Will not result in traffic hazards on the site or adjoining streets; and
3. Will not result in an undue reduction in the availability of on-street parking or parking located in facilities owned and/or operated by the city.

C. A reduction of up to twenty-five percent of total required parking may be granted for new development, redevelopment, and substantial improvements subject to subsections A and B above in such cases where:

1. The project is utilizing shared parking in accordance with subsection 19.503.2; or
2. For mixed use projects, the site is located within parking zone A and no less than one-half of the total gross floor area is dedicated to residential uses.

For the purposes of this section, "substantial improvement" means any construction, renovation, or modification where the value of proposed site and building improvements exceeds thirty percent of the value of the land and buildings thereon. Any request for reduction of required parking pursuant to this subsection C shall be subject to Chapter 19.600, Conditional Uses.

D. Mitigation of adverse impacts such as those named above in subsection B may be required as a condition necessary to make a reduction of required parking acceptable.

E. Maximum parking allowed may be increased up to fifteen percent of the applicable standard, subject to subsection A above, and further subject to compliance with all zoning standards and management of related storm water runoff.

19.503.9 ~~Number of Required Off-Street Parking Spaces.~~ Table renumbered and moved to 19.503.3 and section repealed.

~~Table 19.503.9~~ ~~MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS~~			
~~Use~~	~~Minimum Required~~	~~Zone A Maximum Allowed~~	~~Zone B Maximum Allowed~~
~~A. Residential Uses~~			
~~1. 1 and 2 unit attached home; manufactured home; single-family detached~~	~~2 spaces per dwelling unit, one of which must be covered.~~	~~Not applicable.~~	~~Not applicable.~~
~~2. Flag lots~~	~~2 spaces per dwelling unit, one of which must be covered, plus 1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.~~	~~Not applicable.~~	~~Not applicable.~~
~~3. Studio or 1-bedroom unit 600 sf or less (see Chapter 19.100)~~	~~1 space per dwelling unit; enclosure/cover not required.~~	~~None.~~	~~None.~~
~~4. Attached dwellings containing 3 or more dwelling units~~	~~1.25 spaces per dwelling unit, one of which shall be covered.~~ ~~1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.~~	~~2 spaces per dwelling unit, one of which shall be covered.~~ ~~1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.~~	~~Same as Zone A~~
~~5. Mobile home park~~	~~2 spaces per dwelling unit, one of which shall be covered.~~ ~~1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.~~	~~Same as minimum.~~	~~Same as Zone A~~
~~6. Residential employees, staff, caregivers, and caretakers~~	~~1 space per each full-time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.~~	~~Same as minimum.~~	~~Same as Zone A~~
~~B. Residential Support Uses~~			
~~1. Church~~	~~1 space per 5 seats, or 1 space per 12 lineal feet of bench.~~	~~1 space per 3 seats, or 1 space per 8 lineal feet of bench.~~	~~Same as Zone A~~
~~2. College, university, institute of higher learning~~	~~1 space per 3 students.~~	~~1 space per 2 students.~~	~~Same as Zone A~~
~~3. Daycare center~~	~~1 space per employee on the largest shift, plus 1 per facility vehicle, plus 1 space per 8 pupils.~~	~~1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 pupils.~~	~~Same as Zone A~~
~~4. School—elementary or junior high~~	~~1.75 spaces per classroom.~~	~~1.5 spaces per classroom.~~	~~Same as Zone A~~
~~5. School—senior~~	~~.33 spaces per student, plus~~	~~.25 space per student, plus 1~~	~~Same as Zone A~~

~~high~~	~~1 space per staff.~~	~~space per staff.~~	
~~**C. Lodging Places**~~			
~~1. Motel, hotel~~	~~.9 space per lodging unit.~~	~~1.1 spaces per lodging unit.~~	~~Same as Zone A~~
~~2. Boarding house~~	~~1 space per guest room.~~	~~1.25 spaces per guest room.~~	~~Same as Zone A~~
~~3. Bed and breakfast establishments~~	~~1 space per guest room, plus 1.5 spaces per permanent residents.~~	~~1 space per guest room, plus 2 spaces per permanent residents.~~	~~Same as Zone A~~
~~**D. Places of Public Assembly**~~			
~~1. Auditorium or meeting room (other than church or school)~~	~~1 space per 4 seats, or 1 space per 60 square feet of floor area.~~	~~1 space per 3 seats, or 1 space per 45 square feet of floor area.~~	~~Same as Zone A~~
~~2. Club, lodge, or association~~	~~1 space per 4 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.~~	~~1 space per 3 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.~~	~~Same as Zone A~~
~~3. Library, museum, art gallery~~	~~1 space per 1,000 square feet of gross floor area.~~	~~1.2 spaces per 1,000 square feet of gross floor area.~~	~~Same as Zone A~~
~~**E. Commercial Uses—Recreational**~~			
~~1. Amusement park~~	~~1 space for each 1,000 square feet of gross floor area.~~	~~Same as minimum.~~	~~Same as Zone A~~
~~2. Billiard hall~~	~~1 space per table, plus 1 space per employee of the largest shift.~~	~~Same as minimum.~~	~~Same as Zone A~~
~~3. Bowling alley~~	~~2 spaces for each alley, plus 1 space per employee of the largest shift.~~	~~4 spaces for each alley, plus 1 space per employee of the largest shift.~~	~~Same as Zone A~~
~~4. Dance hall, skating rink, or gymnasium~~	~~1 space per 100 square feet of gross floor area.~~	~~1 space per 50 square feet of gross floor area.~~	~~Same as Zone A~~
~~5. Golf driving range~~	~~1 space per each driving tee.~~	~~1.5 spaces per each driving tee.~~	~~Same as Zone A~~
~~6. Indoor arena or theater~~	~~1 space per 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.~~	~~1 space per 3 seats.~~	~~Same as Zone A~~
~~7. Miniature golf~~	~~1.25 spaces per hole.~~	~~1.5 spaces per hole.~~	~~Same as Zone A~~
~~8. Race track or stadium~~	~~1 space per 4 seats, or 1 space for 8 feet of bench length.~~	~~1 space per 3.5 seats, or 1 space for 6 feet of bench length.~~	~~Same as Zone A~~
~~9. Indoor racquet courts~~	~~2 spaces per court, plus 1 space per employee of largest shift.~~	~~3 spaces per court, plus 1 space per employee of largest shift.~~	~~Same as Zone A~~
~~**F. Commercial Uses—Retail Goods**~~			
~~1. Eating and drinking establishments~~			
~~a. Sit-down~~	~~10 spaces per 1,000 square feet of gross floor area.~~	~~15 spaces per 1,000 square feet of gross floor area.~~	~~Same as Zone A~~
~~b. Fast food~~	~~9.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.~~	~~12.4 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.~~	~~14.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.~~
~~2. Convenience store~~	~~4 spaces 1,000 square feet of gross floor area.~~	~~5 spaces per 1,000 square feet of gross floor area.~~	~~Same as Zone A~~
~~3. Grocery store~~	~~1 space per 245 square feet~~	~~1 space per 200 square feet~~	~~1 space per 165 square feet~~

	~~of gross floor area.~~	~~of gross floor area.~~	~~of gross floor area.~~
~~4. Apparel and department stores~~	~~3 spaces per 1,000 square feet of gross floor area.~~	~~4 spaces per 1,000 square feet of gross floor area.~~	~~Same as Zone A~~
~~5. Furniture and home furnishings~~	~~1 space per 1,000 square feet of gross floor area.~~	~~1.5 spaces per 1,000 square feet of gross floor area.~~	~~Same as Zone A~~
~~6. Gas stations~~			
~~a. Gas only~~	~~1 space per 4 pumps.~~	~~1.25 spaces per 4 pumps.~~	~~Same as Zone A~~
~~b. Full service~~	~~1 space per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.~~	~~1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.~~	~~Same as Zone A~~
~~7. Auto, boat, or trailer sales~~	~~1 space per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.~~	~~2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.~~	~~Same as Zone A~~
~~**G. Commercial Uses—Services**~~			
~~1. Banking~~			
~~a. Automatic teller~~	~~2 spaces per machine.~~	~~Same as minimum.~~	~~Same as Zone A~~
~~b.Bank (walk-in only)~~	~~3 spaces per 1,000 square feet of gross floor area.~~	~~4 spaces per 1,000 square feet of gross floor area.~~	~~Same as Zone A~~
~~c. Bank (with drive-in windows)~~	~~3 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.~~	~~3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.~~	~~Same as Zone A~~
~~2. Barber shop or beauty parlor~~	~~1 space per 125 square floor area.~~	~~1 space per 100 square feet of floor area.~~	~~Same as Zone A~~
~~3. Health practitioner's office~~	~~4 spaces per 1,000 square feet of floor area.~~	~~5 spaces per 1,000 square feet of floor area.~~	~~Same as Zone A~~
~~4. Animal hospital/veterinary clinic~~	~~4 spaces per 1,000 square feet of floor area.~~	~~5 spaces per 1,000 square feet of floor area.~~	~~Same as Zone A~~
~~5. Hospital~~	~~1 space per bed.~~	~~2 spaces per bed.~~	~~Not applicable.~~
~~6. Nursing, convalescent, and extended care facilities~~	~~1 space per 4 beds.~~	~~1 space per 3 beds.~~	~~Same as Zone A~~
~~7. Professional services~~	~~1 space per 370 square feet of gross leasable area.~~	~~1 space per 295 square feet of floor area.~~	~~1 space per 245 square feet of floor area.~~
~~8. Personal services~~	~~1 space per 125 square feet of floor area.~~	~~1 space per 100 square feet of floor area.~~	~~Same as Zone A~~
~~9. Repair shops (items other than motorized vehicles)~~	~~1 space per 350 feet of gross floor area.~~	~~1 space per 300 feet of gross floor area.~~	~~Same as Zone A~~
~~10. Car wash~~			
~~a. Self serve~~	~~2 spaces, plus 1 space per wash bay (clear of the right-of-way)~~	~~2 spaces, plus 2 spaces per wash bay (clear of the right-of-way)~~	~~Same as Zone A~~
~~b. Full serve~~	~~1 space per 1,000 square feet of gross floor area.~~	~~Same as minimum.~~	~~Same as Zone A~~
~~11. Dry cleaners~~	~~1 space per 350 square feet of gross floor area.~~	~~1 space per 300 square feet of gross floor area.~~	~~Same as Zone A~~
~~12. Mortuary/funeral home~~	~~1 space per each 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space~~	~~1 space per each 4 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space~~	~~Same as Zone A~~

