

ORDINANCE NO. 731

AN ORDINANCE AMENDING CHAPTERS 3, 4, 5 AND 9 OF THE TROUTDALE DEVELOPMENT CODE (TEXT AMENDMENT NO. 33)

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Troutdale Citizens Advisory Committee reviewed these proposed amendments at their March and April 2003 meetings and forwarded them to the Planning Commission for approval. The Planning Commission held a public hearing on April 16, 2003 and has recommended that the City Council adopt the proposed amendments to the Troutdale Development Code.
2. These proposed TDC amendments cover a variety of topics. Most are merely housekeeping amendments to bring about consistency within the Code as a result of amendments adopted in April 2002 related to multi-family design standards. The proposed amendments generally pertain to the following:
 - R-20, R-10 and R-7 single-family residential districts
 - Central Business District and Mixed-Office/Housing District
 - Congregate Housing Overlay District
 - Accessory structures
 - Home occupations
 - Stormwater management
 - Off-street parking
3. Amendments to the R-20, R-10 and R-7 districts are needed to clean up terminology under the permitted and conditional uses for consistency with other chapters in the Code.
4. Amendments to the CBD and the MO/H districts are needed to provide consistency and correct identified shortcomings with certain provisions of these zoning districts.
5. The section from the congregate housing overlay district that lists the zones in which this use is allowed is redundant and should be eliminated because the respective zones already accomplish this purpose.
6. Amending the accessory structure provisions of the code to indicate that a building permit is required for structures exceeding 200 square feet in size is needed for consistency with the building code.
7. Eliminating the standard that home occupations can only be conducted as a supplementary source of family income, not as the principal income source, recognizes the reality of the role that many home occupations play in today's economy.

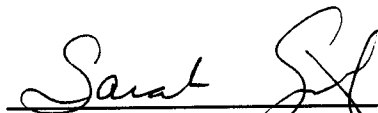
8. Clarifying the purpose and applicability of stormwater management regulations gives the public a better understanding of what kind of development is subject to these standards and makes it easier for city staff to administer the regulations.
9. More flexible parking standards to allow permeable paving materials and to permit temporary overflow parking on unpaved surfaces in some circumstances will help reduce stormwater runoff and help protect water quality.
10. These amendments satisfy public need by bringing clarity and consistency to the Development Code, thereby making it easier for the public to understand and easier for city staff to implement.
11. The minor housekeeping changes encompassed in these proposed amendments will be a positive contribution to the public health, safety and welfare.
12. These amendments do not conflict with any goals or policies from the Troutdale Comprehensive Plan because they are merely housekeeping in nature to maintain consistency and clarity throughout the Development Code. For the same reason, the amendments are consistent with the Metro Urban Growth Management Functional Plan.
13. Notice of the public hearing has been provided in accordance with applicable law.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

The Troutdale Development Code is hereby amended to read as shown in Attachment A.

YEAS: 6
NAYS: 0
ABSTAINED: 0


Paul Thalkofer, Mayor
Dated: 5-30-03


Sarah Greif, Office Support Specialist
Adopted: 5-27-03

CHAPTER 3 - ZONING DISTRICTS

3.010 SINGLE-FAMILY RESIDENTIAL

R-20

3.011 Purpose. This district is intended primarily for single-family detached dwellings at the lowest development density provided for in this code. Such density is considered appropriate in areas developed at this density level or lower, and where natural features such as slope, flood plain, soil condition, etc., make these areas difficult to serve or inefficient to develop at higher densities. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord.]

3.012 Permitted Uses. The following uses and their accessory uses are permitted in the R-20 district:

- A. Single-family detached dwellings.
- B. Accessory residential units subject to the provisions of chapter 5.1000, Accessory Residential Units, of this code.
- C. Residential homes (ORS 197.660[2]; ORS 443.400-443.825).
- D. Parks and playgrounds.
- E. Livestock, poultry, small animals, greenhouses, and nurseries as accessory uses, provided no retail or wholesale business sales office is maintained on a lot of less than two acres, and provided no poultry or livestock, other than household pets, shall be housed within 100 feet of any residence other than a dwelling on the same lot.
- F. Utility facilities, minor.
- G. Bed and breakfast inns subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code.
- H. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 690, ef. 7/27/00; Amended by Ord.]

