

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 15-05

AN ORDINANCE AMENDING CHAPTERS 18.130 (USE CATEGORIES), 18.330 (CONDITIONAL USE), 18.510 (RESIDENTIAL ZONING DISTRICTS), 18.520 (COMMERCIAL ZONING DISTRICTS), 18.530 (INDUSTRIAL ZONING DISTRICTS), 18.540 (PARKS AND RECREATION ZONE), 18.610 (TIGARD DOWNTOWN PLAN DISTRICT), AND 18.780 (SIGNS) FOR THE PURPOSE OF ADOPTING AN OMNIBUS AMENDMENT PACKAGE TO ESTABLISH DESIGN STANDARDS FOR ABOVE-GROUND UTILITY CABINETS, TO ALLOW TRAILS AS A PERMITTED USE IN COMMERCIAL AND INDUSTRIAL ZONES, TO ALLOW ELECTRONIC MESSAGE CENTERS ON FREESTANDING SIGNS IN THE MIXED-USE COMMERCIAL ZONE, AND EXPANSION OF THE STATION AREA OVERLAY BY APPROXIMATELY 17.94 ACRES OF LAND (DCA2014-00003)

WHEREAS, the city has initiated an application to amend the text of Development Code; and

WHEREAS, the purpose of the amendments is to address emergent development code issues regarding utility cabinets, trails in commercial and industrial zones, electronic message centers, and residential densities near the Downtown Tigard Transit Center; 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 ORS 227.186; and

WHEREAS, the Tigard Planning Commission held a public hearing on November 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 February 9, 2015, 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: Council adopts the findings contained in the "Planning Commission Recommendation to the City Council", dated March 12, 2015 and included as "Exhibit A" to this Ordinance.

SECTION 2: Tigard Development Code (Title 18) is amended as shown in Attachments 1 and 2 of the Planning Commission Recommendation to the City Council.

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.

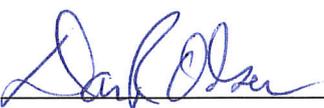
PASSED: By 4 Yes / 1 Absent (Snider) vote of all Council members present after being read by number and title only, this 24th day of March, 2015.


Norma I. Alley, Deputy City Recorder

APPROVED: By Tigard City Council this 24th day of March, 2015.


John L. Cook, Mayor

Approved as to form:


City Attorney

3-24-2015
Date

Agenda Item:
Hearing Date: March 24, 2015 Time: 7:30 PM

**PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: OMNIBUS CODE AMENDMENT PACKAGE

FILE NO.: Development Code Amendment (DCA) 2014-00003

PROPOSAL: Proposed text amendments to the Tigard Development Code would result in the following changes to standards and procedures therein:

1. Establishment of design and siting standards for above-ground utility cabinets on private property;
2. Amendment of the “Railroad and Utility Corridor” use classification into “Transportation and Utility Corridors”, for the purpose of including multiuse trails; and associated amendments to Chapters 18.520 and 18.530 to allow trails as a permitted use in all commercial and industrial zones.
3. Amendment of the sign code to allow electronic message centers in the MUC zone in the Washington Square Plan District, and clarification of existing restrictions on these types of signs.
4. Amendment of Map 18.610.A of the Downtown Tigard Plan District to expand the “Station Area Overlay” by approximately 17.94 acres to include ten properties near the intersection of Ash Avenue and Burnham Street.

APPLICANT: City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

OWNER: All Property Owners
within Tigard

LOCATION: Citywide

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.380, and 18.390; Comprehensive Plan Goals 1, 2, 6, 8, 9, 10, 11, 12, and 13; and Statewide Planning Goals 1, 2, 6, 8, 9, 10, 11, 12, 13, and 15.

SECTION II. STAFF RECOMMENDATION

The Planning Commission recommends approval by ordinance of the proposed development code text amendments (Attachment 1), with any alterations as determined by Council through the Public Hearing Process.

SECTION III. BACKGROUND AND PROJECT SUMMARY

Staff has prepared an omnibus amendment package to address four emergent development code issues. These issues are being bundled together for administrative efficiency through one land use process. The four components are summarized below followed by a brief discussion of each item. Further discussion is provided in Attachment 1 of this report.

1. New development standards to reduce the adverse visual impact presented by utility equipment cabinets on private property;
2. Reclassification of trails from “Community Recreation” to a newly created “Transportation and Utility Corridor” classification within TDC Chapter 18.130 (Use Classifications), and related amendments to Tables 18.520.1 and 18.530.1 to make trails a permitted use in Commercial and Industrial Zones;
3. Amending the Sign Code to allow electronic message centers within the MUC Zone that surrounds Washington Square Mall, and clarification of standards applicable to electronic signs; and
4. Expansion of the “Station Area Overly” in Map 18.610.A (MU-CBD Sub-Areas) to promote higher density redevelopment along Burnham Street in the vicinity of Ash Avenue, and clarification of height limit standards in the Downtown Tigard Plan District.

UTILITY CABINETS ON PRIVATE PROPERTY

Private telecommunication providers are making significant changes to their service delivery infrastructure across the region, including the placement of new fiber and utility cabinets and sheds on private property. To date, these new facilities are substantially larger in height and overall volume than any other ground cabinets currently seen in our community. To illustrate this change in size, the following table compares the dimensions of two cabinets recently requested by utility companies in Tigard, as compared below to the typical signal light control cabinet which is currently the largest utility cabinet in the city.

Structure Type	Width (feet)	Length (feet)	Height (feet)
Utility Cabinet Request A	10	30	9
Utility Cabinet Request B	4	9	5
Signal Light Control Cabinets (<i>current size</i>)	2.6	2	6

To address the emerging proliferation of utility cabinets on private property, staff is recommending amendments to the “basic utilities” category which broadly covers utility “infrastructure” whether it be communication, information, or entertainment specific.

“Basic Utilities” are currently allowed conditionally in all zones and permitted outright in the I-H zone. To reduce visual clutter in the City, the proposed amendments would encourage cabinets to be placed underground by making undergrounded cabinets a by-right use, and above-ground cabinets a conditional use subject to new development standards.

STREAMLINED PERMITTING FOR MULTIUSE TRAILS

The Tigard Development Code presently regulates trails on private property as a recreational land use, rather than as a transportation facility. The effect of this classification is the creation of administrative delays due to lengthy permitting timelines and costs associated with Conditional Use Permit review.

In order to address this burden, the proposed text amendments would reclassify trails as a transportation facility on private property, rather than a recreational one. To implement this, staff proposes to modify one of the existing land use classifications to create a new land use classification titled “Transportation and Utility Corridors”. This new classification would be allowed as a permitted use in all commercial and industrial zones, where the presence of a trail is unlikely to create conflicts or problems for adjoining businesses. In contrast, this classification would remain a Conditional Use in residential zones where local homeowners and residents may have concerns. The amendments would not change how the city regulates utility corridors, which are also part of this classification.

These amendments are being forwarded now as part of a citywide effort to obtain funding for the Tigard Street Trail and a more general implementation of the City’s recently adopted 2014-2034 City of Tigard Strategic Plan.

ELECTRONIC MESSAGE CENTERS IN WASHINGTON SQUARE PLAN DISTRICT

Staff is proposing changes to the sign code to allow electronic message centers in the MUC zone (Mixed-Use Commercial). This amendment was created as a result of Council Direction to allow “time and temperature” signs near Washington Square, and is in response to a request by Kadel’s Auto Body on Greenburg Road to construct a sign containing such a feature.

Because the Oregon Constitution has very expansive language regarding the freedom of expression, the City cannot regulate the content of a sign as a result of decades of very clear case law. The City Attorney’s office has advised that limiting a sign code exemption to just “time and temperature” would be difficult to defend and very likely challenged. As a result, staff recommends the City allow property owners within the MUC Zone, which contains Kadel’s Auto Body and other businesses within the Washington Square area, to be allowed any form of electronic sign as part of one freestanding sign on their site, subject to design and location standards normally applicable in the zone. Such an allowance is similar in nature to what is allowed in the C-G and MU-CBD zones, which are generally located along the Pacific Highway commercial corridor, downtown Tigard, and parts of Scholls Ferry Road and I-5 interchange areas.