	~~reserved for hearse or company vehicle.~~	~~reserved for hearse or company vehicle.~~	
~~13. Automotive, truck, and trailer rental~~	~~1 space per 400 square feet of gross floor area.~~	~~1 space per 350 square feet of gross floor area.~~	~~Same as Zone A~~
~~**H. Industrial Uses**~~			
~~1. Manufacturing~~	~~1 space per 1,000 square feet of gross floor area.~~	~~1.25 spaces per 1,000 square feet of gross floor area.~~	~~Same as Zone A~~
~~2. Storage, warehouse, wholesale establishment less than 150,000 square feet~~	~~1 space per 1,500 square feet of gross floor area.~~	~~1 space per 1,000 square feet of gross floor area.~~	~~Same as Zone A~~
~~3. Storage, warehouse, wholesale establishment greater than or equal to 150,000 square feet~~	~~1 space per 3,000 square feet of gross floor area.~~	~~1 space per 2,500 square feet of gross floor area.~~	~~1 space per 2,000 square feet of gross floor area.~~
~~4. Miniwarehouse; self-service storage~~	~~1 space per 12 storage units, plus 1 space per employee of the largest shift.~~	~~1 space per 10 storage units, plus 1 space per employee of the largest shift.~~	~~Same as Zone A~~

19.503.10 Off-Street Parking Space Standards.

A. A minimum of fifty (50) percent of spaces shall be regular-sized spaces and a maximum of fifty (50) percent can be compact spaces. Handicapped spaces shall be according to federal and state requirements.

B. The minimum dimensions for required off-street parking spaces shall be as ~~follows~~per Table 19.503.10 below:

Table 19.503.10
MINIMUM PARKING SPACE AND AISLE DIMENSIONS[1,2]

Angle (A)	Type	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Regular Compact	9 ft. 7 ft.	22 ft. 6 in. 19 ft. 6 in.	12 ft. 12 ft.	24 ft. 24 ft.	8 ft. 7 ft. 6 in.
30°	Regular Compact	9 ft. 7 ft. 6 in.	18 ft. 15 ft.	12 ft. 12 ft.	24 ft. 24 ft.	17 ft. 14 ft.
45°	Regular Compact	9 ft. 7 ft. 6 in.	12 ft. 6 in. 10 ft. 6 in.	12 ft. 12 ft.	24 ft. 24 ft.	19 ft. 16 ft.
60°	Regular Compact	9 ft. 7 ft. 6 in.	10 ft. 6 in. 8 ft. 6 in.	18 ft. 15 ft.	24 ft. 24 ft.	20 ft. 16 ft. 6 in.
90°	Regular Compact	9 ft. 7 ft. 6 in.	9 ft. 7 ft. 6 in.	24 ft. 22 ft.	24 ft. 24 ft.	19 ft. 15 ft.

Notes:
1 See Figure 19.503.10
2 See state and federal (Americans with Disabilities Act) requirements for the number and dimensions of required disabled parking spaces.

19.504 Off-street loading standards.

19.504.2 Number of Loading Spaces Required.

The minimum number of loading spaces required for commercial, industrial, public, and semipublic uses shall be as ~~follows~~per Table 19.504.2 below:

Table 19.504.2
Required Loading Spaces

Building Size	Required Loading Spaces
Under 5,000 square feet	0
From 5,000 to under 25,000 square feet	1
From 25,000 to under 60,000 square feet	2
60,000 square feet and over	3

Chapter 19.1300 SOLAR ACCESS PROTECTION

19.1304 Solar balance point.

19.1304.4 Maximum Shade Point Height Standard.

The height of the shade point shall comply with either subsection A or B below.

A. Basic Requirement.

1. The height of the shade point shall be less than or equal to the height specified in Table ~~A~~19.1304.4 or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary, interpolate between the five-foot dimensions listed in Table ~~A~~19.1304.4.

$$H = \frac{(2 \times SRL) - N + 150)}{5}$$

Where: H = The maximum allowed height of the shade point (see Figures 5 and 6);

SRL = Shade reduction line (the distance between the shade point and the northern lot line) (see Figure 7); and

N = The north-south lot dimension, provided that a north-south lot dimension more than ninety feet shall use a value of ninety feet for this section.

[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN]

Table ~~A~~19.1304.4
MAXIMUM PERMITTED SHADE POINT HEIGHT (IN FEET)

Distance to Shade Reduction Line from Northern Lot Line (In Feet)	North-South Lot Dimension (In Feet)												
	100+	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40		
45	30	30	30	31	32	33	34	35	36	37	38	39	
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

2. Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table ~~A~~19.1304.4 for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

~~**Table A**~~
~~**MAXIMUM PERMITTED SHADE POINT HEIGHT (IN FEET)**~~

~~Distance to Shade Reduction Line from Northern Lot Line (In Feet)~~	~~North-South Lot Dimension (In Feet)~~												
	~~100+~~	~~95~~	~~90~~	~~85~~	~~80~~	~~75~~	~~70~~	~~65~~	~~60~~	~~55~~	~~50~~	~~45~~	~~40~~
~~70~~	~~40~~	~~40~~	~~40~~	~~41~~	~~42~~	~~43~~	~~44~~						
~~65~~	~~38~~	~~38~~	~~38~~	~~39~~	~~40~~	~~41~~	~~42~~	~~43~~					
~~60~~	~~36~~	~~36~~	~~36~~	~~37~~	~~38~~	~~39~~	~~40~~	~~41~~	~~42~~				
~~55~~	~~34~~	~~34~~	~~34~~	~~35~~	~~36~~	~~37~~	~~38~~	~~39~~	~~40~~	~~41~~			
~~50~~	~~32~~	~~32~~	~~32~~	~~33~~	~~34~~	~~35~~	~~36~~	~~37~~	~~38~~	~~39~~	~~40~~		
~~45~~	~~30~~	~~30~~	~~30~~	~~31~~	~~32~~	~~33~~	~~34~~	~~35~~	~~36~~	~~37~~	~~38~~	~~39~~	
~~40~~	~~28~~	~~28~~	~~28~~	~~29~~	~~30~~	~~31~~	~~32~~	~~33~~	~~34~~	~~35~~	~~36~~	~~37~~	~~38~~
~~35~~	~~26~~	~~26~~	~~26~~	~~27~~	~~28~~	~~29~~	~~30~~	~~31~~	~~32~~	~~33~~	~~34~~	~~35~~	~~36~~
~~30~~	~~24~~	~~24~~	~~24~~	~~25~~	~~26~~	~~27~~	~~28~~	~~29~~	~~30~~	~~31~~	~~32~~	~~33~~	~~34~~
~~25~~	~~22~~	~~22~~	~~22~~	~~23~~	~~24~~	~~25~~	~~26~~	~~27~~	~~28~~	~~29~~	~~30~~	~~31~~	~~32~~
~~20~~	~~20~~	~~20~~	~~20~~	~~21~~	~~22~~	~~23~~	~~24~~	~~25~~	~~26~~	~~27~~	~~28~~	~~29~~	~~30~~
~~15~~	~~18~~	~~18~~	~~18~~	~~19~~	~~20~~	~~21~~	~~22~~	~~23~~	~~24~~	~~25~~	~~26~~	~~27~~	~~28~~
~~10~~	~~16~~	~~16~~	~~16~~	~~17~~	~~18~~	~~19~~	~~20~~	~~21~~	~~22~~	~~23~~	~~24~~	~~25~~	~~26~~
~~5~~	~~14~~	~~14~~	~~14~~	~~15~~	~~16~~	~~17~~	~~18~~	~~19~~	~~20~~	~~21~~	~~22~~	~~23~~	~~24~~

19.1304.7 Analysis of Allowed Shade on Solar Feature.

A. An applicant may, but is not required to, perform the calculations in or comply with the standards of this section.

B. Applicants are encouraged to design and site a proposed habitable structure so that the lowest height of any solar feature(s) will not be shaded by buildings or nonexempt trees on lot(s) to the south. The applicant should complete the following calculation procedure to determine if solar feature(s) of the proposed structure will be shaded. To start, the applicant should choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:

1. Existing structure(s) or nonexempt trees; or

2. The maximum shade that can be cast from future buildings or nonexempt trees, based on Table ~~C~~19.1304.7.B. If the lot(s) to the south can be further divided, then the north-south dimension is assumed to be the minimum lot width required for a new lot in that zone.