3.013 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-20 district:

- A. Community service uses.
- B. Day care centers in association with an established community service use.
- C. Guest or parental residence and servant's quarters.

D. Utility facilities, major.

E. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

3.014 Lot Size, Dimensional, and Density Standards.

A. Lot Size, Width, Depth, and Frontage.

1. Minimum lot size: 20,000 square feet per dwelling unit.
2. Minimum lot width: 70 feet, and 70 feet at the front setback line.
3. Minimum lot depth: 100 feet.
4. Minimum lot frontage: 20 feet.

B. Setbacks.

1. Front yard setback: Minimum of 30 feet.
2. Side yard and street side yard setback: Minimum of ten feet.
3. Rear yard setback: Minimum of 25 feet.
4. Projections into setbacks: See chapter 5.020, Exceptions to Yard Requirements, of this code.
5. Accessory structures in setback areas: See chapter 5.010, Accessory Structures in Required Yards, of this code.

C. Height Limitation. No structure shall exceed 35 feet in height.

D. Minimum Density. Residential development is required to be built at 80% or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum and minimum dwelling units for a 50,000 square foot parcel:

- Allowed density is 1 dwelling per 20,000 square feet.
- A 50,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 690, ef. 7/27/00; Amended by Ord.]

3.015 Additional Requirements.

- A. Design review and landscaping is required for all uses except single-family detached dwellings.
- B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code.
- D. Single-family detached dwellings are allowed when the proposal is consistent with the following standards:
 - 1. All applicable standards of this district.
 - 2. Department of Environmental Quality-approved water supply systems.
 - 3. Department of Environmental Quality-approved individual subsurface sewage disposal systems.
- E. All single-family detached dwellings shall utilize at least six of the following design features:
 - 1. Dormers.
 - 2. Recessed entries.
 - 3. Cupolas.
 - 4. Bay or bow windows.
 - 5. Window shutters.
 - 6. Offsets on building face or roof (minimum 12").
 - 7. Gables.
 - 8. Covered porch entry.
 - 9. Pillars or posts.
 - 10. Eaves (minimum 6").

11. Tile, shake, or architectural composition roofing.
12. Horizontal lap siding.

F. Manufactured homes shall comply with the following standards:

1. Be multi-sectional and enclose a space of not less than 1,000 square feet.
2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than 12 inches above grade. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply.
3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three feet in height for each 12 feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials, where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within 30 days of delivery to site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts, or a structure designated Community Resource (CR), by the City.

9. The manufactured home shall be connected to the City's public water supply and public sewer, or as authorized under subsections (D)(2) and (3) of this section.
10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and disconnect sewer, water, and other utilities within 30 days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord.]

3.020 SINGLE-FAMILY RESIDENTIAL

R-10

3.021 Purpose. This district is intended primarily for single-family detached dwellings in a low-density residential neighborhood environment. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord.]

3.022 Permitted Uses. The following uses and their accessory uses are permitted in the R-10 district:

- A. Single-family detached and zero lot line dwellings.
- B. Accessory residential units subject to the provisions of chapter 5.1000, Accessory Residential Units, of this code.
- C. Duplex dwellings when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
- D. Residential homes (ORS 197.660[2]; ORS 443.400-443.825).
- E. Parks and playgrounds.
- F. Utility facilities, minor.
- G. Bed and breakfast inns subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code.
- H. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 690, ef. 7/27/00; Amended by Ord.]

3.023 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-10 district:

- A. Community service uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Duplex dwellings on the same lot at intersections of any two streets of at least neighborhood collector status. Lot size must comply with R-10 requirements.
- D. Nursing homes.
- E. Congregate housing, subject to the provisions of chapter 4.400, Congregate Housing, of this code.
- F. Utility facilities, major.

- G. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord.]

3.024 Lot Size, Dimensional, and Density Standards.

A. Lot Size, Width, Depth, and Frontage:

1. Minimum lot size: 10,000 square feet.
2. Minimum lot width: 70 feet and 70 feet wide at the front setback line.
3. Minimum lot depth: 100 feet.
4. Minimum lot frontage: 20 feet.