Other changes proposed in this amendment package would clarify and strengthen the City’s electronic message center and billboard regulations. These text changes are being made as a

direct result of a recent enforcement case and related LUBA appeal regarding billboards and electronic message centers within the City.

DOWNTOWN TIGARD PLAN DISTRICT STANDARDS

The Downtown Tigard Plan District standards vary by sub-district, to further the development of four distinct districts within the core of the city. The boundaries of these sub-districts are identified on Map 18.610.A, which also includes a “Station-Area Overlay” that allows an increase in maximum residential density for lots in proximity to the Tigard Transit Center. This bonus increases the maximum density from 50 to 80 units per acre, with no associated change in minimum density.

To further encourage the redevelopment of properties along Burnham Street, staff is proposing an expansion of the Station Area Overlay to include ten additional properties near the intersection of Ash Avenue and Burnham Street. Three of these are properties controlled by the City of Tigard, and include the public works yard and Ash Avenue Dog Park. Both of these facilities are planned for relocation in 2015 in order to consolidate municipal operations and make these properties available for redevelopment in the near future. The remainder of the properties are proximate to the Transit Center, and their inclusion helps to form a rational boundary.

SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

This section contains all the applicable city and state policies, provisions, and criteria that apply to the proposed comprehensive plan amendment. Each section is addressed demonstrating how each requirement is met. No Metro policies were found applicable.

APPLICABLE PROVISIONS OF THE TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Chapter 18.380: Zoning and Text Amendments

18.380.020.A Legislative Amendments **Legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.309.060G**

FINDING: The proposed legislative amendments are being reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings before both the Planning Commission and City Council.

Chapter 18.390: Decision-Making Procedures

18.390.020.B.4 Type IV Procedures **Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.**

FINDING: This text amendment to the Tigard Development Code establish standards and procedures to be applied generally across the City. Therefore it will be

reviewed under the Type IV procedure as detailed in Section 18.390.060.G. In accordance with this section, the amendment is initially being considered by the Planning Commission with City Council making the final decision.

- 18.390.060.G. Decision-making considerations.** **The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:**
- 1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;**
 - 2. Any federal or state statutes or regulations found applicable;**
 - 3. Any applicable Metro regulations;**
 - 4. Any applicable comprehensive plan policies; and**
 - 5. Any applicable provisions of the City’s implementing ordinances.**

FINDING: Findings and conclusions for the proposed text amendments to the Tigard Development Code are provided within this report. No federal or Metro policies or standards were found applicable.

CONCLUSION: Based on the findings above and below, approval criteria for a Type IV decision are satisfied.

APPLICABLE COMPREHENSIVE PLAN POLICIES

Chapter 1: Citizen Involvement

Goal 1.1 Provide citizens, affected agencies, and other jurisdictions the opportunity to participate in all phases of the planning process.

Policy 2 **The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.**

Policy 5 **The opportunities for citizen involvement provided by the City shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community.**

FINDING: Public Hearing notification requirements pursuant to Chapter 18.390.060 of the Tigard Community Development Code and Measure 56 were followed. Public hearing notice of the Planning Commission and City Council public hearings was sent to all City of Tigard property owners and the interested parties list. A notice was published in The Tigard Times in accordance with Tigard Development Code Chapter 18.390.

All notices invited public input and included the phone number and email of a contact person to answer questions. The notice also included the address of the City’s webpage where the entire draft of the text changes could be viewed.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 1.1 Policies 2 and 5 are met.

Chapter 2: Land Use Planning

Goal 2.1 Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative basis of Tigard's land use planning program.

- Policy 1** The City's land use program shall establish a clear policy direction, comply with state and regional requirements, and serve its citizens' own interests.
- Policy 2** The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.
- Policy 3** The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.
- Policy 4** The City's land use program shall promote the efficient use of land through the creation of incentives and redevelopment programs.
- Policy 5** The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.
- Policy 7** The City's regulatory land use maps and development code shall implement the Comprehensive Plan by providing for needed urban land uses including:
A. Residential;
B. Commercial and office employment including business parks;
C. Mixed use;
D. Industrial;
E. Overlay districts where natural resource protections or special planning and regulatory tools are warranted; and
F. Public services.
- Policy 12** The City shall provide a wide range of tools, such as planned development, design standards, and conservation easements, that encourage results such as:
A. High quality and innovative design and construction;
B. Land use compatibility;
C. Protection of natural resources;
D. Preservation of open space; and
E. Regulatory flexibility necessary for projects to adapt to site conditions.

Policy 20 **The City shall periodically review and if necessary update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.**

Policy 24 **The City shall establish design standards to promote quality urban development and to enhance the community’s value, livability, and attractiveness.**

FINDING: The proposed text amendments are intended to further the goals of the community by promoting infrastructure designs that enhance the community’s attractiveness, by responding to changes in sign and utility technology and related market demand, that promotes multi-modal transportation options, and furthers the redevelopment goals of the city in downtown Tigard through the use of a regulatory overlay that encourages mixed-use development at intense, urban levels near the transit center.

As described in this staff report, the text amendments comply with all applicable statewide planning goals, regional regulations, comprehensive plan goals and policies, and serve the interest of the citizens of Tigard.

Potentially affected jurisdictions and agencies were sent out a request for comments to all potentially affected jurisdictions and agencies. All were given 14 days to respond. Any comments that were received are addressed in Section VII: Outside Agency Comments.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 2.1 Policies 1, 2, 3, 4, 5, 7, 12, 20 and 24 are met.

Chapter 6: Environmental Quality

Goal 6.1 Reduce air pollution and improve air quality in the community and region.

Policy 3 **The City shall promote land use patterns, which reduce dependency on the automobile, are compatible with existing neighborhoods, and increase opportunities for walking, biking, and /or public transit.**

FINDING: The proposed plan text amendments promote land use patterns that reduce dependency on the automobile reducing administrative burdens to trail development in commercial and industrial zones, and by promoting high-density mixed-use development near the Tigard Transit Center and Fanno Creek Regional Trail.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 6.1 Policy 6 is met.

Chapter 8: Parks, Recreation, Trails, and Open Space

Goal 8.2 Create a Citywide network of interconnected on- and off-road pedestrian and bicycle trails.

Policy 1 **The City shall create an interconnected regional and local system of on- and off-road trails and paths that link together neighborhoods, parks, open spaces, major urban activity centers, and regional recreational opportunities utilizing both public property and easements on private property.**

FINDING: The proposed text amendments would facilitate the more efficient development of the trail network within commercial and industrial zones, enabling residents, workers, and visitors to more easily access the commercial and industrial parts of the city for employment, recreation, entertainment, and other needs.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 8.2 Policy 1 is met.

Chapter 9: Economic Development

Goal 9.1 Develop and maintain a strong, diversified, and sustainable local economy.

Policy 5 **The City shall promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands.**

FINDING: The proposed text amendments would promote well-designed development and redevelopment of land within the city.

Proposed utility box design and location standards will reduce the clutter and visual impact presented by these facilities by requiring them to be placed underground or designed and located in such a way as to mitigate their visual presence, without compromising their ability to expand utility services the city.

Proposed changes to the use-classification chapter will reduce administrative procedures necessary to develop trails in under-utilized industrial and commercial land to facilitate multimodal transportation options to these employment and service areas.

Proposed electronic sign standards will allow new communications technology within the vicinity of Washington Square Mall in the service of business advertising and information delivery, in a manner that does not result in visual clutter or detract from traffic safety or the orderly appearance of the community.

The proposed expansion of the station area overlay will result in higher-density housing that will support higher levels of activity in the downtown area.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 9.1 Policy 5 is met.

Goal 9.3 Make Tigard a prosperous and desirable place to live and do business.

Policy 1 The City shall focus a significant portion of future employment growth and high-density housing development in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle.