[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE TITLE/NUMBER, AS SHOWN]

Table ~~C~~19.1304.7.B
Maximum Permitted Shade Height (in feet)

North-south lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

C. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.

D. The applicant can determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in subsection 19.1304.7.B by using the following formula or Table ~~B~~19.1304.7.D.

SFSH = SH - (SGL ÷ 2.5)

Where: SFSH = The allowed shadow height on the solar feature (see Figure 12);

SH = The height of the shade at the northern lot line of lot(s) to the south as determined in subsection B above; and

SGL = The solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south) (see Figure 10).

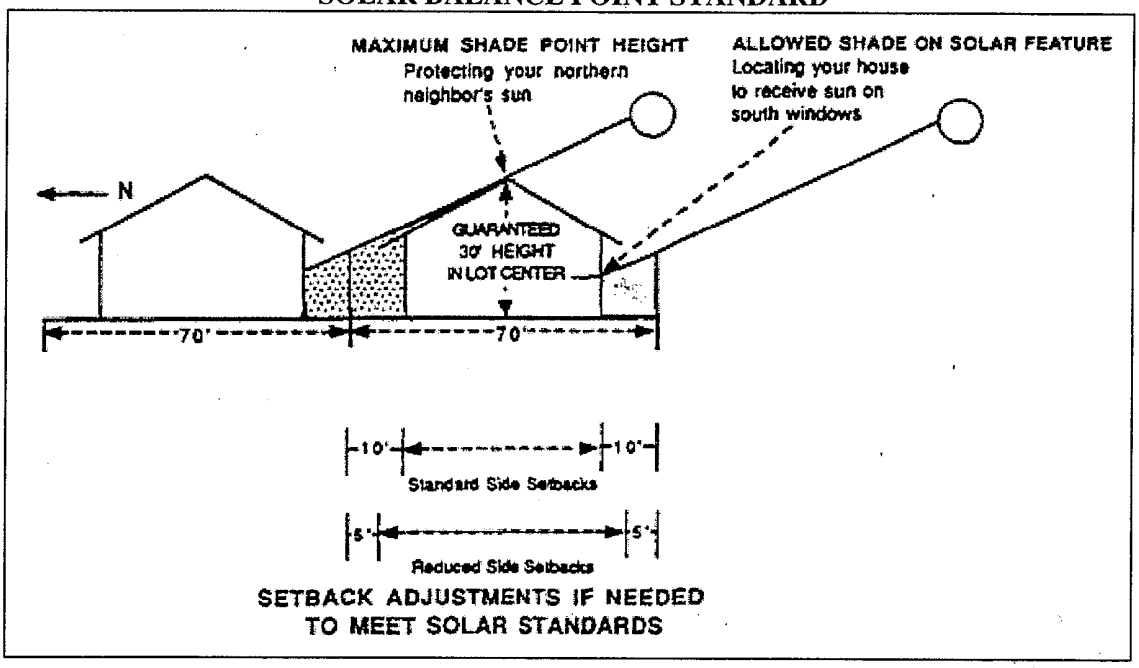
Table 19.1304.7.B may be used to determine "SH" in the above formula.

[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN]

Table ~~B~~19.1304.7.D
MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (IN FEET)

Distance from Solar Gain Line to Lot Line (In Feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

Figure 12.
SOLAR BALANCE POINT STANDARD



~~**Table B**~~
~~**MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (IN FEET)**~~

~~Distance from Solar Gain Line to Lot Line (In Feet)~~	~~Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)~~										
	~~22~~	~~21~~	~~20~~	~~19~~	~~18~~	~~17~~	~~16~~	~~15~~	~~14~~	~~13~~	~~12~~
~~50~~	~~2~~	~~1~~									
~~45~~	~~4~~	~~3~~	~~2~~	~~1~~							
~~40~~	~~6~~	~~5~~	~~4~~	~~3~~	~~2~~	~~1~~					
~~35~~	~~8~~	~~7~~	~~6~~	~~5~~	~~4~~	~~3~~	~~2~~	~~1~~			
~~30~~	~~10~~	~~9~~	~~8~~	~~7~~	~~6~~	~~5~~	~~4~~	~~3~~	~~2~~	~~1~~	
~~25~~	~~12~~	~~11~~	~~10~~	~~9~~	~~8~~	~~7~~	~~6~~	~~5~~	~~4~~	~~3~~	~~2~~
~~20~~	~~14~~	~~13~~	~~12~~	~~11~~	~~10~~	~~9~~	~~8~~	~~7~~	~~6~~	~~5~~	~~4~~
~~15~~	~~16~~	~~15~~	~~14~~	~~13~~	~~12~~	~~11~~	~~10~~	~~9~~	~~8~~	~~7~~	~~6~~

~~10~~	~~18~~	~~17~~	~~16~~	~~15~~	~~14~~	~~13~~	~~12~~	~~11~~	~~10~~	~~9~~	~~8~~
~~5~~	~~20~~	~~19~~	~~18~~	~~17~~	~~16~~	~~15~~	~~14~~	~~13~~	~~12~~	~~11~~	~~10~~

~~Table C may be used to determine "SH" in the above formula.~~

~~Table C~~													
~~North-south lot dimension of adjacent lot(s) to the south~~	~~100~~	~~95~~	~~90~~	~~85~~	~~80~~	~~75~~	~~70~~	~~65~~	~~60~~	~~55~~	~~50~~	~~45~~	~~40~~
~~Allowed shade height at the north property line of adjacent lot(s) to south~~	~~12~~	~~12~~	~~12~~	~~13~~	~~14~~	~~15~~	~~16~~	~~17~~	~~18~~	~~19~~	~~20~~	~~21~~	~~22~~

Chapter 19.1500 BOUNDARY CHANGES

19.1504 Expedited process.

19.1504.1 Administration and Approval Process.

E. The city zoning and comprehensive plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table ~~1~~19.1504.E, provided below:

Table ~~1~~19.1504.E
ZONING AND LAND USE DESIGNATIONS FOR BOUNDARY CHANGES

County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	R-10	Low density residential
R-15	R-10	Low density residential
R-10	R-10	Low density residential
R-8.5	R-7	Low density residential
R-7	R-7	Low density residential
MR1	R-5	Moderate density residential
MR2	R-2	Medium density residential
PMD	R-1-B	High density residential
HDR	R-1-B	High density residential
SHD	R-1	High density residential
C2	R-O-C	Commercial/high density use
C3	C-G	Commercial
OC	C-L	Commercial
RTL	C-L	Commercial
PC	C-CS	Commercial
I2	M	Industrial
I3	M	Industrial
BP	BI	Industrial
OSM	R-10/CSU	Public

Chapter 19.1000 ADMINISTRATIVE PROVISIONS

19.1008 Ex parte contact.

~~Prior to rendering a decision, no member of a review body shall communicate, directly or indirectly, with any person interested in the outcome or any representative in connection with any issue involved in an application except upon notice and opportunity for all parties to participate. Should such communications occur, the member of the review body shall:~~

~~**19.1008.1** Enter into the record the substance of any such written or oral communication; and~~

~~**19.1008.2** Publicly announce the content of the communication and provide an opportunity to rebut the substance of the contact.~~

19.1008.1 Provisions

Prior to rendering a decision, no member of a review body shall communicate, directly or indirectly, with any person interested in the outcome or any representative in connection with any issue involved in an application except upon notice and opportunity for all parties to participate. Should such communications occur, the member of the review body shall:

A. Enter into the record the substance of any such written or oral communication; and

B. Publicly announce the content of the communication and provide an opportunity to rebut the substance of the contact.

ATTACHMENT 1 - Exhibit C
Proposed Code Amendments
Clean Version

Title 14 SIGNS

Chapter 14.08 ADMINISTRATION AND ENFORCEMENT

14.08.090 Conditional and community service use signs.

A. Signs for conditional and community service uses shall be limited to those allowed in the underlying zone, except as allowed by Subsections 14.08.090.B and C.

B. The standards of the underlying zone may be increased to the standards in Table 14.08.090.B, pursuant to a Type I review.

Table 14.08.090.B
Standards for Conditional and Community Service Use Signs with Type I Review

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 16 SF per display surface	One	Max. 6 ft. above ground	Not in the public right-of-way
Wall sign	Max. 16 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way except as allowed in MMC 14.20.040

C. The standards of the underlying zone may be increased to the standards in Table 14.08.090.C, pursuant to Minor Quasi-Judicial Review by the planning commission, as specified in MMC 19.1011.3.

In reviewing an application for a sign to meet the standards of Table 14.08.090.C, the planning commission will consider the proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

Table 14.08.090.C
Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 40 SF per display surface Max. length 20 ft.	One	Max. 12 ft. above ground	Not in the public right-of-way
Wall sign	10% of the building face, up to 40 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way, except as allowed in MMC 14.20.040

Chapter 14.16 SIGN DISTRICTS

14.16.010 Residential zone.

No sign shall be installed or maintained in an R zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.010.

14.16.020 Residential-office-commercial zone.

No sign shall be installed or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.020.

14.16.030 Neighborhood commercial zone.

No sign shall be installed or maintained in a C-N zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.030.

14.16.040 Commercial zone.

No sign shall be installed or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.040.