B. Setbacks.

1. Front yard setback: Minimum of 20 feet.
2. Side yard and street side yard setback: Minimum of ten feet.
3. Rear yard setback: Minimum of 20 feet.
4. Projections into setbacks: See chapter 5.020, Exceptions to Yard Requirements, of this code.
5. Accessory structures in setback areas: See chapter 5.010, Accessory Structures in Required Yards, of this code.

C. Height Limitation. The maximum height of a structure shall be 35 feet.

D. Minimum Density. Residential development is required to be built at 80% or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum and minimum dwelling units for a 25,000 square foot parcel:

- Allowed density is 1 dwelling per 10,000 square feet.
- A 25,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 690, ef. 7/27/00; Amended by Ord.]

3.025 Additional Requirements.

- A. Design review and landscaping is required for all uses except single-family detached and zero lot line dwellings, and duplex dwellings on separate lots. The design standards of chapter 8.200 of this code apply to duplex dwellings on a single lot.
- B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code.
- D. All single-family detached and zero lot line dwellings and duplex dwellings on separate lots shall utilize at least six of the following design features:
 - 1. Dormers.
 - 2. Recessed entries.
 - 3. Cupolas.
 - 4. Bay or bow windows.
 - 5. Window shutters.
 - 6. Offsets on building face or roof (minimum 12").
 - 7. Gables.
 - 8. Covered porch entry.
 - 9. Pillars or posts.
 - 10. Eaves (minimum 6").
 - 11. Tile, shake, or architectural composition roofing.
 - 12. Horizontal lap siding.
- E. Manufactured homes shall comply with the following standards:

1. Be multi-sectional and enclose a space of not less than 1,000 square feet.
2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than 12 inches above grade. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply.
3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three feet in height for each 12 feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials, where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within 30 days of delivery to site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts, or a structure designated Community Resource (CR), by the City.
9. The manufactured home shall be connected to the City's public water supply and public sewer.
10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and

disconnect sewer, water, and other utilities within 30 days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord.]

3.030 SINGLE-FAMILY RESIDENTIAL

R-7

3.031 Purpose. This district is intended primarily for single-family detached dwellings in a low-density residential neighborhood environment. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord.]

3.032 Permitted Uses. The following uses and their accessory uses are permitted in the R-7 district:

- A. Single-family detached and zero lot line dwellings.
- B. Accessory residential units subject to the provisions of chapter 5.1000, Accessory Residential Units, of this code.
- C. Duplex dwellings when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
- D. Duplex dwellings on the same lot-at intersections of any two streets of at least neighborhood collector status as approved by the Planning Commission, or on lots in a subdivision approved for single lot duplex development.
- E. Residential homes (ORS 197.660[2]; ORS 443.400-443.825).
- F. Parks and playgrounds.
- G. Utility facilities, minor.
- H. Bed and breakfast inns subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code.
- I. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 690, ef. 7/27/00; Amended by Ord.]

3.033 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-7 district:

- A. Day care centers.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Nursing homes.
- D. Congregate housing, subject to the provisions of chapter 4.400, Congregate Housing, of this code.

- E. Community service uses.
- F. Utility facilities, major.
- G. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord.]

3.034 Lot Size, Dimensional, and Density Standards.

A. Lot Size, Width, Depth, and Frontage.

1. Minimum lot size: 7,000 square feet for a single-family detached and zero lot line dwellings and for each unit of a duplex dwelling on separate lots; 10,000 square feet for a duplex dwellings on the same lot.
2. Minimum lot width: 60 feet and 60 feet wide at the front setback line.
3. Minimum lot depth: 80 feet.
4. Minimum lot frontage: 20 feet.

B. Setbacks.

1. Front yard setback: Minimum of 20 feet.
2. Side yard and street side yard setback: Minimum 7½ feet and ten feet on corner lots abutting a street.
3. Rear yard setback: Minimum of 20 feet.
4. Projections into setbacks: See chapter 5.020, Exceptions to Yard Requirements, of this code.
5. Accessory structures in setback areas: See chapter 5.010, Accessory Structures in Required Yards, of this code.

C. Height Limitation. The maximum height of a structure shall be 35 feet.

D. Minimum Density. Residential development is required to be built at 80% or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum and minimum dwelling units for a 17,500 square foot parcel:

- Allowed density is 1 dwelling per 7,000 square feet.
- A 17,500 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 690, ef. 7/27/00; Amended by Ord.]