Policy 2 The City shall adopt land use regulations and standards to ensure a well-designed and attractive urban environment that supports/protects public and private sector investments.

Policy 3 The City shall commit to improving and maintaining the quality of community life (public safety, education, transportation, community design, housing, parks and recreation, etc.) to promote a vibrant and sustainable economy.

FINDING: The proposed text amendments will provide for higher density housing near the Tigard Transit Center in a Metro-designated town center (Downtown).

The proposed text amendments regarding utility boxes will promote well-designed and attractive urban-environments free of infrastructure clutter.

The proposed reclassification of trails will reduce administrative costs to the development of a robust and interconnected trail network in commercial and industrial zones. The result of this change will help to develop a robust community life by providing multi-modal access to activity centers, recreational opportunities, and employment.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 9.3, Policies 1, 2, and 3 are met.

Chapter 10: Housing

Goal 10.1 Provide opportunities for a variety of housing types at a range of price levels to meet the diverse housing needs of current and future City residents.

Policy 1 The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing types that meet the needs, preferences and financial capabilities of Tigard’s present and future residents.

Policy 5 The City shall provide for high and medium density housing in the areas such as town centers (Downtown), regional centers (Washington

Square), and along transit corridors where employment opportunities, commercial services, transit, and other public services necessary to support higher population densities are either present or planned for in the future.

FINDING: The proposed text amendments support the development of multi-family housing as part of stand-alone or mixed-use development on properties located near the transit center in the Tigard Downtown Plan District, a Metro designated town center where higher population densities are planned.

CONCLUSION : Based on the above findings, Tigard Comprehensive Plan Goal 10.1 Policies 1 and 5 are met.

Goal 10.2 Maintain a high level of residential livability.

Policy 1 The City shall adopt measures to protect and enhance the quality and integrity of its residential neighborhoods.

Policy 2 The City shall seek to provide multi-modal transportation access from residential neighborhoods to transit stops, commercial services, employment, and other activity centers.

Policy 5 The City shall encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources.

Policy 7 The City shall ensure that residential densities are appropriately related to locational characteristics and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, and existing land use patterns.

FINDING: The proposed text amendments to adopt utility box location and design standards are intended to protect the quality of residential neighborhoods.

The proposed amendments to reclassify trails as a permitted use will support the development of multi-modal transportation network in the commercial and industrial parts of the city. The effect would be to provide greater modal choice for people seeking to access employment, commercial services, or transit access.

The purpose of the station area overlay expansion is to provide for greater densities in downtown Tigard, a plan district intended for mixed-use living with needed services within walking distance. The text would specifically affect properties near the transit center, which could support the transportation needs for a greater density of people.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 10.2 Policies 1, 2, 5, and 7 are met.

Chapter 11: Public Facilities and Services

Goal 11.5 Private utilities provide the needed energy and communication services for the community.

Policy 2 **The City shall require the placement of existing services underground, when feasible, or pay an in-lieu-of fee during redevelopment or street construction.**

FINDING: The proposed text amendments would require new utility cabinets on private property to be placed underground, or provide findings as to why underground placement was not feasible as considered through conditional use review.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 11.5 Policy 2 is met.

Chapter 12: Transportation

Goal 12.1 Develop mutually supportive land use and transportation plans to enhance the livability of the community.

Policy 3 **The City shall maintain and enhance transportation functionality by emphasizing multi-modal travel options for all types of land uses.**

Policy 4 **The City shall promote land uses and transportation investments that promote balanced transportation options.**

Policy 6 **The City shall support land use patterns that reduce greenhouse gas emissions and preserve the function of the transportation system.**

FINDING: The proposed text amendments support the development of a citywide multi-modal transportation system by reducing administrative procedures necessary to develop trails within commercial and industrial zones, and allowing more properties to be developed at very-high densities in a mixed-use district near the Tigard Transit Center. Both of these support transportation options that reduce or avoid greenhouse gas emissions through the use of transit, biking, and walking.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 12.1 Policies 3, 4, and 6 are met.

Goal 12.3 Provide an accessible, multi-modal transportation system that meets the mobility needs of the community.

Policy 10 **The City shall require and/or facilitate the construction of off-street-trails to develop pedestrian and bicycle connections that cannot be provided by a street.**

FINDING: The proposed text amendments would facilitate the construction of off-street trails by removing administrative procedures necessary to develop off-street pedestrian and bike connections in the form of trails. Facilitation would occur by removing the conditional use permit requirement that could make business owners reluctant to develop a trail, or allow a trail to be developed on their property.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 12.3 Policy 10 is met.

Chapter 13: Energy Conservation

Goal 13.1 Reduce energy consumption.

Policy 1 **The City shall promote the reduction of energy consumption associated with vehicle miles traveled through:**
 A. land use patterns that reduce dependency on the automobile;
 B. public transit that is reliable, connected, and efficient; and
 C. bicycle and pedestrian infrastructure that is safe and well connected.

FINDING: The proposed text amendments support land use patterns and development types that reduce greenhouse gas emissions. This would occur by reducing the administrative requirements necessary to develop a complete off-street trail network in commercial and industrial areas, and providing for high-density housing in close proximity to the Tigard Transit Center and the Fanno Creek Regional Trail.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 13.1 Policy 1 is met.

THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197

The City’s Comprehensive Plan incorporated the Statewide Planning Goals and was acknowledged by the state as being in compliance with state law; therefore, the Statewide Goals are addressed under the Comprehensive Plan Policies Sections. The following Statewide Planning Goals are applicable:

Goal 1: Citizen Involvement; Goal 2: Land Use Planning; Goal 6: Air, Water and Land Resources Quality; Goal 8: Recreational Needs; Goal 9: Economic Development; Goal 10: Housing; Goal 11: Public Facilities and Services; Goal 12: Transportation; and Goal 13: Energy Conservation.

SECTION VI. ADDITIONAL CITY STAFF COMMENTS

The **City of Tigard's Public Works Department** and **Building Division** had an opportunity to comment and did not respond.

The **City of Tigard's Police Department** had an opportunity to review this proposal and had no objections.

The **City of Tigard Redevelopment Project Manager** requested a further expansion of the Station-Area Overly from six additional properties to ten additional properties. The requested changes have been incorporated into the proposed amendment to Map 18.610.A.

SECTION VII. OUTSIDE AGENCY COMMENTS

The following agencies/jurisdictions had an opportunity to review this proposal and did not respond:

- Washington County, Department of Land Use and Transportation**
- City of Beaverton**
- City of Portland**
- City of Lake Oswego**
- City of Tualatin**
- City of King City**
- City of Durham**
- Beaverton School District #48**
- Metro Land Use and Planning**
- Oregon Department of Land Conservation and Development**
- Oregon Department of Transportation, Region 1**
- Oregon Department of Environmental Quality**
- Oregon Department of Fish and Wildlife**
- Tualatin Valley Fire & Rescue**
- Oregon Public Utilities Commission**
- Century Link**
- Clean Water Services**
- Comcast Cable**
- Metro Area Communications Commission**
- NW Natural**
- Portland General Electric**
- Tri-Met**
- Verizon**
- Tigard-Tualatin School District**
- Tualatin Hills Water District**
- Tualatin Hills Parks and Recreation District**

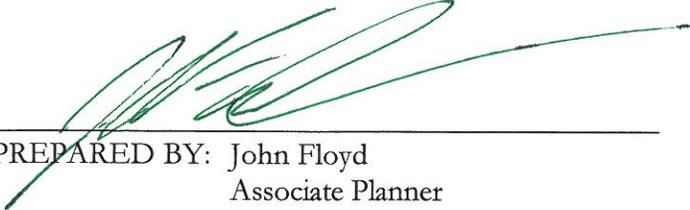
SECTION VII. PUBLIC COMMENTS

Measure 56 notices were mailed out to approximately 15,000 City of Tigard property owners and the interested parties list. Although many inquiries and questions were generated, including approximately 40 phone calls and visits to the Permit Center, no substantial public comments

were received.