Table 14.16.040
Standards for Signs in Commercial Zones C-L, C-G and C-CS

Sign Type	Area	Height	Location	Number	Illumination[1]
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF per each lineal ft. of frontage over 100 ft.[2]	Max. 25 ft. from ground level, 14 ft. min. clearance below lowest portion of a sign in any driveway or parking area	Not permitted on any portion of a street, sidewalk, or public right-of-way[3]	1 multifaced sign per street frontage[4]	Permitted
Wall signs	Max. 20% of building face[5]	Not above roofline or top of parapet wall, whichever is higher	N/A	No limit	Permitted
Projecting signs	Max. 20% of building face[5]	Not above roofline or top of parapet wall[6]	Not within 20 ft. of another projecting sign	1 per occupancy frontage; prohibited if the premises has a freestanding or roof sign	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage	Max. 8 ft. above highest point of building; no sign support structure can be visible	Pending approval by fire marshal[7] May not project over parapet wall	Permitted instead of, and not in addition to, projecting or freestanding signs	Permitted
Awning signs	Max. display surface is 25% of surface of awning, not to exceed 20% of building face	No higher than the point where the roofline intersects the exterior wall[8]	N/A	1 per frontage per occupancy	Permitted

Table 14.16.040 (continued)
Standards for Signs in Commercial Zones C-L, C-G and C-CS

Sign Type	Area	Height	Location	Number	Illumination[1]
Hanging sign suspended beneath awning	Max. area for hanging signs of 1 SF per 1 lineal ft. of awning length	Min. 8 ft. clearance for hanging signs from the ground to the lowest part of the sign or awning		1 hanging sign per awning	Permitted
Marquee signs	Max. display surface is 25% of surface of marquee, not to exceed 20% of building face	No higher than the point where the roofline intersects the exterior wall[8]	Not extending more than 1 ft. from the marquee surface or 1 ft. over the top edge of the marquee	1 per frontage per occupancy	Permitted
Under-marquee signs	Max. 6 SF per display surface or 12 SF in overall sign area	Min. 8 ft. clearance between the lowest portion of the sign and the ground	Shall not project within 2 ft. of curb	No limit	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall	Max. 6 ft. above ground level	Not within required landscaped areas or public right-of-way[9]	1 per property or occupancy	Permitted

Notes:

1 When fluorescent tubes are used for interior illumination of a sign within 500 ft. of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. See Section 14.24.020.

2 Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

3 Currently existing freestanding signs may project over such right-of-way for a distance not to exceed two feet.

4 Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.

5 If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20 percent of the face of the building.

6 Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in Table 14.16.060(~~E)~~ E.2 for projection of signs into public rights-of-way.

7 Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.

8 Regardless of the existence of a parapet wall.

9 A daily display sign may be allowed within the public right-of-way, subject to the standards of Section 14.20.040.

14.16.050 Manufacturing zone.

No sign shall be installed or maintained in an M or BI zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.050.

14.16.060 Downtown zones.

E. Projecting Signs.

1. Area. Projecting signs shall not exceed in gross area twenty percent (20%) of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent (20%) of the face of the building.

2. Height and/or Clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. No projecting sign shall project more than five (5) feet from a building. Overhead clearance and projection into public rights-of-way

shall be maintained so that no sign shall project within two (2) feet of the curb nor beyond the distances specified in Table 14.16.060.E.2.

Table 14.16.060.E.2 Projection of Signs into Public Rights-of-Way	
Overhead Clearance	**Maximum Projection Into Public Right-of-Way**
Less than 8 feet above finished floor/grade	Not permitted
8 feet above finished floor/grade	1 foot
8 to 16 feet above finished floor/grade	1 foot plus 6 inches for each foot of above clearance in excess of 8 feet
Over 16 feet above finished floor/grade	5 feet

Title 17 LAND DIVISION

Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

17.12.020 Application procedure.

A. Applications for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Minor Quasi-Judicial procedures as indicated in this section.

B. Applications for property boundary changes shall be processed in accordance with Table 17.12.020 based on the type of change requested. The planning director may modify the procedures identified in Table 17.12.020 as follows:

1. Minor Quasi-Judicial review may be changed to Type II review, or a Type II review may be changed to a Type I review upon finding the following:

   a. The proposal is consistent with applicable standards and criteria;

   b. The proposal is consistent with the basis and findings of the original approval; and

   c. The proposal does not increase the number of lots.

2. Minor Quasi-Judicial review may be required in the following situations:

   a. When the planning commission approved the original land use action; and

   b. The proposed change is inconsistent with the original approval.

Table 17.12.020 Boundary Change Review Procedures

Boundary Change Action	Type I	Type II	Minor Quasi-Judicial
1. Lot Consolidation Other Than Replat			
a. Legal lots created by deed.	X		
2. Property Line Adjustment			
a. Any adjustment that is consistent with the Oregon Revised Statutes and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
3. Partition Replat			
a. Any modification to a plat that was decided by the planning commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
4. Subdivision Replat			X

C. An increase in the number of lots within the original boundaries of a partition plat shall be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds three (3).

D. Partitions.

1. Applications for preliminary partition plat shall be processed in accordance with Section 19.1011.2, Type II Administrative Review. Should any associated application subject to Minor Quasi-Judicial review be submitted in conjunction with a partition, the partition

application shall be processed according to Section 19.1011.3 Minor Quasi-Judicial review.

2. Full compliance with all requirements for subdivision may be required if the planning commission should determine that the entire parcel being partitioned is in the process of being divided for the purpose of subdivision. This provision applies if the land to be partitioned exceeds two (2) acres and within a year is being partitioned into more than two (2) parcels, any one of which is less than one (1) acre.

E. Subdivisions. Applications for subdivision preliminary plat applications shall be processed in accordance with Section 19.1011.3 Minor Quasi-Judicial review.

F. Final plats. Applications for final plats of partitions and subdivisions shall be processed in accordance with Section 19.1011.1 Type I Administrative Review.

Title 19 ZONING

Chapter 19.100 INTRODUCTORY PROVISIONS

19.103 Definitions.

"Vegetated corridor" means the area of setback between the top of the bank of a protected water feature and the delineated edge of the water quality resource area as defined in Tables 19.322.9.A and 19.322.9.E.

Chapter 19.200 BASIC PROVISIONS

19.202 Classification of zones.

For the purposes of this title, the following zones are established in the city, per Table 19.202:

Table 19.202
Classification of Zones

Zone Description	Abbreviated Description
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential—Business Office—Commercial	R-1-B
Residential	R-1
Residential—Office—Commercial	R-O-C
Commercial, Neighborhood	C-N
Commercial, Limited	C-L
Commercial, General	C-G
Downtown Storefront	DS
Downtown Commercial	DC
Downtown Office	DO
Downtown Residential	DR
Downtown Open Space	DOS
Manufacturing	M
Commercial, Community Shopping	C-CS
Mixed Use Overlay	MU
Aircraft Landing Facility	L-F
Planned Development	PD
Willamette Greenway	WG
Community Service Use	CSU
Natural Resource Overlay	NR
Historic Preservation Overlay	HP
Business Industrial	BI

Chapter 19.300 USE ZONES

19.312 Downtown zones.

19.312.3 Uses.

A. Permitted Uses. Uses allowed in the downtown zones are listed in Table 19.312.3 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

Table 19.312.3
Downtown Zone Uses

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Residential					
Single-family detached	N	N	N	N	N
Townhouse	L[1]	N	N	L[1]	N
Multifamily apartment/condominium	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
Commercial/Office[1]					
Automobile service station	N	N	N	N	N
Automobile repair	N	L[2]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[3]	N	N
Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	L[4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	L[7]	P	P	L[5]	N
Retail trade	P	P	L[3]	L[5]	N
Industrial	N	N	N	N	N
Other					
Adult entertainment	N	N	N	N	N
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
Transit centers	L[9]	L[9]	N	N	N

[1] Certain uses are permitted in the downtown storefront zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.312-2 and subsection 19.312.4(B)(7) for details).

B. Limited Uses. Uses that are allowed subject to limitations are listed in Table 19.312.3 with an "L." These uses are allowed if they comply with the limitations listed in subsection G below, and if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

C. Nonconforming Uses. Existing structures and uses that do not meet the standards for a particular downtown zone may continue in existence. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800, Nonconforming Uses. For privately owned property with legal nonconforming uses and structures

within the downtown open space zone, Section 19.803 is not applicable, but all other provisions of Chapter 19.800 shall apply.

D. Prohibited Uses. Uses listed in Table 19.312.3 with an "N" are prohibited as new uses.

E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in city parks and refreshment stands at the library.

F. Similar Uses. The planning director, through a Type I administrative review, may determine that a use that is not listed is considered similar to a listed use in Table 19.312.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

G. Limited Uses. The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an "L" in Table 19.312.3.

19.312.4 Development Standards.

A. Purpose. The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.312.4 summarizes the development standards that apply in the downtown zones.

Table 19.312.4
Downtown Zone Development Standards

Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sf	10,000 sf	5,000 sf	750/5,000 sf[1]	None
2. Floor area ratio					
Minimum	1:1	0.3:1	0.5:1	N/A	N/A
Maximum	4:1	2:1	3:1	N/A	N/A
3. Building height (see Figure 19.312-3)					
Minimum	35′	25′	25′	None	None
Maximum	45′-55′	55′	65′	45′-65′	None
4. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
5. Street setback (see Figure 19.312-4)					
Minimum	0′	0′	0′	0′	0′
Maximum	10′	50′	10′	None	None
6. Other setbacks (side and rear)	None	None	None	15′[2]	None
7. Ground-floor retail (see Figure 19.312-2)	Yes	Yes	Yes	No	No
8. Ground-floor windows/doors (see Figure 19.312-5)	Yes	Yes	Yes	No	No
9. Drive-through facilities	No	No	No	No	No
10. Off-street parking required	No	Yes	No/Yes[3]	Yes	Yes
11. Landscaping	None	10%	None	15%	20%

1 Townhouse lots may be as small as seven hundred fifty square feet. All other lots created in the DR zone shall be a minimum of five thousand square feet.