3.035 Additional Requirements.

- A. Design review and landscaping is required for all uses except single-family detached and zero lot line dwellings, and duplex dwellings on separate lots. The design standards of chapter 8.200 of this code apply to duplex dwellings on the same lot.
- B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code.
- D. All single-family detached and zero lot line dwellings and duplex dwellings on separate lots shall utilize at least two six of the following design features:
 - 1. Dormers.
 - 2. Recessed entries.
 - 3. Cupolas.
 - 4. Bay or bow windows.
 - 5. Window shutters.
 - 6. Offsets on building face or roof (minimum 12").
 - 7. Gables.
 - 8. Covered porch entry.
 - 9. Pillars or posts.
 - 10. Eaves (minimum 6").
 - 11. Tile, shake, or architectural composition roofing.

12. Horizontal lap siding.

E. Manufactured homes shall comply with the following standards:

1. Be multi-sectional and enclose a space of not less than 1,000 square feet.
2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than 12 inches above grade. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply.
3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three feet in height for each 12 feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials, where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within 30 days of delivery to site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts or a structure designated Community Resource (CR), by the City.
9. The manufactured home shall be connected to the City's public water supply and public sewer.

10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and disconnect sewer, water, and other utilities within 30 days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord.]

3.130 CENTRAL BUSINESS DISTRICT

CBD

3.131 Purpose.

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 638, ef. 2/23/96; Amended by Ord. 653, ef. 9/12/97; Repealed by Ord. 658, ef. 3/12/98; Re-repealed by Ord. 661, ef. 7/23/98]

3.132 Dimensional Standards – Subareas A, B, C and D.

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 643, ef. 10/10/96; Repealed by Ord. 658, ef. 3/12/98; Re-repealed by Ord. 661, ef. 7/23/98]

3.133 Landscaping Requirements.

[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 658, ef. 3/12/98; Re-repealed by Ord. 661, ef. 7/23/98]

3.134 Additional Requirements.

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 643, ef. 10/10/96; Repealed by Ord. 658, ef. 3/12/98; Re-repealed by Ord. 661, ef. 7/23/98]

3.131 Purpose. This district is intended to provide for retail, personal, professional, business and industrial services within the Town Center (TC). [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]

3.132 Permitted Uses. The following uses are permitted in the CBD:

- A. Apartment units in conjunction with commercial uses, provided that they are built above or below the street level floor.
- B. Duplex and triplex dwellings when on the same lot.
- C. Multiple-family dwellings.
- D. Museums, theaters, galleries, or studios for art, dance, and photography.
- E. Parking garages or parking lots.
- F. Personal services including, but not limited to, medical or dental clinics, small animal veterinary clinics, pharmacies, professional offices, general business offices, savings and loan companies, or other financial institutions.
- G. Restaurants (excluding fast food with drive-through), taverns, or lounges.
- H. Retail stores with 15,000 square feet or less of gross floor area.
- I. Service, sales, and repair including, but not limited to, computers, electronics, business machines, bicycles, appliances, scientific or musical instruments, locksmiths, or gunsmiths.

- J. Water-oriented recreational facilities.
- K. Utility facilities, minor.
- L. Bed and breakfast inns (but not subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code). [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord.]

3.133 Conditional Uses. The following uses are permitted as conditional uses in the CBD:

- A. Assembly or limited manufacturing uses.
- B. Community service uses, except that a government building that serves exclusively as an office building shall be considered the same as professional offices and general business offices.
- C. Congregate housing subject to the provisions of chapter 4.400, Congregate housing, of this code.
- D. Nursing homes.
- E. Grocery stores and convenience stores without gasoline pumps.
- F. Retail stores with more than 15,000 square feet of gross floor area.
- G. Utility facilities, major. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord.]

3.134 Dimensional Standards.

- A. Lot Area, Lot Width, and Lot Depth. No minimum requirement.
- B. Setbacks. No setbacks are required, except that a minimum 15-foot setback is required along a property line that abuts Single-Family Residential (R-5), Attached Residential (R-4), and Apartment Residential (A-2) zoning districts.
- C. Residential Density.
 - 1. Residential density shall be a maximum of one dwelling unit per 2,000 square feet of net land area.
 - 2. Residential development is required to be built at 80% or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded

down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum and minimum dwelling units for a 5,000 square foot parcel:

- Allowed density is 1 dwelling per 2,000 square feet.
- A 5,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.]