SECTION IX. CONCLUSION

The proposed changes comply with the applicable Statewide Planning Goals, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances. Therefore, Staff recommends that the Planning Commission recommend approval of the proposed amendments included in Attachment 2 of this report.



PREPARED BY: John Floyd
Associate Planner

March 12, 2015
DATE



APPROVED BY: Tom McGuire
Assistant Community Development Director

March 12, 2015
DATE

- Attachments:
1. Summary and Discussion of Proposed Text Amendments
 - a. Utility Cabinets on Private Property
 - b. Transportation and Utility Corridors
 - c. Electronic Message Centers in MUC Zone
 - d. Station Area Overlay and Height Limit Clarification in MU-CBD Zone
 2. Affected Chapters with Text Amendments
 - a. 18.130 – Use Categories
 - b. 18.330 – Conditional Use
 - c. 18.510 – Residential Zoning Districts
 - d. 18.520 – Commercial Zoning Districts
 - e. 18.530 – Industrial Zoning Districts
 - f. 18.540 – Parks and Recreation Zone
 - g. 18.610 – Tigard Downtown Plan District
 - h. 18.780 – Signs

PROPOSED TEXT AMENDMENT TO ADDRESS THE EMERGING PROLIFERATION OF UTILITY CABINETS ON PRIVATE PROPERTY

Background

The telecommunications and broadband utility industry is changing quickly. In this region, many utility providers are making significant changes to their service delivery and placing new fiber and utility cabinets in communities. These installations can include more ground cabinets and they are more than 10% larger in height and overall volume than any other ground cabinets currently seen in our community. Sizes of cabinets which have already been requested by utility companies in Tigard are compared below to the typical signal light control cabinet which is currently the largest utility cabinet in Tigard.

Structure Type	Width (feet)	Length (feet)	Height (feet)
Utility Cabinet Request A	10	30	9
Utility Cabinet Request B	4	9	5
Signal Light Control Cabinets <i>(current size)</i>	2.6	2	6

Code Analysis

To address the emerging proliferation of utility cabinets on private property, instead of expanding the Wireless Communications chapter to cover other communications facility appurtenances, such as fiber huts, it appears that the “basic utilities” category may be a better approach as they are broadly construed as “infrastructure services.” Broadband, cable, fiber, etc., can be characterized as “infrastructure” whether communication, information, or entertainment specific.

18.130.050 Civic Use Categories

A. Basic Utilities.

- 1. Characteristics: Basic Utilities are infrastructure services which need to be located in or near where the service is provided. Service may be public or privately provided.**
- 2. Accessory Uses: Accessory uses commonly found are parking; and control, monitoring, data or transmission equipment and shelters.**
- 3. Examples: Examples include water and sewer systems, telephone exchanges, power substations, and transit stations.**
- 4. Exceptions:**
 - a. Utility Offices where employees or customers are generally present are classified as offices.**
 - b. Bus barns are classified as Warehouse/Freight Movement.**
 - c. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.**

“Basic Utilities” are currently allowed conditionally in all zones and permitted outright in the I-H zone. However, due to the underground placement of some utilities, “water, storm and sanitary sewers are allowed by right” and are exempt from conditional use review by Footnote 4 in Use

Table 18.510.1 (residential zones), Footnote 32 in 18.520.1 (some commercial zones), and Footnote 14 in Table 18.530.1 (industrial zones).

Assuming new forms of infrastructure (lines and cabinets for whatever purpose) can be considered “basic utilities,” then regulating the above ground impacts through the conditional use chapter would apply.

18.330.050 Additional Development Standards for Conditional Use Types

B. Additional development standards. The additional dimensional requirements and approval standards for conditional use are as follows:

15. Emergency services and basic utilities:

- a. Minimum lot size shall be 5,000 square feet;**
- b. Minimum setbacks shall be those in the applicable zone;**
- c. Height limitation shall be in accordance with Chapter 18.730;**
- d. Off-street parking and loading requirement shall be in accordance with Chapter 18.765; and**
- e. Screening shall be in accordance with Chapter 18.745.**

However, the current provisions for basic utilities would not satisfactorily regulate the visual pollution impacts that are increasingly objectionable. For example, in (c) the height limitations do not apply to “projections not used for human habitation” (18.730.020.A); and, in (e) Buffering and Screening standards are applied through matrices that do not include infrastructure services (Tables 18.745.1 and 18.745.2); and more specifically, “A buffer area may only be occupied by utilities . . .” the focus of the standard is rather on buildings, parking and access (18.745.050.B.2).

If the basic utility is to be undergrounded, like water and sewers, then no conditional use review would be required. If proposed above-ground, additional standards would apply to cabinets greater in height and size than the majority of cabinets currently allowed.

PROPOSED CODE AMENDMENT:

Additional Development Standards for Conditional Use Types, 18.330.050.15.f:

f. For above-ground infrastructure facilities on private and public property (outside of public rights-of-way) where length plus width plus height is more than 96 inches and height is more than 36 inches, the following standards shall apply:

- 1) Demonstrate that the functional properties of the facility require above-ground placement;
- 2) Be of a size that is the minimum necessary for the intended use.
- 3) Be located on the site as visually inconspicuous as reasonably possible.
- 4) Be dark in color, non-reflective, and visually subordinate to the surroundings.
- 5) Be screened from view in accordance with the applicable sections of Chapter 18.745.

TRANSPORTATION AND UTILITY CORRIDORS

Summary and Purpose

Expand the “Railroad and Utility Corridor” classification to include multi-use trails, and amend the allowed use tables in 18.520-18.540 to allow trails in all commercial and industrial areas as a permitted use.

- Would acknowledge trails as transportation infrastructure and not just recreational
- Would remove the Conditional Use Permit requirement for new multi-use trail segments passing through commercial and industrial areas
- Would remain a conditional use in residential areas.

Proposed Text Changes

18.130.050 Civic Use Categories

C. Community Recreation.

1. Characteristics: Community Recreation uses are public or non-profit recreational, social and multi-purpose facilities of an indoor and/or outdoor nature.
2. Accessory uses: Accessory uses commonly found are parking, offices, athletic facilities, clubhouses, picnic shelters, maintenance facilities, and concessions.
3. Examples: Examples include community centers, senior centers, indoor and outdoor tennis/racquetball and soccer clubs, indoor/outdoor swimming pools, parks, playgrounds, picnic areas and golf courses.
4. Exceptions:
 - a. Does not include uses meeting the definition of Cultural Institutions.
 - b. Does not include for-profit commercial recreational facilities which are considered Entertainment-Oriented Commercial Uses.

c. Does not include multi-use trails, which are considered Transportation and Utility Corridors

18.130.080 Other Use Categories

F. Rail Lines Transportation and Utility Corridors.

1. Characteristics: Rail-Transportation and Utility Corridors are 1 corridors in public or private ownership, including easements, dedicated for the express use of rail lines; multi-use trails; above-grade or underground power or communication lines; water, sewer, and storm sewer lines; or similar services.
2. Accessory uses: Accessory uses commonly found include trailhead improvements such as public restrooms and parking lots.

3. Examples: Examples include rail trunk and feeder lines; multi-use trails; regional electrical transmission lines; and regional gas and petroleum pipelines.

4.3. Exceptions:

- a. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
- b. ~~Rail Lines~~ Transportation and Utility Corridors contained within a motor vehicle rights-of-way are not included.
- c. Does not include Railroad Yards.

TABLE 18.510.1 (CON'T)

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Motor Vehicle Sales/Rental	N	N	N	N	N	N	N	N
Motor Vehicle Servicing/Repair	N	N	N	N	N	N	N	N
Vehicle Fuel Sales	N	N	N	N	N	N	N	N
Office	N	N	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	C ¹⁰	C ¹⁰	C ¹⁰
INDUSTRIAL								
Industrial Services	N	N	N	N	N	N	N	N
Light Industrial	N	N	N	N	N	N	N	N
General Industrial	N	N	N	N	N	N	N	N
Heavy Industrial	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N	N	N
Warehouse/Freight Movement	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N
OTHER								
Agriculture/Horticulture	P ⁶	N	N	N				
Cemeteries	N	N	C	C	C	N	N	N
Detention Facilities	N	N	N	N	N	N	N	N
Heliports	N	N	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N
Wireless Communication Facilities	P/R ⁷							
Rail Lines <u>Transportation</u> and Utility Corridors	C	C	C	C	C	C	C	C

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

¹Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

²Permitted subject to requirements Chapter 18.742.