2 Setbacks are required only where the DR zone abuts a lower-density residential zone.

3 Off-street parking is not required in the DO zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO zone located outside of this boundary.

Table 19.312.4 is supplemented by the explanation of the development standards provided in subsection B below, and the following figures:

Figure 19.312-2 — Required Retail Ground Floor Use Areas

Figure 19.312-3 — Maximum Building Heights

Figure 19.312-4 — Build-to Lines

Figure 19.312-5 — Ground-Floor Windows and Openings

19.321 Community Service Use CSU.

19.321.14 Standards for Wireless Communication Facilities.

C. Application Process.

1. Placement, construction, or modification of WCFs not involving the construction of a new monopole shall be subject to the provisions of Section 19.1011.2 Type II Administrative Review process provided that the antennas and base equipment comply with the standards contained in this section. Also see Table 19.321.14.C.

2. All proposed new monopole towers are subject to Minor Quasi-Judicial Review. Also see Table 19.321.14.C.

Table 19.321.14.C
Wireless Communication Facilities—Type and Review Process

Towers		**WCFs Not Involving New Tower**		
ZONES	**New Monopole Tower 100 feet**	**Building Rooftop or Wall mounted antenna** [1]	**Water towers, existing towers, and other stealth designs**	**On existing utility pole in ROW with or with out extensions** [2]
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
CSC	N	P2	P2	P2
DC	N	P2	P2	P2
DR	N	P2	P2	P2
DO	N	P2	P2	P2
DS	N	P2	P2	P2
ROC	N	P2	P2	P2
R1B	N	P2	P2	P2
R1	N	N	P2	P2
R2	N	N	P2	P2
R2.5	N	N	P2	P2
R3	N	N	P2	P2
R5	N	N	P2	P2
R7	N	N	P2	P2
R10	N	N	P2	P2

1 = Minor Quasi Judicial Review- requires a public hearing in front of the Planning Commission
2 = Type II Administrative Review- provides for an administrative decision with the option of a public hearing
P = Permitted **N** = Not Permitted

[1] Rooftop extensions are not to exceed 15 feet in height above the roof top and are not to project greater than 5 feet from the wall of a building.

[2] Antennas placed on right-of-way utility poles may be extended 15 feet. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 feet in height of the pole that is to be replaced

D. Application Submission Requirements.

In addition to the required submission material the following must also be included with the application:

1. Applications for a WCF that will include a new monopole tower:

   a. A narrative description of:

      1. Tower location
      2. Design
      3. Height
      4. Antenna location and type for all planned antennas
      5. Indication of the number of additional antennas the tower will be able to accommodate.

   b. Type of antennas the tower is designed to accommodate and

   c. Reason for the location, design and height of the proposed tower and antenna.

   d. A photo simulation of the proposed tower in relation to the surrounding area.

   e. A signed agreement binding present and future owners or operators of the WCF that allows co-location of antennas on the WCF.

   f. Documentation that all necessary applications, permits, agreements and easements have been obtained.

   g. Documentation of FAA or satisfactory evidence that FAA approval is not required. Satisfactory evidence that FAA approval is not required shall be an Aerospace Safety Analysis Corporation determination or similar evidence.

   h. The signature of the property owner(s) on the application form or a written signed statement from the property owner(s) granting authorization to proceed with the land use application and building permits.

   i. Documentation that alternative antenna support locations within one thousand five hundred (1500) feet have been considered and have been determined to be technologically or legally infeasible or inadequate. The applicant shall pay to the city the costs of hiring a third party to review the application for accuracy in accordance with the fee resolution adopted by the city council.

   j. In addition to those items required on the site plan checklist, the following must also be included:

      1. Landscaping plan showing existing and proposed vegetation, including size, type and the amount of proposed vegetation.
      2. Location of connections to utilities and right-of-way curb cuts.
      3. Location of required easements and access drives.
      4. Location of the proposed wireless communication facility and related base equipment.
      5. The lease area in relation to the underlying parcel/property as well as neighboring parcels on all sides.

2. WCF Not Including a New Tower.

a. Detailed narrative description describing the proposed antenna location, design and height.

b. Statement that antenna was placed so as to allow for placement of additional antennas on the same antenna support structure, to the extent practicable.

c. Documentation demonstrating the proposal has been submitted and approved by the owner of the structure to which the antenna will be attached.

d. Document demonstrating that necessary applications, permits, agreements, and easements have been obtained.

e. For extensions to existing facilities the applicant shall provide documentation of FAA approval of the tower design or satisfactory evidence that FAA approval is not required. Satisfactory evidence that FAA approval is not required shall be an Aerospace Safety Analysis Corporation determination or similar evidence.

f. The site plan must include the elements listed on the site plan checklist and must also include, to the extent applicable:

1. Landscaping plan showing existing and proposed vegetation, include size, type and amount of proposed vegetation. In some cases, such as co-location on rooftops or other similar uses, the city may determine that landscaping will not be required.

2. Location of connections to utilities and right-of-way curb cuts.

3. Location of required easements and access drives.

4. Location of proposed related base equipment and existing WCF.

5. Lease area in relation to the underlying parcel/property as well as neighboring parcels on all sides.

E. Use of Existing Tower or Antenna Support Structure.

1. All wireless communication providers are required to attempt to co-locate on existing antenna support structures or locate on alternative antenna support structures before applying to construct a WCF that will include a new tower.

2. New towers shall not be approved unless the applicant demonstrates to the reasonable satisfaction of the planning director that no existing towers or alternative antenna support structure can accommodate the applicant's need for the placement of an antenna in the vicinity of the applicant's proposed location. Evidence demonstrating that use of an existing or alternative support structure is not possible shall be submitted to the planning director and shall include one or more of the following:

a. That no existing antenna support structures are located within the geographic area which meet the applicant's engineering requirements in regards to location, size, and structural strength and that alternative antenna support structures are not feasible.

b. That use of any existing structure would cause electromagnetic interference with the existing antennas and electronic and other radio frequencies.

c. That co-locating on an existing antenna support structure would violate RF emissions standards set by the FCC.

d. That fees, costs or contractual provisions required by the owner in order to use an existing antenna support structure are unreasonable. A refusal by the owner to allow co-location shall be considered an unreasonable provision.

3. Evidence demonstrating that alternative support structures were considered, but determined to be technologically insufficient, submitted to the planning director for review must be verified and stamped by an engineer licensed in the state of Oregon.

4. All wireless communication providers shall cooperate with other wireless communication providers and act in good faith in co-locating additional antennas on existing support structures and/or existing buildings or other alternative support structures. All support structures eighty (80) feet in height or greater shall be designed to not preclude co-location. All support structures eighty (80) feet or greater shall be designed to hold additional antennas that are substantially similar to the proposed antennas array.

F. Location and Size Restrictions.

1. Separation for New Monopole Towers.

New monopole towers may not be constructed within one thousand five hundred (1500) ft. of any pre-existing tower. The planning commission has the authority to approve a reduction in the minimum separation requirement to not less than one thousand (1000) feet, provided that the applicant can demonstrate the need to the satisfaction of the planning commission, for the distance reduction. A tower shall include any pre-existing tower or any tower for which the city has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.

2. Height. Maximum heights. Also see table 19.321.14.C.

19.322 Water Quality Resource Regulations.

19.322.9 Application Requirements.

Applications for Type II and minor quasi-judicial review shall provide the following information in addition to the information required for the base zone:

A. A topographic map of the site at contour intervals of five (5) feet or less showing a delineation of the water quality resource area, which includes areas shown on the Water Quality and Flood Management Area map, and that meets the definition of water quality resource areas in Table 19.322.9.A.

Table 19.322.9.A
Vegetated Corridor Measurement by Protected Water Feature Type

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor[6]
Primary Protected Water Features[1]	< 25%	• Edge of bank full flow or 2-year storm level; • Delineated edge of Title 3 wetland	50 feet
Primary Protected Water Features[1]	> 25% for 150 feet or more[5]	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	200 feet
Primary Protected Water Features[1]	> 25% for less than 150 feet[5]	• Edge of bankful flow or 2-year storm level;	Distance from starting point of measurement to

		• Delineated edge of Title 3 wetland	top of ravine (break in > 25% slope)[3], plus 50 feet.[4]
Secondary Protected Water Features[2]	< 25%	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	15 feet
Secondary Protected Water Features[2]	> 25%[5]	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	50 feet

1 Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.
2 Secondary Protected Water Features include intermittent streams draining 50—100 acres.
3 Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).
4 A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).
5 Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.
6 Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

B. The location of all existing natural features including, but not limited to, all trees of a caliper greater than six (6) inches diameter at breast height (DBH), natural drainages on the site, springs, seeps, and outcroppings of rocks or boulders within the water quality resource area.

C. Location of wetlands. Where wetlands are identified, the applicant shall follow the division of state lands wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist and will be accepted only after approval by the Oregon division of state lands.