3. Apartment units built in conjunction with a commercial use are not subject to the above maximum and minimum density standards.

- D. Height Limitation. The maximum height of a structure shall be 35 feet. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 690, ef. 7/27/00; Amended by Ord.]

- 3.135 Landscaping Requirements. A minimum of five percent of the lot area shall be landscaped in accordance with Chapter 11, Landscaping and Screening, of this code. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord.]

- 3.136 Additional Requirements.

- A. Access and Circulation. Adequate provisions for access and internal circulation of vehicles shall be provided for all uses allowed in the CBD in accordance with the requirements of this code.
- B. External Storage of Merchandise. The external storage of merchandise and/or materials, directly or indirectly related to a business, is hereby prohibited within the CBD.
- C. Outdoor Displays of Merchandise. Outdoor displays of merchandise are permitted during business hours only and shall not exceed ten percent of the total retail sales area.
- D. Off-Street Parking and Loading. No off-street parking and loading shall be required.
- E. CBD Design Standards. The Design Standards for Central Business District, listed in Appendix A of this code, shall apply to the CBD.
- F. Town Center Overlay District. The applicable provisions of chapter 4.700, Town Center, of this code shall apply to the CBD. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord.]

3.140 MIXED OFFICE/HOUSING DISTRICT

MO/H

- 3.141 Purpose. This district is intended to provide a compatible mix of office, employment, and housing opportunities in close proximity to the Troutdale Central Business District. The MO/H district is intended to promote a compact development form consistent with the Troutdale Town Center Plan. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]
- 3.142 Permitted Uses. The following uses and their accessory uses are permitted in the MO/H district provided they are conducted wholly within a completely enclosed building, except off-street parking and loading:
- A. Professional offices.
 - B. Medical or dental clinics or laboratories.
 - C. Personal service uses with a maximum gross floor area of 2,000 square feet and provided in conjunction with residential development. The maximum square footage shall be considered a use limitation.
 - D. Galleries or studios for art, dance, etc.
 - E. Day care facilities.
 - F. Attached duplex and triplex dwellings either on the same lot or on separate lots.
 - G. Multiple-family dwellings (apartments).
 - H. Apartment units in conjunction with a commercial use.
 - I. Detached single-family dwellings provided on the same lot in conjunction with another permitted use.
 - J. Congregate housing, subject to the provisions of chapter 4.400, Congregate Housing, of this code.
 - K. Nursing homes.
 - L. Residential facilities.
 - M. Parks and playgrounds.
 - N. Utility facilities, minor.
 - O. Other uses similar in nature to those listed above. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord.]

3.143 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the MO/H district:

- A. Personal service uses with a gross floor area greater than 2,000 square feet or not provided in conjunction with residential development.
- B. Retail uses and restaurants with a maximum gross floor area of 15,000 square feet, except that retail uses and restaurants located within a building that existed prior to March 10, 1950 shall be subject to a maximum gross floor area of 40,000 square feet. The maximum square footage shall be considered a use limitation.
- C. Community service uses.
- D. Utility facilities, major.
- E. Other uses similar in nature to those listed above. [Adopted by Ord. 658, ef. 3/12/98; Repealed, readopted, and amended by Ord. 661, ef. 7/23/98]

3.144 Dimensional and Density Standards.

- A. Lot Area, Lot Width, and Lot Depth. No minimum requirement.
- B. Setbacks.
 - 1. Front yard setback: No minimum requirement; maximum of ten feet when abutting a transit street.
 - 2. Side yard setback: No minimum requirement.
 - 3. Street side yard setback: No minimum requirement.
 - 4. Rear yard setback: No minimum requirement.
- C. Height Limitation. The maximum height of a structure shall be 35 feet.
- D. Building Size. No building shall have a footprint greater than 20,000 square feet unless the building was in existence prior to March 10, 1950.
- E. Maximum Density. Maximum residential density shall be one dwelling unit per 2,000 square feet of net land area.
- F. Minimum Density. Residential development, excluding residential dwellings built in conjunction with a commercial use, is required to be built at 80% or more of the maximum number of dwelling units per net acre.