³Permitted subject to compliance with requirements in 18.710.

⁴Except water and storm and sanitary sewers, which are allowed by right.

⁵In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.

⁶When 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.

⁷See Chapter 18.798, Wireless Communication Facilities, for requirements for permitted and restricted facilities.

⁸Attached single-family units permitted only as part of an approved planned development.

⁹Permitted by right if no more than five units in a grouping; permitted conditionally if six or more units per grouping.

¹⁰Only park-and-ride and other transit-related facilities permitted conditionally.

¹¹Limited to ground-floor level of multi-family projects, not to exceed 10% of total gross square feet of the building.

¹²School bus parking is permitted on public high school sites as an accessory use if located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes. Maximum time limitation is three years. An extension to the time limit is possible through a major modification to the conditional use. (Ord. 07-05)

¹³Permitted as a conditional use on public school sites.

**TABLE 18.520.1
USE TABLE: COMMERCIAL ZONES**

USE CATEGORY	C-N ^[1, 4]	C-C ^[5, 10]	C-G	C-P	MU-CBD ^{19, 38]}	MUE ^[20]	MUC-1	MUC ^[28]	MUE 1 and 2 ^[28]	MUR 1 and 2 ^[28]
RESIDENTIAL										
Household Living	N	R ^[6]	R ^[11]	R	P	R ^[21]	P ^[26]	P	P	P
Group Living	N	N	C	N	P	N	C	R ^[29] /C	R ^[29] /C	R ^[29] /C
Transitional Housing	N	N	C	N	C	N	C	C	C	C
Home Occupation	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	P	R ^[2]	R ^[2]	R ^[2]
HOUSING TYPES										
Single Units, Attached	N/A	N/A	N/A	N/A	P	N/A	N/A	R ^[30]	R ^[30]	P
Single Units, Detached	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	R ^[30]
Accessory Units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[31]	R ^[31]	R ^[31]
Duplexes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	P
Multifamily Units	N/A	N/A	N/A	N/A	P	N/A	N/A	P	P	P
Manufactured Units	N/A	N/A	N/A	N/A	P	N/A	N/A	N	N	N
Mobile Home Parks, Subdivisions	N/A	N/A	N/A	N/A	R ^[36]	N/A	N/A	N	N	N
CIVIC (INSTITUTIONAL)										
Basic Utilities	C	C ^[32]	C ^[32]	C	C	C	C	C ^[32]	C ^[32]	C ^[32]
Colleges	N	N	N	N	P	C	C	C	C	C
Community Recreation	N	P	N	N	P	C	N	P	C	C
Cultural Institutions	P	P	P	P	P	P	P	P	P	N
Day Care	P	P	P	P	P	P	P	P	P	P/C ^[33]
Emergency Services	P	P	P	P	P	P	P	P	P	N
Medical Centers	C	N	C	C	C	C	C	C	C	C
Postal Service	P	P	P	P	P	P	P	P	P	N
Public Support Facilities	P	P	P	P	P	P	P	P	P	P
Religious Institutions	C	C	P	P	P	P	P	P	P	C
Schools	N	N	N	N	P	C	C	C	C	C
Social/Fraternal Clubs/Lodges	C	C	P	P	P	P	P	P	P	C
COMMERCIAL										
Commercial Lodging	N	N	P	R ^[14]	P	P	P	P	P	N
Custom Arts and Crafts	N	N	N	N	P ^[39]	N	N	N	N	N

Eating and Drinking Establishments	C	P	P	R ^[15]	P	P	P	P	P	R ^[34/35]
USE CATEGORY	C-N^[1]	C-C^[5]	C-G	C-P	MU-CBD^[38]	MUE^[20]	MUC-1	MUC^[28]	MUE 1 and 2^[28]	MUR 1 and 2^[28]
COMMERCIAL (cont'd.)										
Major Event Entertainment	N	N	C	N	C	N	C	C	N	N
Outdoor Entertainment	N	N	P	R ^[15]	C	N	N	C	N	N
Indoor Entertainment	P	P	P	P	P	P	P	P	P	N
Adult Entertainment	N	N	C	N	N	N	N	C	N	N
Sales-Oriented	P	P ^[7]	P	R ^[16]	P/R ^[37]	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
Personal Services	P	P	P	P	P	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
Repair-Oriented	P	P	P	N	P	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
Bulk Sales	N	N	P	N	R ^[36]	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
Outdoor Sales	N	N	P	N	N	N	N	N	N	N
Animal-Related	N	N	N	N	N	P	P	N	N	N
Motor Vehicle Sales/Rental	N	N	P/C ^[12]	N	R ^[36]	N	N	R ^[24]	R ^[24]	N
Motor Vehicle Servicing/Repair	N	C ^[8]	P/C ^[12]	N	C	R ^[22]	R ^[25]	N	N	N
Vehicle Fuel Sales	C	C	C	N	R ^[36]	N	C	C	C	N
Office	P	R ^[9]	P	P	P	P	P	P	P	R ^[34/35]
Self-Service Storage	N	N	C	N	R ^[36]	N	N	N	N	N
Non-Accessory Parking	C	C	P	P	P	P	P	P	P	N
INDUSTRIAL										
Industrial Services	N	N	N	N	N	N	N	N	N	N
Light Industrial	N	N	N	N	N	R ^[23]	N	N	R ^[23]	N
General Industrial	N	N	N	N	N	N	N	N	N	N
Heavy Industrial	N	N	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	C	R ^[24]	R ^[24]	N	R ^[23]	N
Warehouse/Freight Movement	N	N	N	N	N	R ^[24]	N	N	R ^[23/24]	N
Waste-Related	N	N	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N	R ^[23/24]	N
OTHER										
Agriculture/Horticulture	N	N	N	N	N	N	N			
Cemeteries	N	N	N	N	N	N	N			
Detention Facilities	N	N	C	N	C	N	N			
Heliports	N	N	C	C	N	N	N			

Mining	N	N	N	N	N	N	N			
USE CATEGORY	C-N^[1]	C-C^[5]	C-G	C-P	MU-CBD^[38]	MUE^[20]	MUC-1	MUC^[28]	MUE 1 and 2^[28]	MUR 1 and 2^[28]
OTHER (cont'd.)										
Wireless Communication Facilities	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[27]			
Rail Lines-Transportation and Utility Corridors	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
Other	<u>C^[4]</u>	<u>C^[4]</u>	<u>NA</u>	<u>NA</u>	<u>R^[19]</u>	<u>NA</u>	<u>NA</u>			