D. An inventory and location of existing debris and noxious materials.

E. An assessment of the existing condition of the water quality resource area in accordance with Table 19.322.9.E.

19.322.9.E
WATER QUALITY RESOURCE AREA REQUIREMENTS

EXISTING CONDITION OF WATER QUALITY RESOURCE AREA	REQUIREMENTS APPLICABLE TO PORTIONS OF THE WATER QUALITY RESOURCE AREA DISTURBED DURING DEVELOPMENT OR LAND DISTURBANCE
Good Existing Corridor: Combination of trees, shrubs and groundcover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.	Submit an inventory of vegetation in areas proposed to be disturbed and a plan for mitigating water quality impacts related to the development, including: sediments, temperature and nutrients; sediment control; temperature control or addressing any other condition that may have caused the Protected Water Feature to be listed on DEQ's 303 (d) list. Inventory and remove debris and noxious materials.
Marginal Existing Vegetated Corridor: Combination of trees, shrubs and groundcover are 80% present, and 25—50 percent canopy coverage in the vegetated corridor.	Vegetated disturbed and bare areas with non-nuisance plantings from Native Plants List. Inventory and remove debris and noxious materials. Revegetate with native species using a city approved plan developed to represent the vegetative composition that would naturally occur on the site. Revegetation must occur during the next planting season following site disturbance. Annual replacement of plants that do not survive is required until vegetation representative of natural conditions is established on the site.

	Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List. Inventory and remove debris and noxious materials.
Degraded Existing Vegetated Corridor: Less vegetation and canopy coverage than Marginal Vegetated Corridors, and/or greater than 10% surface coverage of any non-native species.	Vegetate disturbed and bare areas with appropriate plants from Native Plants List. Remove non-native species and revegetate with non-nuisance plantings from Native Plants List. Plant and seed to provide 100 percent surface coverage. Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List. Inventory and remove debris and noxious materials.

F. An inventory of vegetation, including percentage ground and canopy coverage.

G. Alternatives analysis demonstrating that:

1. No practicable alternatives to the requested development exist that will not disturb the water quality resource area; and
2. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use; and
3. The water quality resource area can be restored to an equal or better condition in accordance with Table 19.322.9.E; and
4. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

H. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures located within the water quality resource area:

1. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the water quality resource area than the one proposed; and
2. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the water quality resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
3. Provide mitigation to ensure that impacts to the functions and values of the water quality resource area will be mitigated or restored to the extent practicable.

I. A water quality resource area mitigation plan that contains the following information:

1. A description of adverse impacts that will be caused as a result of development.
2. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E.
3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.
4. A map showing where the specific mitigation activities will occur.

5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

J. All information contained in the application submission requirements and site plan checklist forms prescribed by the planning director.

K. The application fee as adopted by the city council.

19.322.10 Development Standards.

Applications for development or land disturbance on properties that contain water quality resource areas shall demonstrate compliance with the following standards:

A. The water quality resource area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table 19.322.9.E.

B. To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the water quality resource area.

C. Where existing vegetation has been removed, the site shall be revegetated as soon as practicable.

D. Prior to construction, the water quality resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as may be allowed by this chapter. Such markings shall be maintained until construction is complete.

E. Stormwater pre-treatment facilities:

1. The stormwater pre-treatment facility may encroach a maximum of twenty-five (25) feet into the outside boundary of the water quality resource area of a primary water feature; and

2. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the property.

F. Additions, alterations, rehabilitation and replacement of lawful structures.

1. For existing structures, roadways, driveways, accessory uses and development which are nonconforming, this chapter shall apply in addition to the nonconforming use regulations of the city.

2. Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to the protected water feature than the existing structures, roadways, driveways, accessory uses and development.

G. Off-site Mitigation. Offsite mitigation shall not be used to meet mitigation requirements of this chapter.

H. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution or sedimentation to the adjacent water quality resource area.

I. Where practicable, the types, sizes and intensities of lights must be placed so that they do not shine directly into the natural resource locations.

J. Where proposed, development of trails, rest points, viewpoints and other facilities for the enjoyment of the resource must be done in such a manner so as to reduce impacts on the natural resource while allowing for the enjoyment of the resource.

K. Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, except where mitigation is approved, so as to provide a transition between the proposed development and the natural resource, provide opportunity for food, water and cover for animals located within the water quality resource.

L. Storm water flows as a result of proposed development within and to natural drainage courses shall not exceed pre-development flows.

M. Road crossings of major natural drainage courses will be minimized as much as possible.

N. The construction phase of the development must be done in such a manner to safeguard the resource portions of the site that have not been approved for development.

19.322.11 Variances.

A. The purpose of this section is to ensure that compliance with this ordinance does not cause unreasonable hardship. To avoid such instances, the requirements of this ordinance may be varied. Variances are also allowed when strict application of this ordinance would unreasonably deprive an owner of economically viable use of land.

B. This section applies in addition to the standards governing proposals to vary the requirements of the base zone.

C. A variance to avoid the unreasonable loss of economically viable use of a lot that contains protected water features is permitted. Applicants must demonstrate that without the proposed variance, the reasonable economic use of the property would be denied. The applicant must show that no other development proposal could result in permission for an economically viable use of the property.

D. Variance Conditions.

The planning commission may impose such conditions as are deemed necessary to minimize adverse impacts that may result from granting relief from provisions of this chapter. If a variance is granted, it shall be subject to the following conditions:

1. The minimum width of the vegetated corridor shall be twenty-five (25) feet on each side of a primary protected water feature.

2. No more than twenty-five percent (25%) of the length of the water quality resource area for a primary protected water feature within a development site can be less than twenty-five (25) feet in width on each side of the water feature.

19.322.12 Map Administration.

A. The purpose of this section is to provide a process for amending the Water Resource Quality Map to add water resources and correct the location of protected water features and the water quality resource areas.

B. Map Corrections, Deletions.

1. Improperly mapped water features shown on the Milwaukie Water Quality Maps may be deleted by administrative review in accordance with 19.1011.2 subject to the following criteria:

a. In the case of wetlands, submission of a wetland delineation prepared by a professional wetland scientist in accordance with the 1996 Oregon Freshwater Wetland Assessment Methodology demonstrating that the site does not contain wetlands.

b. In the case of drainages, submission of a hydrology report prepared by a professional engineer demonstrating that the drainage does not meet the definition of a protected resource.

2. The planning director shall confer with the department of state lands and metro to confirm delineation and hydrology reports as may be needed prior to issuing a notice of decision on a requested map deletion.

3. The city shall amend the Water Quality Resource Map if the wetland or hydrology report demonstrates:

   a. That a primary protected water feature no longer exists because the area has been legally filled, culverted or developed prior to the adoption of this chapter; or

   b. The boundaries of the water quality resource area have changed since adoption of the Water Quality and Flood Management Areas Map; or

   c. An error in the original mapping has been demonstrated.

C. Map Correction, Additions and Modifications. Map corrections that require the addition of a protected water feature to the water quality map shall be made in accordance with 19.900 Amendments.

D. Modification of the water quality resource area. To modify the water quality resource area, the applicant shall demonstrate that the modification will offer the same or better protection of the protected water feature, water quality resource area and flood management area by:

1. Preserving a vegetated corridor that will separate the protected water feature from proposed development; and

2. Preserving existing vegetated cover or enhancing the water quality resource area sufficient to assist in maintaining or reducing water temperatures in the adjacent protected water feature; and

3. Enhancing the water quality resource area sufficient to minimize erosion, nutrient and pollutant loading into the adjacent protected water feature; and

4. Protecting the vegetated corridor sufficient to provide filtration, infiltration and natural water purification for the adjacent protected water feature; and

5. Stabilizing slopes adjacent to the protected water feature.

Chapter 19.500 OFF-STREET PARKING AND LOADING

19.503 Off-street parking standards.

19.503.3 Minimum Number of Required Parking Spaces and Maximum Allowable Parking.

A. Parking shall be provided for all uses in accordance with specifications of Table 19.503.3. Where a use is not named in Table 19.503.3, determination of applicable parking standards shall be made in accordance with subsection 19.503.6.

B. Except as provided herein, parking provided shall not be less than "minimum parking required" nor shall parking provided exceed "maximum allowable parking" as shown in Table 19.503.3.

