

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 13- 10

AN ORDINANCE AMENDING TABLE 18.530.1 OF THE TIGARD COMMUNITY DEVELOPMENT CODE TO CHANGE INDUSTRIAL SERVICES FROM A PROHIBITED LAND USE TO A RESTRICTED LAND USE WITHIN THE I-P: INDUSTRIAL PARK ZONING DISTRICT (DCA2012-00003).

WHEREAS, the city received application for the proposed code amendment to amend the text of the Industrial Zoning Districts Chapter (18.530) to change Industrial Services from a prohibited land use to a restricted land use within the I-P: Industrial Park Zoning District; and

WHEREAS, the purpose of Chapter 18.530 is to provide a range of industrial services for City residents and facilitate economic goals, while ensuring the location and design of industrial land uses minimizes potential adverse impacts on established residential areas; and

WHEREAS, notice was provided to the Department of Land Conservation and Development at least 35 days prior to the first evidentiary public hearing; and

WHEREAS, notice to the public was provided in conformance with the Tigard Community Development Code Chapter 18.390.060.D; and

WHEREAS, the Tigard Planning Commission held a public hearing on March 18, 2013 and recommended with a unanimous vote that Council approve the proposed code amendment, as amended by staff and Planning Commission; and

WHEREAS, the Tigard City Council held a public hearing on May 28, 2013, to consider the proposed amendment; and

WHEREAS, the Tigard City Council has considered the recommendation of the Planning Commission; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and unanimously approves the request as being in the best interest of the City of Tigard.

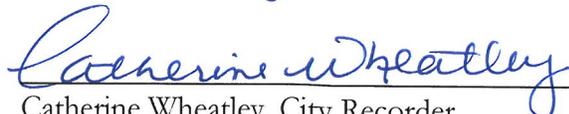
NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendment attached as **"EXHIBIT A"** to this Ordinance is hereby approved and adopted by the City Council.

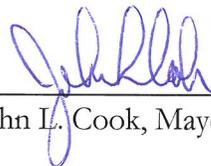
SECTION 2: The findings in the March 11, 2013 Staff Report to the Planning Commission and the Minutes of the March 18, 2013 Planning Commission hearing are hereby adopted in explanation of the Council's decision.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

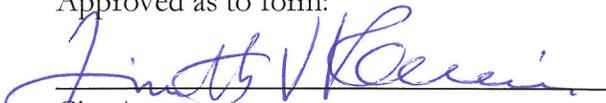
PASSED: By unanimous vote of all Council members present after being read by number and title only, this 28th day of May, 2013.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 28th day of May, 2013.


John L. Cook, Mayor

Approved as to form:


City Attorney

May 28, 2013
Date

EXHIBIT A

**DCA2012-00003: Masco Development Code Amendments
Proposed Text Changes
Planning Commission Recommendation of March 18, 2013**

Explanatory Note: Proposed Text changes are identified in **red font**, with removed language identified through the use of ~~strikethrough lines~~, and added language identified by double underlining.

**TABLE 18.530.1
USE TABLE: INDUSTRIAL ZONES**

USE CATEGORY	I-P	I-L	I-H
RESIDENTIAL			
Household Living	R ¹	R ¹	R ¹
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
CIVIC (INSTITUTIONAL)			
Basic Utilities	C ¹⁴	C ¹⁴	P
Colleges	N	N	N
Community Recreation	C ¹⁰	C ¹⁰	C ¹⁰
Cultural Institutions	N	N	N
Day Care	R ^{3,9}	R ^{3,9}	R ^{3,9}
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	P	N	N
Custom Arts and Crafts	N	N	N
Eating and Drinking Establishments	R ²	N	N
Major Event Entertainment	N	N	N
Outdoor Entertainment	P	N	N
Indoor Entertainment	P	N	N
Adult Entertainment	N	N	N
Sales-Oriented	R ²	N	N
Personal Services	R ²	N	N
Repair-Oriented	P	N	N
Bulk Sales	R ^{4,11}	N	N
Outdoor Sales	N	P	P
Animal-Related	P	P	P
Motor Vehicle Sales/Rental	R ^{4,12,13}	P	P
Motor Vehicle Servicing/Repair	C	P	P
Vehicle Fuel Sales	P	P/C ⁷	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

TABLE 18.530.1 (CON'T)

USE CATEGORY	I-P	I-L	I-H
INDUSTRIAL			
Industrial Services	N R ⁴	P	P
Light Industrial	P	P	P
General Industrial	N	P	P
Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R ⁴	P	P
OTHER			
Agriculture/Horticulture	P ⁵	P ⁵	P ⁵
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R ⁶	P	P
Rail Lines/Utility Corridors	P	P	P
Other	NA	NA	P ⁸

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

¹ A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.

² These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.

³ In-home day care which meets all state requirements permitted by right.

⁴ Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).

⁵ When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.

⁶ See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.

⁷ Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.

⁸ Explosive storage permitted outright subject to regulations of Uniform Fire Code.

- ⁹ Day care uses with over five children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.
- ¹⁰ Limited to outdoor recreation on (1) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2) land located outside the floodplain as shown on City flood maps, when the recreation use is temporary and does not otherwise preclude allowed uses or conditional uses other than recreation within the district.
- ¹¹ These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- ¹² These limited uses, separately or in combination, may not exceed 10,000 square feet/lot.
- ¹³ This use limited to boat sales/rental only.
- ¹⁴ Except water and storm and sanitary sewers, which are allowed by right.