- G. Apartment units built in conjunction with a commercial use are not subject to the above maximum and minimum density standards.
- H. For purposes of the density standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.
[Example: Computing maximum and minimum dwelling units for a 5,000 square foot parcel:
- Allowed density is 1 dwelling per 2,000 square feet.
 - A 5,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
 - Eighty percent minimum density is 0.8×2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 690, ef. 7/27/00]

3.145 Additional Requirements.

- A. Site and design review is required for all uses in the MO/H district other than detached single-family dwellings and duplex dwellings on separate lots. Site and design review shall be conducted in accordance with Chapter 8, Site Orientation and Design Standards, of this code.
- B. Landscaping Requirements.
1. If residential use is provided: Minimum of 15% of the site area.
 2. If no residential use is provided: Minimum of five percent of the site area.
- C. Development shall conform to the following off-street parking standards and Chapter 9, Off-Street Parking and Loading, of this code. When conflicts exist between this section and Chapter 9, Off-Street Parking and Loading, of this code, this section shall apply:
1. No off-street parking spaces are required except for residential development. A minimum of one space is required for each residential unit. On-street parking that abuts the site can be utilized to meet required off-street parking standards.
 2. One tree shall be provided for every four vehicle parking spaces in parking lots. The trees shall be dispersed through the parking lot in a minimum of 15 square foot planters located between parking spaces.

- D. Development shall conform to the TC district design standards. Where a conflict occurs between the standards of the TC district and this district, the more restrictive shall apply. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord.]

CHAPTER 4 - ZONING DISTRICT OVERLAYS

4.400 CONGREGATE HOUSING

CH

4.410 Purpose. The purpose of this district is to provide housing alternatives for elderly or handicapped persons. The standards set forth in this section are intended to ensure that congregate housing developments provide a minimum of services and facilities to accommodate the needs of the residents, and to relieve any possible detrimental effects of the development on surrounding properties. [Adopted by Ord. 550, ef. 9/25/90]

4.411 Justification. This overlay recognizes that housing for senior citizens and handicapped persons customarily has less impact on surrounding properties than typical multiple-family developments providing the same number or fewer units, and therefore, deserves special consideration. [Adopted by Ord. 550, ef. 9/25/90]

4.412 [Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord.]

4.413 Density Standards. The maximum number of units allowed in a congregate housing facility shall be 50% above the standard density of the underlying zoning district. [Adopted by Ord. 550, ef. 9/25/90]

4.414 Dimensional Standards. The setbacks and height limitations shall be in compliance with the standards of the underlying zoning district. [Adopted by Ord. 550, ef. 9/25/90]

4.415 Additional Requirements.

- A. Age Restriction. Congregate housing is intended for persons 55 years of age and older, or handicapped persons.
- B. Any principal or accessory use allowed in the zoning district may be provided. These uses shall be primarily for residents and guests.
- C. Community Space. All complexes shall have a minimum of 15 square feet of community space for social and recreational opportunities per occupant, based on one person per bedroom. Community space may include, but is not limited to:
 - 1. Game rooms, meeting rooms, music rooms, or craft rooms.
 - 2. Congregate dining facilities. Complexes with or without kitchen facilities in each unit may include congregate dining facilities providing regular daily meals for residents. Areas used as congregate dining areas may be applied to the minimum community space requirements.

- D. Laundry and Storage. A minimum of ten square feet of general storage area (80 cu. ft.), other than regular kitchen, bedroom, and linen storage, shall be provided within each unit. Complexes which do not include laundry facilities in the units shall have adequate laundry facilities accessible to all tenants.
- E. Design Standards. The design of the building, and the site and landscaping plans, shall be subject to review. Special considerations for this use may include, but are not limited to:
 - 1. Compatibility in style, color, materials, and scale with the general character of the neighborhood.
 - 2. Defining semi-public, semi-private, and private spaces.
 - 3. Minimizing barriers to handicapped or elderly persons.
 - 4. Security and protection for residents.
- F. Landscaping Requirements. A minimum of 25% of the site shall be landscaped.
- G. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code.
[Adopted by Ord. 550, ef. 9/25/90]