Table 19.503.93
MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS

Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
A. Residential Uses			
1. 1- and 2-unit attached home; manufactured home; single-family detached	2 spaces per dwelling unit, one of which must be covered.	Not applicable.	Not applicable.
2. Flag lots	2 spaces per dwelling unit, one of which must be covered, plus 1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.	Not applicable.	Not applicable.
3. Studio or 1-bedroom unit 600 sf or less (see Chapter 19.100)	1 space per dwelling unit; enclosure/cover not required.	None.	None.
4. Attached dwellings containing 3 or more dwelling units	1.25 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	Same as Zone A
5. Mobile home park	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.	Same as minimum.	Same as Zone A
6. Residential employees, staff, caregivers, and caretakers	1 space per each full-time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.	Same as minimum.	Same as Zone A

Table 19.503.93 (continued) MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS			
Use	**Minimum Required**	**Zone A Maximum Allowed**	**Zone B Maximum Allowed**
B. Residential Support Uses			
1. Church	1 space per 5 seats, or 1 space per 12 lineal feet of bench.	1 space per 3 seats, or 1 space per 8 lineal feet of bench.	Same as Zone A
2. College, university, institute of higher learning	1 space per 3 students.	1 space per 2 students.	Same as Zone A
3. Daycare center	1 space per employee on the largest shift, plus 1 per facility vehicle, plus 1 space per 8 pupils.	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 pupils.	Same as Zone A
4. School—elementary or junior high	1.75 spaces per classroom.	1.5 spaces per classroom.	Same as Zone A
5. School—senior high	.33 spaces per student, plus 1 space per staff.	.25 space per student, plus 1 space per staff.	Same as Zone A
C. Lodging Places			
1. Motel, hotel	.9 space per lodging unit.	1.1 spaces per lodging unit.	Same as Zone A
2. Boarding house	1 space per guest room.	1.25 spaces per guest room.	Same as Zone A
3. Bed and breakfast establishments	1 space per guest room, plus 1.5 spaces per permanent residents.	1 space per guest room, plus 2 spaces per permanent residents.	Same as Zone A
D. Places of Public Assembly			
1. Auditorium or meeting room (other than church or school)	1 space per 4 seats, or 1 space per 60 square feet of floor area.	1 space per 3 seats, or 1 space per 45 square feet of floor area.	Same as Zone A
2. Club, lodge, or association	1 space per 4 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	1 space per 3 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	Same as Zone A
3. Library, museum, art gallery	1 space per 1,000 square feet of gross floor area.	1.2 spaces per 1,000 square feet of gross floor area.	Same as Zone A
E. Commercial Uses—Recreational			
1. Amusement park	1 space for each 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
2. Billiard hall	1 space per table, plus 1 space per employee of the largest shift.	Same as minimum.	Same as Zone A
3. Bowling alley	2 spaces for each alley, plus 1 space per employee of the largest shift.	4 spaces for each alley, plus 1 space per employee of the largest shift.	Same as Zone A
4. Dance hall, skating rink, or gymnasium	1 space per 100 square feet of gross floor area.	1 space per 50 square feet of gross floor area.	Same as Zone A
5. Golf driving range	1 space per each driving tee.	1.5 spaces per each driving tee.	Same as Zone A
6. Indoor arena or theater	1 space per 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.	1 space per 3 seats.	Same as Zone A

Table 19.503.93 (continued) MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS			
Use	**Minimum Required**	**Zone A Maximum Allowed**	**Zone B Maximum Allowed**
E. Commercial Uses—Recreational (continued)			
7. Miniature golf	1.25 spaces per hole.	1.5 spaces per hole.	Same as Zone A
8. Race track or stadium	1 space per 4 seats, or 1 space for 8 feet of bench length.	1 space per 3.5 seats, or 1 space for 6 feet of bench length.	Same as Zone A
9. Indoor racquet courts	2 spaces per court, plus 1 space per employee of largest shift.	3 spaces per court, plus 1 space per employee of largest shift.	Same as Zone A
F. Commercial Uses—Retail Goods			
1. Eating and drinking establishments			
a. Sit-down	10 spaces per 1,000 square feet of gross floor area.	15 spaces per 1,000 square feet of gross floor area.	Same as Zone A
b. Fast food	9.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	12.4 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	14.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.
2. Convenience store	4 spaces 1,000 square feet of gross floor area.	5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
3. Grocery store	1 space per 245 square feet of gross floor area.	1 space per 200 square feet of gross floor area.	1 space per 165 square feet of gross floor area.
4. Apparel and department stores	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
5. Furniture and home furnishings	1 space per 1,000 square feet of gross floor area.	1.5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
6. Gas stations			
a. Gas-only	1 space per 4 pumps.	1.25 spaces per 4 pumps.	Same as Zone A
b. Full-service	1 space per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	Same as Zone A
7. Auto, boat, or trailer sales	1 space per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	Same as Zone A
G. Commercial Uses—Services			
1. Banking			
a. Automatic teller	2 spaces per machine.	Same as minimum.	Same as Zone A
b. Bank (walk-in only)	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
c. Bank (with drive-in windows)	3 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	Same as Zone A
2. Barber shop or beauty parlor	1 space per 125 square floor area.	1 space per 100 square feet of floor area.	Same as Zone A
3. Health practitioner's office	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A

Table 19.503.93 (continued) MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS			
Use	**Minimum Required**	**Zone A Maximum Allowed**	**Zone B Maximum Allowed**
G. Commercial Uses—Services (continued)			
4. Animal hospital/veterinary clinic	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
5. Hospital	1 space per bed.	2 spaces per bed.	Not applicable.
6. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.	Same as Zone A
7. Professional services	1 space per 370 square feet of gross leasable area.	1 space per 295 square feet of floor area.	1 space per 245 square feet of floor area.
8. Personal services	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
9. Repair shops (items other than motorized vehicles)	1 space per 350 feet of gross floor area.	1 space per 300 feet of gross floor area.	Same as Zone A
10. Car wash			
a. Self-serve	2 spaces, plus 1 space per wash bay (clear of the right-of-way)	2 spaces, plus 2 spaces per wash bay (clear of the right-of-way)	Same as Zone A
b. Full-serve	1 space per 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
11. Dry cleaners	1 space per 350 square feet of gross floor area.	1 space per 300 square feet of gross floor area.	Same as Zone A
12. Mortuary/funeral home	1 space per each 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	1 space per each 4 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	Same as Zone A
13. Automotive, truck, and trailer rental	1 space per 400 square feet of gross floor area.	1 space per 350 square feet of gross floor area.	Same as Zone A
H. Industrial Uses			
1. Manufacturing	1 space per 1,000 square feet of gross floor area.	1.25 spaces per 1,000 square feet of gross floor area.	Same as Zone A
2. Storage, warehouse, wholesale establishment less than 150,000 square feet	1 space per 1,500 square feet of gross floor area.	1 space per 1,000 square feet of gross floor area.	Same as Zone A
3. Storage, warehouse, wholesale establishment greater than or equal to 150,000 square feet	1 space per 3,000 square feet of gross floor area.	1 space per 2,500 square feet of gross floor area.	1 space per 2,000 square feet of gross floor area.
4. Miniwarehouse; self-service storage	1 space per 12 storage units, plus 1 space per employee of the largest shift.	1 space per 10 storage units, plus 1 space per employee of the largest shift.	Same as Zone A

19.503.4 Special Exemption from Maximum Allowable Parking Standards.

The following uses shall be exempt from maximum allowable parking standards of Table 19.503.3. This exemption does not limit any provision or authority to restrict the size, location, or design of such uses. On sites where the following parking is provided, it shall not be included in the parking count used for determining maximum allowable parking:

A. Structured parking;

B. Valet lots;

C. Pay lots;

D. Employee carpool parking, when such areas are dedicated by way of on-site reservation or dedication;

E. Fleet parking;

F. Automobile sales lots;

G. Truck loading areas.

19.503.5 Determination of Parking Zone Classification.

A. Zone A.

1. All areas zoned DS, DC, DO, DR, DOS, and mixed use overlay shall be classified zone A; and

2. All properties located within one-quarter mile walking distance of a transit bus stop that provides twenty (20) minute peak hour service shall be classified zone A. In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the nearest point of the subject lot located along the nearest street frontage that allows for the shortest walking distance. The transit provider shall be the official source for transit stop location and peak service availability.

B. Zone B.

1. All properties not located within zone A shall be classified zone B.

19.503.6 Determination of Required Parking for Unlisted Uses.

The planning director shall determine the minimum required parking spaces and maximum allowable parking spaces for all uses not listed in Table 19.503.3; unless an application is under review by the planning commission, in which case the commission shall make the determination. In all determinations for unlisted uses, the applicant shall be required to submit studies or technical information about the use, parking demand, traffic (vehicle trip) generation, and otherwise as deemed necessary to make a determination. The city may consider testimony and publications of individuals, agencies, or institutions experienced in parking and traffic engineering in its determination of parking standards.

19.503.7 Reduction of Required Parking.

Notwithstanding provisions for modification of parking requirements found in subsection 19.503.8, the following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. No reduction taken pursuant to this section shall discount required minimum parking used in any request for modification of required parking.

In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking

distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

A. Parking for commercial and industrial uses may be reduced by ten percent providing the development is within five hundred feet walking distance of a transit stop.

B. Parking for multifamily uses may be reduced by twenty percent providing the development is located within five hundred feet walking distance of a transit stop.

C. Commercial and industrial developments may reduce the required number of parking spaces by ten percent if at least one carpool/vanpool space is located near the entrance of the structure.

19.503.8 Modification of Minimum and Maximum Parking.

A. Minimum parking required and maximum parking allowed may be modified by the planning director; unless there is an application under review by the planning commission, in which case the commission shall consider the request for modification. Any request must demonstrate the modification is acceptable through parking and traffic analyses prepared by a qualified professional using methods generally accepted in the field. The procedure for planning director review shall be in accordance with subsection 19.1011.1, Type I Administrative Review. This provision shall not be used in cases of zoning hardship. Any proposed modification of parking related to hardship shall be reviewed in accordance with variance procedures in Chapter 19.700.

B. For uses requiring a minimum of ten or more parking spaces, inclusive of all uses in the case of mixed used, required parking may be reduced by up to fifteen percent of the minimum required for sites located in parking zone A, upon a demonstration the modification is warranted, pursuant to subsection 19.503.8.A, and meets the following criteria.

   1. Will not result in undue site congestion;

   2. Will not result in traffic hazards on the site or adjoining streets; and

   3. Will not result in an undue reduction in the availability of on-street parking or parking located in facilities owned and/or operated by the city.