P=Permitted R=Restricted C=Conditional Use NA=Not Applicable N=Not Permitted

- [1] All permitted and conditional uses subject to special development standards contained in 18.520.050.A.
- [2] Permitted subject to requirements Chapter 18.742.
- [3] See Chapter 18.798 Wireless Communication Facilities, requirements for permitted and restricted facilities.
- [4] Uses operating before 7 a.m. and/or after 10 p.m. are conditional uses.
- [5] All permitted, limited and conditional uses must meet special development standards in 18.520.050.B.
- [6] Residential units permitted by right, as a mixed use in conjunction with a commercial development, on or above the second floor of the structure, at densities not to exceed 12 units/net acre.
- [7] Limited to 10,000 gross square feet in size, except retail food and beverage outlets, which are limited to 40,000 gross square feet or less.
- [8] Limited to motor vehicle cleaning only.
- [9] When combined in single structure, each separate establishment shall not exceed 5,000 gross square feet.
- [10] Uses operating before 6 a.m. and/or after 11 p.m.; or drive-up windows are conditional uses.
- [11] A single-family unit providing that it is located on the same site with a permitted or conditional use in and is occupied exclusively by a caretaker or superintendent of the permitted or conditional use. Multifamily housing is permitted as part of a PD, subject to Chapter 18.350.
- [12] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted conditionally.
- [13] (Deleted by Ord. 09-13)
- [14] Restaurant permitted with restriction in size in conjunction with and on the same parcel as a commercial lodging use.
- [15] As accessory to offices or other permitted uses, the total space devoted to a combination of retail sales and eating/drinking establishments may not exceed more than 20% of the entire square footage within the development complex.
- [16] May not exceed 10% of the total square footage within an office complex.
- [17] Single-family attached and multi-family residential units, developed at R-40 standards, except the area bounded by Fanno Creek, Hall Boulevard, O'Mara, Ash Avenue and Hill Street, within which property zoned for CBD development which shall be designated R-12 PD and shall be developed as planned developments in conformance with the R-12 District standards.
- [18] Motor vehicle cleaning only.
- [19] Drive-up windows are permitted to continue if the property had one lawfully in existence prior to the adoption of the MU-CBD designation. Otherwise, not permitted.
- [20] All permitted and conditional uses subject to special development standards contained in 18.520.050.C.
- [21] Multifamily residential, at 25 units/gross acre, allowed outright. Pre-existing detached and attached single-family dwellings are permitted outright.
- [22] New retail and sales uses may not exceed 60,000 gross leasable area per building within the Washington Square Regional Center or Tigard Triangle except for those areas zoned C-G at the time the MUE zoning district was adopted in the Tigard Triangle.
- [23] All activities associated with this use, except employee and customer parking, shall be contained within buildings.
- [24] Permitted as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use.
- [25] Permitted provided the use is no larger than 60,000 square feet of gross floor area per building or business.
- [26] Household living limited to single units, attached, and multifamily including but not limited to apartments, attached condominiums, townhouses and rowhouses at a minimum density of 25 dwelling units per acre and a maximum density of 50 dwelling units per acre.
- [27] Wireless only as attached to structure within height limit, see Chapter 18.798.
- [28] All Permitted and Conditional Uses subject to special development standards contained in Chapter 18.630.
- [29] Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

- [30] Pre-existing housing units permitted. Conversion of pre-existing housing units to other uses is subject to the requirements of Chapter 18.630.
- [31] Permitted for pre-existing housing units, subject to requirements Chapter 18.710.
- [32] Except water, storm and sanitary sewers, which are allowed by right.
- [33] In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.
- [34] This use is allowed only in mixed-use developments in the Washington Square Regional Center. Commercial uses shall occupy no more than 50% of the total floor area within the mixed-use development, and shall be permitted only when minimum residential densities are met. An exception to the requirement that commercial uses may be permitted only if residential minimum densities are met is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. These parcels, or parcels created from these parcels, after the effective date of this ordinance, may be developed as a solely commercial use with a use permitted in the MUR-1 or MUR-2 zones.
- [35] The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 7,500 square feet. An exception to the limit on the size of a building occupied by commercial uses is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. On these parcels, or parcels created from these parcels, after the effective date of this ordinance, a commercial development is not limited to a specific square footage, however, all other dimensional standards of the MUR-1 and MUR-2 zoning district apply which may limit the ultimate size of commercial development.
- [36] Only for properties that were lawfully in existence (as permitted, conditional, or planned development) prior to the adoption of the MU-CBD designation.
- [37] New retail and sales uses may not exceed 60,000 square feet of gross leasable area per building in all subareas except 99W/Hall Corridor subarea. (See Map 18.610.A)
- [38] All developments subject to Chapter 18.610, Downtown Urban Renewal Standards, and Map 18.610.A.
- [39] Custom Arts and Crafts uses may not exceed 500 square feet of production area.

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
INDUSTRIAL			
Industrial Services	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

Table 18.530.1
Use Table: Industrial Zones (cont'd)

Use Category	I-P	I-L	I-H
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/Transportation and 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 the uniform fire code.
- ⁹ Day care uses with over five children are permitted subject to an environmental impact assessment in accordance with 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.

TABLE 18.540.1
USE TABLE: PARKS & RECREATION ZONE

Land Use Category	Use Type
RESIDENTIAL	
Household Living	N
Group Living	N
Transitional Housing	N
Home Occupation	N
CIVIC	
Basic Utilities	C
Colleges	N
Community Recreation	P/C ¹
Cultural Institutions	C
Day Care	N
Emergency Services	N
Medical Centers	N
Postal Service	N
Religious Institutions	N
Schools	C ^{2,3}
Social/Fraternal Clubs/Lodges	N

COMMERCIAL	
Commercial Lodging	N
Custom Arts and Crafts	N
Eating and Drinking Establishments	C ³
Major Event Entertainment	C
Outdoor Entertainment	N
Indoor Entertainment	N
Adult Entertainment	N
Sales-Oriented	C ³
Personal Services	N
Repair-Oriented	N
Bulk Sales	N
Outdoor Sales	C ³
Animal-Related	N
Motor Vehicle Sales/Rental	N
Motor Vehicle Servicing/Repair	N
Vehicle Fuel Sales	N
Office	C ³
Self-Service Storage	N
Non-Accessory Parking	N
INDUSTRIAL	
Industrial Services	N
Light Industrial	N
General Industrial	N
Heavy Industrial	N
Railroad Yards	N
Research and Development	N
Warehouse/Freight Movement	N
Waste-Related	N
Wholesale Sales	N
OTHER	
Agriculture / Horticulture	P/C ¹
Cemeteries	N
Detention Facilities	N
Heliports	N
Mining	N
Wireless Communication Facilities	P/C ⁴
<u>Rail Lines Transportation</u> and Utility Corridors	<u>P/C⁵</u>

P=Permitted C=Conditional Use N=Not Permitted

- [1] See Subsection 18.540.050.C-D for use type determination.
- [2] Restricted to activities and facilities focused on environmental education.
- [3] Permitted only when accessory to a Community Recreation land use.
- [4] See Chapter 18.798, Wireless Communication Facilities.

[5] Multi-use trails permitted within this zone, all other are conditional.

ELECTRONIC MESSAGE CENTERS IN MUC ZONE

Summary and Purpose

Allow Electronic Message Centers (EMC) in the MUC zone as a freestanding sign only, with explicit prohibition against EMC as a wall sign, freeway-oriented sign, or as part of a non-conforming sign.

Proposed Text Changes

18.780.090 Special Condition Signs

D. Electronic message centers.

1. Electronic message center (variable message) sign regulations shall ~~be as follows~~ subject to all of the following restrictions:

a. Electronic message center signs shall be permitted only in the C-G, MUC, and MU-CBD zones, and at schools that front an arterial street where the sign is not less than 200 feet from an abutting residential use and is oriented to the arterial street;

b. The maximum height and area of an electronic message center sign shall be that which is stipulated in Section 18.780.130 and any other applicable standards of this title;

~~c. Electronic message centers may not be substituted for a nonconforming sign or mounted upon a nonconforming sign or sign structure, unless the sign and sign structure are brought into compliance with all of the provisions of this title.~~

~~e. d.~~ An electronic message center shall be allowed to substitute for one freestanding sign or one wall sign except in the MUC zone where an electronic message center may only be substituted for one freestanding sign and no other sign type. Electronic message centers shall not be substituted for any other sign types set forth in this title, and shall not be allowed to replace or supplement a billboard, freeway oriented sign, or any other sign types other than those specifically allowed above;

~~d. e.~~ One electronic message center sign, ~~shall be either freestanding or wall mounted,~~ allowed per premises; and

~~e. f.~~ With regard to light patterns:

i. Traveling light patterns (“chaser effect”) shall be prohibited;

ii. Messages and animation shall be displayed at intervals of greater than two seconds in duration.

STATION AREA OVERLAY EXPANSION IN MU-CBD ZONE

Summary and Purpose

Two changes are proposed to the Tigard Downtown Plan District.

The first change would clarify existing height limits by removing the limit on the number of stories allowed within particular sub-areas of the downtown area, and limit heights by feet rather than stories.