CHAPTER 5 - OTHER ISSUES AND PROCEDURES

5.000 OTHER PERMIT AND ISSUE DETERMINATIONS

5.010 Accessory Structures in Required Yards.

- A. Building Permit Required. A building permit is required for any accessory structure over 200 square feet in size or over 10 feet in height. An accessory structure not requiring a building permit shall be required to have a development permit.
- B. Regulatory Requirements. No accessory structure shall be erected or maintained, and no existing accessory structure shall be structurally altered, converted, enlarged, moved, or maintained unless such accessory structure is located on the lot in conformance with the following:
 - 1. Accessory structures shall comply with the setback requirements for the main building except where specifically modified by this section.
 - 2. No accessory structure shall be located in a required front yard setback.
 - 3. No accessory structure shall encroach on an active easement of record. An active easement is an easement containing one or more public utilities. Small plants and shrubs, perimeter fences, and concrete or asphaltic pavement shall not constitute accessory structures. An accessory structure may encroach on an inactive easement (those not containing a public utility), provided required building setbacks are met, or a variance to the setback standard has been approved.
 - 4. An accessory structure may be constructed as close as three feet to a rear property line, provided that it does not encroach on an active easement. For purposes of this subsection, the measurement shall be applied to projecting building features, if any, such as eaves, rain gutters, or other similar features.
 - 5. An accessory structure of 120 square feet or less in size may be constructed as close as three feet to a side property line provided that it does not encroach on an active easement. For purposes of this subsection, the measurement shall be applied to projecting building features, if any, such as eaves, rain gutters, or other similar features.
 - 6. An accessory structure on a corner lot shall meet a minimum street side yard setback of ten feet except for private vehicle storage.

Accessory structures for private vehicle storage which have an entrance from the street side yard shall have a minimum street side yard setback of 20 feet.

7. Accessory structures within the required rear yard setback shall not exceed 50% of the required rear yard setback area.
8. No single accessory structure may exceed 1,000 square feet in area.
9. The maximum height of a detached accessory structure shall be the height of the primary dwelling or 20 feet, whichever is less, provided the accessory structure meets the side and rear yard setbacks of the underlying zone. A detached accessory structure which does not meet the underlying side and rear yard setbacks shall not exceed 10 feet in height.
10. For purposes of these regulations, solariums, greenhouses, garages, or other enclosed areas which are attached to the residential structure shall not be considered accessory. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 705, ef. 5/10/01; Amended by Ord.]

5.100 HOME OCCUPATION IN A RESIDENTIAL DISTRICT

HO

5.110 Purpose. The purpose of this section is to provide for occupations in residential districts in a manner that will ensure that they are utilized only as accessory uses incidental to the primary residential use of the premises upon which they are located. A business license may be granted for a home occupation, provided the use is not inconsistent with, or disruptive to, the normal residential usage of the premises; will not cause external effects which are detrimental to neighboring properties; and is compatible with the characteristics of the residential district. Special regulations govern home occupations classified as certified group day care, family day care provider, licensed adult foster home, residential home, residential facility, or residential care facility. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.120 General Requirements for All Home Occupations.

- A. There shall be no exterior indication of the home occupation, no exterior signs shall be used, and no on-site advertising visible from the exterior shall be used which informs the public of the address of the home occupation.
- B. No home occupation shall be permitted which is objectionable due to noise, smoke, dust, odor, glare, traffic attraction, vibration, or other disturbing influences greater than that of other residential properties in the vicinity.
- C. If hazardous materials are used or stored on the premises of a home occupation, a Materials Safety Data Sheet shall be provided with the business license application.
- D. Use and storage of hazardous materials in conjunction with a home occupation must be approved by the local fire and emergency service agency. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.130 Operational Standards - Businesses. Business home occupations shall be limited to those activities which are customarily carried on within a dwelling or accessory structure, and which are operated entirely within a building by a member of the family residing in the dwelling unit as a clearly secondary and incidental use of such property. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. No nonresidential employees or any persons other than members of the family residing within the dwelling shall engage in a home occupation therein except as provided for under sections 5.140 through 5.190 of this chapter.

- B. Customer and client contact shall be primarily by telephone, mail, or in their homes and places of business, and not on the premises of the home occupation. No sale of merchandise shall be made on the premises.
- C. No more than 25% of the gross floor area of the residence shall be used for the home occupation. If a home occupation is conducted within an accessory structure, the home occupation shall not exceed the gross floor area of the residence.
- D. Must comply with all other City, County, and State requirements. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord.]