C. A reduction of up to twenty-five percent of total required parking may be granted for new development, redevelopment, and substantial improvements subject to subsections A and B above in such cases where:

   1. The project is utilizing shared parking in accordance with subsection 19.503.2; or

   2. For mixed use projects, the site is located within parking zone A and no less than one-half of the total gross floor area is dedicated to residential uses.

   For the purposes of this section, "substantial improvement" means any construction, renovation, or modification where the value of proposed site and building improvements exceeds thirty percent of the value of the land and buildings thereon. Any request for reduction of required parking pursuant to this subsection C shall be subject to Chapter 19.600, Conditional Uses.

D. Mitigation of adverse impacts such as those named above in subsection B may be required as a condition necessary to make a reduction of required parking acceptable.

E. Maximum parking allowed may be increased up to fifteen percent of the applicable standard, subject to subsection A above, and further subject to compliance with all zoning standards and management of related storm water runoff.

19.503.10 Off-Street Parking Space Standards.

A. A minimum of fifty (50) percent of spaces shall be regular-sized spaces and a maximum of fifty (50) percent can be compact spaces. Handicapped spaces shall be according to federal and state requirements.

B. The minimum dimensions for required off-street parking spaces shall be as per Table 19.503.10 below:

Table 19.503.10
MINIMUM PARKING SPACE AND AISLE DIMENSIONS[1,2]

Angle (A)	Type	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Regular Compact	9 ft. 7 ft.	22 ft. 6 in. 19 ft. 6 in.	12 ft. 12 ft.	24 ft. 24 ft.	8 ft. 7 ft. 6 in.
30°	Regular Compact	9 ft. 7 ft. 6 in.	18 ft. 15 ft.	12 ft. 12 ft.	24 ft. 24 ft.	17 ft. 14 ft.
45°	Regular Compact	9 ft. 7 ft. 6 in.	12 ft. 6 in. 10 ft. 6 in.	12 ft. 12 ft.	24 ft. 24 ft.	19 ft. 16 ft.
60°	Regular Compact	9 ft. 7 ft. 6 in.	10 ft. 6 in. 8 ft. 6 in.	18 ft. 15 ft.	24 ft. 24 ft.	20 ft. 16 ft. 6 in.
90°	Regular Compact	9 ft. 7 ft. 6 in.	9 ft. 7 ft. 6 in.	24 ft. 22 ft.	24 ft. 24 ft.	19 ft. 15 ft.

Notes:
1 See Figure 19.503.10
2 See state and federal (Americans with Disabilities Act) requirements for the number and dimensions of required disabled parking spaces.

19.504 Off-street loading standards.

19.504.2 Number of Loading Spaces Required.

The minimum number of loading spaces required for commercial, industrial, public, and semipublic uses shall be as per Table 19.504.2 below:

Table 19.504.2
Required Loading Spaces

Building Size	Required Loading Spaces
Under 5,000 square feet	0
From 5,000 to under 25,000 square feet	1
From 25,000 to under 60,000 square feet	2
60,000 square feet and over	3

Chapter 19.1300 SOLAR ACCESS PROTECTION

19.1304 Solar balance point.

19.1304.4 Maximum Shade Point Height Standard.

The height of the shade point shall comply with either subsection A or B below.

A. Basic Requirement.

1. The height of the shade point shall be less than or equal to the height specified in Table 19.1304.4 or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary, interpolate between the five-foot dimensions listed in Table 19.1304.4.

$$H = \frac{(2 \times SRL) - N + 150)}{5}$$

Where: H = The maximum allowed height of the shade point (see Figures 5 and 6);

SRL = Shade reduction line (the distance between the shade point and the northern lot line) (see Figure 7); and

N = The north-south lot dimension, provided that a north-south lot dimension more than ninety feet shall use a value of ninety feet for this section.

Table 19.1304.4
MAXIMUM PERMITTED SHADE POINT HEIGHT (IN FEET)

Distance to Shade Reduction Line from Northern Lot Line (In Feet)	North-South Lot Dimension (In Feet)												
	100+	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40		
45	30	30	30	31	32	33	34	35	36	37	38	39	
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

2. Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table 19.1304.4 for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

19.1304.7 Analysis of Allowed Shade on Solar Feature.

A. An applicant may, but is not required to, perform the calculations in or comply with the standards of this section.

B. Applicants are encouraged to design and site a proposed habitable structure so that the lowest height of any solar feature(s) will not be shaded by buildings or nonexempt trees on lot(s) to the south. The applicant should complete the following calculation procedure to determine if solar feature(s) of the proposed structure will be shaded. To start, the applicant should choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:

1. Existing structure(s) or nonexempt trees; or

2. The maximum shade that can be cast from future buildings or nonexempt trees, based on Table 19.1304.7.B. If the lot(s) to the south can be further divided, then the north-south dimension is assumed to be the minimum lot width required for a new lot in that zone.

Table 19.1304.7.B
Maximum Permitted Shade Height (in feet)

North-south lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

C. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.

D. The applicant can determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in subsection 19.1304.7.B by using the following formula or Table 19.1304.7.D.

$$SFSH = SH - (SGL \div 2.5)$$

Where: SFSH = The allowed shadow height on the solar feature (see Figure 12);

SH = The height of the shade at the northern lot line of lot(s) to the south as determined in subsection B above; and

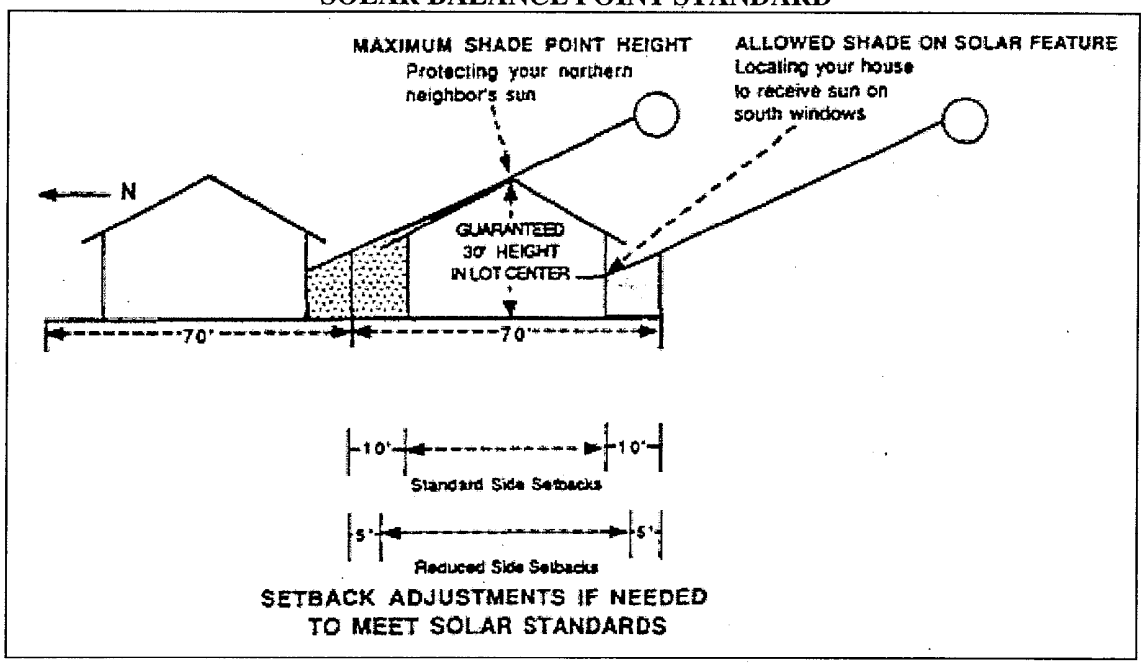
SGL = The solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south) (see Figure 10).

Table 19.1304.7.B may be used to determine "SH" in the above formula.

Table 19.1304.7.D
MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (IN FEET)

Distance from Solar Gain Line to Lot Line (In Feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

Figure 12.
SOLAR BALANCE POINT STANDARD



Chapter 19.1500 BOUNDARY CHANGES

19.1504 Expedited process.

19.1504.1 Administration and Approval Process.

E. The city zoning and comprehensive plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1504.E, provided below:

Table 19.1504.E
ZONING AND LAND USE DESIGNATIONS FOR BOUNDARY CHANGES

County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	R-10	Low density residential
R-15	R-10	Low density residential
R-10	R-10	Low density residential
R-8.5	R-7	Low density residential
R-7	R-7	Low density residential
MR1	R-5	Moderate density residential
MR2	R-2	Medium density residential
PMD	R-1-B	High density residential
HDR	R-1-B	High density residential
SHD	R-1	High density residential
C2	R-O-C	Commercial/high density use
C3	C-G	Commercial
OC	C-L	Commercial
RTL	C-L	Commercial
PC	C-CS	Commercial
I2	M	Industrial
I3	M	Industrial
BP	BI	Industrial
OSM	R-10/CSU	Public

Chapter 19.1000 ADMINISTRATIVE PROVISIONS

19.1008 Ex parte contact.

19.1008.1 Provisions

Prior to rendering a decision, no member of a review body shall communicate, directly or indirectly, with any person interested in the outcome or any representative in connection with any issue involved in an application except upon notice and opportunity for all parties to participate. Should such communications occur, the member of the review body shall:

A. Enter into the record the substance of any such written or oral communication; and

B. Publicly announce the content of the communication and provide an opportunity to rebut the substance of the contact.