The second change would expand the “Station Area Overlay” on Map 18.610.A of the Tigard Downtown Plan District standards. The purpose of the amendment is to facilitate the redevelopment of approximately 17.94 acres of land by increasing the maximum density allowed from 50 units per acre to 80 units per acre, as provided for in footnote 6 of Table 18.610.1 below. The ten affected properties are proximate to the Ash Avenue entrance to the Tigard Transit Center, and future residents and visitors are expected to utilize transit at higher rates than other properties in the plan district.

Proposed Text and Map Changes

Table 18.610.1

MU-CBD Development Standards Matrix ^{1,2,3}

STANDARD	SUB-AREAS			
	Main Street	99W/Hall Corridor	Scoffins/Commercial	Fanno/Burnham
Front setback		0/5 ft.		
Minimum	0 ft.	(5 ft. for frontage on	0 ft.	0 ft.
Maximum	10 ft.	25 ft.	20 ft.	20 ft.
Side facing street on corner and through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	10 ft.	N/A	N/A	N/A
Sideyard				
Minimum/maximum	N/A	N/A	N/A	N/A
Rear setback				
Minimum	0 ft.	5 ft.	5 ft.	5 ft.
Maximum	N/A	N/A	N/A	N/A
Building height				
Minimum	20 ft.	20 ft.	20 ft.	20 ft.
Maximum (stories/feet)	3 stories (45 ft.)	3 stories (45 ft.)	6 stories (80 ft.)	6 stories (80 ft.) ⁷
Ground floor height minimum	15 ft.	15 ft.	None	None
Site coverage maximum	100%	90%	90%	80%

Minimum landscaping ⁴	0% ⁵	10%	10%	20%
Minimum building frontage	50%	50%	50%	50%
Residential density (units per acre)				
Minimum ⁸	25	25	25	15
Maximum	50	50	50 ⁶	50 ⁶

¹ This table does not apply to existing development. All new buildings in the district must meet these development standards, including projects using the Track 3 approval process.

² For standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

³ See also Section 18.610.045, Exceptions to Standards.

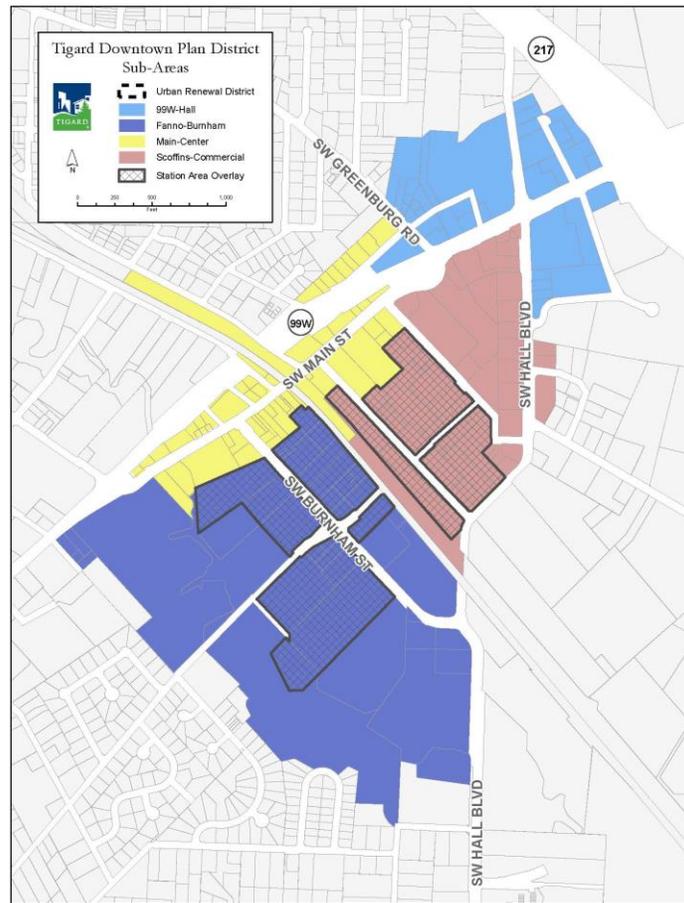
⁴ In the MU-CBD zone, required landscaping can be provided on roofs or within the right-of-way where the applicant is required to provide landscaping as part of a street improvement in accordance with Section 18.610.025.

⁵ Landscaping/screening requirements for parking lots must be met.

⁶ Station area overlay permits a maximum of 80 units per acre (see Map 18.610A).

⁷ ~~3-stories~~ 45 feet within 200 feet of Fanno Creek Park boundary (see Map 18.610.A) or within 50 feet of low or medium density residential district.

⁸ Minimum density applies to residential-only development (not mixed use).



**Chapter 18.130
USE CATEGORIES**

Sections:

18.130.010	Purpose
18.130.015	Classification of Uses
18.130.025	Category Titles
18.130.030	Omitted and Unanticipated Uses
18.130.040	Residential Use Categories
18.130.050	Civic Use Categories
18.130.060	Commercial Use Categories
18.130.070	Industrial Use Categories
18.130.080	Other Use Categories

18.130.010 Purpose

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the comprehensive plan. (Ord. 10-15 §1)

18.130.015 Classification of Uses**A. Considerations.**

1. The “Characteristics” subsection of each use category describes the characteristics of each use category. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in subsection B of this section. Accessory uses are addressed in subsection C of this section.
2. The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
 - a. The description of the activity(ies) in relationship to the characteristics of each use category;
 - b. The relative amount of site or floor space and equipment devoted to the activity;
 - c. Relative amounts of sales from each activity;
 - d. The customer type for each activity;
 - e. The relative number of employees in each activity;

- f. Hours of operation;
 - g. Building and site arrangement;
 - h. Vehicles used with the activity;
 - i. The relative number of vehicle trips generated by the activity;
 - j. Signs;
 - k. How the use advertises itself; and
 - l. Whether the activity would be likely to be found independent of the other activities on the site.
- B. Developments with multiple primary uses. When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- C. Accessory uses. Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.
- D. Use of examples. The “Examples” subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “Wholesale Liquidation” but that sells mostly to consumers, would be included in the Sales Oriented Retail Category rather than the Wholesale Sales Category. This is because the actual activity on the site matches the description of Sales Oriented Retail. (Ord. 10-15 §1)

18.130.025 Category Titles

The names of the use categories start with capital letters throughout this title. (Ord. 10-15 §1)

18.130.030 Omitted and Unanticipated Uses

- A. Purpose. It is not possible to contemplate all of the various uses which will be compatible within a zoning district. Therefore, unintentional omissions occur and unanticipated uses may not be clearly assignable to a use category. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such omitted and/or unanticipated uses are compatible with the listed uses.
- B. Process. The Director shall render an interpretation, as governed by Chapter 18.340.
- C. Approval standards. Approval or denial of an unlisted use application by the director shall be based on findings that:
- 1. The use is consistent with the intent and purpose of the applicable zoning district;

2. The use is similar to and of the same general type as the use categories listed in the zoning district;
3. The use has similar intensity, density, and off-site impacts as the use categories listed in the zoning district, to be evaluated using the criteria set forth in 18.130.015.A.2; and
4. The use has similar impacts on the community facilities as the listed use categories. Community facilities include streets, schools, libraries, hospitals, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.

D. Other provisions.

1. The director shall not authorize an omitted and/or unanticipated use in a zoning district if the use category is specifically listed in another zone as either a permitted use, restricted use, or a conditional use.
2. The director shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone. (Ord. 10-15 §1)

18.130.040 Residential Use Types

A. Group Living.

1. Characteristics: Group Living is a living facility for groups of unrelated individuals which includes at least one person residing on the site who is responsible for supervising, managing, monitoring, and/or providing care, training, or treatment of residents. Large group living facilities may also be characterized by shared facilities for eating, hygiene, and/or recreation.
2. Accessory uses: Accessory uses commonly found are recreational facilities and parking.
3. Examples: Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically and mentally disabled; and some residential programs for drug and alcohol treatment.
4. Exceptions:
 - a. Does not include lodging meeting the definition of Transitional Housing, Detention Facilities, and/or Commercial Lodging.
 - b. Does not include lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period, which is classified as Household Living.