5.800 STORMWATER MANAGEMENT

STMA

5.810 Purpose. The purpose of the stormwater management standards is to prevent the degradation of, and promote the enhancement of, primary or secondary protected water features and groundwater. [Adopted by Ord. 702, ef. 11/24/00; Amended by Ord.]

5.820 Reference Authority.

- A. The current edition of the Stormwater Management Manual, City of Portland Environmental Services and addendums adopted by the Troutdale Public Works Department, is adopted into this code by reference and shall be the guide for requirements and design standards for the water quality facilities. Where conflict exists between this code and any of these documents, the more restrictive shall apply.
- B. The current edition of the City of Troutdale Construction Standards for Public Works Facilities is adopted into this code by reference with respect to the design of catch basins in parking lots and private and public streets. Where conflict exists between this code and any of these documents, the more restrictive shall apply.
- C. Other publications or maps adopted by reference to implement the standards of this chapter are the Metro Title 3 Water Quality and Flood Management Area Map, the Federal Emergency Management Agency's Flood Insurance Rate Map, and the National Wetlands Inventory Map.
- D. Wetland determinations acknowledged by the Oregon Division of State Lands that were submitted with previous land use applications and on record in the Community Development Department.
- E. The "North Troutdale Storm Drainage Master Plan" prepared by David J. Newton Associates, Inc., March 1990. This plan includes Arata and Salmon Creeks.
- F. The "South Troutdale Storm Drainage Master Plan" prepared by KCM and Associated Firms, May 1996. This plan includes Beaver Creek and the Sandy River. [Adopted by Ord. 702, ef. 11/24/00]

5.830 Applicability. The Director shall require water quality treatment and/or detention facilities for stormwater under any of the following:

- A. The site is within the vegetation corridor established in sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this code; within the Flood Management Area established in chapter 4.600 of this code; or abuts a protected water feature.

- B. The development occurs on natural slopes of 25% or greater.
- C. The development involves fuel storage or dispensing areas, vehicle wash areas, or vehicle maintenance dismantling areas, more than 2,000 square feet of uncovered impervious parking area, or other development characteristics that may degrade water quality. [Adopted by Ord. 702, ef. 11/24/00; Amended by Ord.]

5.860 Penalties. Each violation of any provision of this chapter, or any failure to carry out the conditions of any approval granted pursuant to this chapter, shall be unlawful and a civil infraction subject to the enforcement provisions of section 17.110, Abatement and Penalty, of this code.

- A. Additional Penalties. In addition to those penalties available under section 17.110, Abatement and Penalty, of this code, the Director may refuse to accept any development permit application from the developer or applicant for other land use development; revoke or suspend any development; deny occupancy of the subject property until the stormwater quality facility has been installed properly and maintained in accordance with this chapter; or recommend to the Police Chief to deny a business license of the developer or applicant.
- B. The owner of the water quality facility, a homeowner's association, or other entity bound to the deed restrictions pertaining to the water quality facility shall be responsible for mitigating the impacts of the erosion and for preventing future erosion.
- C. Upon request of the City Administrator, or at the direction of the City Council, the City Attorney may institute appropriate action in any court to enjoin development of a site or building project which is in violation of this chapter, or to require conformance with this chapter. [Adopted by Ord. 702, ef. 11/24/00; Amended by Ord.]

CHAPTER 9 - OFF-STREET PARKING AND LOADING

9.070 Paving.

- A. Parking areas, driveways, aisles, and turnarounds shall be paved with concrete, asphalt, or comparable impervious surfacing. Porous concrete, grasscrete, or comparable porous paving surfacing may be used in place of impervious surfacing to reduce stormwater runoff, when approved by the director. Gravel and similar erodable surfaces are not acceptable.
- B. Approaches shall be paved with concrete surfacing constructed to City standards. If a street is not paved, the approach may be maintained to the same standard as the street until the street is paved.
- C. Temporary overflow parking in conjunction with community events, special events, or sporting events is allowed on an unpaved parking area on a parcel of at least one-half acre in size. If a fee is charged for parking, it shall not be considered a commercial parking lot for purposes of zoning compliance. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord.]