B. Household Living.

1. Characteristics: Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of commercial lodging or transitional housing. Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as

Household Living if tenancy meets length of stay requirements and residents have access to facilities for individual meal preparation. The maximum number of people who may reside in any given dwelling unit shall be determined by the state building code.

2. Accessory Uses: Accessory uses commonly found are recreational activities, keeping of normal household pets, hobbies, and parking of the occupants' vehicles. Home occupation and accessory dwelling units are examples of accessory uses that are subject to additional regulations.
3. Examples: Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, and other structures with self-contained dwelling units. Includes most types of senior housing, e.g., congregate care, assisted living, if residents live in self-contained units.
4. Exceptions:
 - a. Does not include for-profit lodging, where tenancy may be arranged for periods less than one month. Such uses are considered a hotel or motel use and are classified as commercial lodging.
 - b. Does not include lodging meeting the definition of Transitional Housing.

C. Transitional Housing.

1. Characteristics: Transitional housing is characterized as public or non-profit living facilities possessing the same characteristics as Household or Group Living, but with tenancy less than 45 days.
2. Accessory Uses: Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
3. Examples: Examples include homeless shelters, women's/children's shelters, drug/alcohol treatment facilities.
4. Exceptions:
 - a. Does not include for-profit lodging where tenancy may be arranged for periods less than one month, which is considered a hotel or motel use and is classified as Commercial Lodging
 - b. Does not include residential uses meeting the definition of Group Living.
 - c. Does not include residential uses where the residents meet the definition of Household Living.
 - d. Does not include residential uses meeting the definition of Detention Facilities. (Ord. 10-15 §1)

18.130.050 Civic Use Categories

A. Basic Utilities.

1. Characteristics: Basic Utilities are infrastructure services which need to be located in or near where the service is provided. Service may be public or privately provided.
2. Accessory Uses: Accessory uses commonly found are parking; and control, monitoring, data or transmission equipment and shelters.
3. Examples: Examples include water and sewer systems, telephone exchanges, power substations, and transit stations.
4. Exceptions:
 - a. Utility Offices where employees or customers are generally present are classified as offices.
 - b. Bus barns are classified as Warehouse/Freight Movement.
 - c. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

B. Colleges.

1. Characteristics: Colleges are institutions of higher education leading to a general or specialized degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency, and tend to be in a campus like setting or on multiple blocks, with or without dormitories.
2. Accessory uses: Accessory uses commonly found include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and supporting commercial facilities.
3. Examples: Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
4. Exceptions:
 - a. Does not include private, for-profit trade and vocational schools which are considered Personal Services.
 - b. Does not include public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.

C. Community Recreation.

1. Characteristics: Community Recreation uses are public or non-profit recreational, social and multi-purpose facilities of an indoor and/or outdoor nature.
2. Accessory uses: Accessory uses commonly found are parking, offices, athletic facilities, clubhouses, picnic shelters, maintenance facilities, and concessions.
3. Examples: Examples include community centers, senior centers, indoor and outdoor tennis/racquetball and soccer clubs, indoor/outdoor swimming pools, parks, playgrounds, picnic areas and golf courses.

4. Exceptions:

- a. Does not include uses meeting the definition of Cultural Institutions.
- b. Does not include for-profit commercial recreational facilities which are considered Entertainment-Oriented Commercial Uses.
- c. Does not include multi-use trails, which are considered Transportation and Utility Corridors

D. Cultural Institutions.

1. Characteristics: Cultural Institutions are uses of a public or non-profit nature which engage in the cultural, intellectual, historical, scientific, or artistic enrichment of the public.
2. Accessory uses: Accessory uses commonly found are parking, gift shops, bookstores, limited food and beverage services, and classrooms.
3. Examples: Examples include libraries, museums, and galleries.
4. Exceptions:
 - a. Does not include uses meeting the definition of Schools or Colleges.
 - b. Does not include uses meeting the definition of Community Recreation.
 - c. Does not include for-profit commercial recreational facilities which are considered Entertainment-Oriented Commercial.

E. Day Care.

1. Characteristics: Day Care is the provision of regular child care, with or without compensation, to four or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all state requirements.
2. Accessory uses: Accessory uses commonly found are offices, play areas and parking.
3. Examples: Examples include nursery schools, before-and-after school care facilities, and child development centers.
4. Exceptions:
 - a. Does not include care given by the parents, guardians, or relatives of the children, or by babysitters.

F. Emergency Services.

1. Characteristics: Emergency Services are public safety facilities necessary for the protection of life and property.

2. Accessory uses: Accessory uses may include offices; meeting areas; parking; food preparation areas; transmission equipment; and temporary holding cells within a police station.
3. Examples: Examples include police and fire stations, emergency communications, and ambulance services.
4. Exceptions:
 - a. Does not include uses meeting the definition of Detention Facilities.
 - b. Does not include uses meeting the definition of Medical Centers.

G. Medical Centers.

1. Characteristics: Medical Centers are facilities providing inpatient, outpatient, and emergency and related ancillary services to the sick and infirm, and are usually developed in a campus setting or on multiple blocks.
2. Accessory uses: Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities; laundry, housekeeping and maintenance facilities; administrative offices and parking.
3. Examples: Examples include hospitals and medical complexes that include hospitals.
4. Exceptions:
 - a. Medical Centers may also include freestanding offices for hospital-based and/or private-practice physicians and other allied health care professionals; these medical office buildings are regulated as Offices.
 - b. Does not include uses meeting the definition of Emergency Services.

H. Postal Service.

1. Characteristics: Postal Service includes letter, periodical and package delivery services traditionally operated by the United States Postal Service and for-profit entities such as United Parcel Service and Federal Express. Such facilities typically include customer sales, sorting facilities, and fleet truck loading and storage.
2. Accessory uses: Accessory uses commonly found are offices, parking, and storage facilities.
3. Examples: Examples include U.S. Post Offices and parcel package distribution centers.

I. Religious Institutions.

1. Characteristics: Religious Institutions provide meeting space that is primarily used for religious worship.
2. Accessory uses: Accessory uses may include offices, classrooms, daycare, parking, social halls, and recreational activities.

3. Examples: Examples include churches, temples, synagogues, and mosques.

J. Schools.

1. Characteristics: Schools include public and private schools at the primary, elementary, middle, junior high, or high-school level that provide state-mandated basic education.

2. Accessory uses: Accessory uses may include play areas, cafeterias, recreational and sports facilities, athletic fields, auditoriums, and before-and-after-school daycare.

3. Examples: Examples include public and private daytime schools.

4. Exceptions:

a. Does not include preschools which are classified as Daycare uses.

b. Does not include private, profit-making trade and vocational schools which are considered Personal Services.

c. Does not include uses meeting the definition of Colleges.

K. Social/Fraternal Clubs/Lodges.

1. Characteristics: Social/Fraternal Clubs/Lodges are non-profit organizations with social, philanthropic, and/or recreational functions and activities.

2. Accessory uses: Accessory uses commonly found are offices, auditoriums, parking, and limited food and beverage service.

3. Examples: Examples include Veterans of Foreign Wars posts, Elks Lodges, and Masonic Temples. (Ord. 10-15 §1)

18.130.060 Commercial Use Categories

A. Adult Entertainment.

1. Characteristics: Adult Entertainment includes uses characterized or distinguished by an emphasis on matters depicting specified sexual activities or anatomical areas.

2. Accessory uses: Accessory uses commonly found include parking.

3. Examples: Examples include adult motion picture theaters, adult book stores, and topless, bottomless, and nude taverns and dance halls.

B. Animal-Related Commercial.

1. Characteristics: Animal-Related uses are those engaged in breeding, and/or boarding of normal household pets. Limited animal sales may or may not be part of the use.

2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.

3. Examples: Examples include animal breeders, kennels, overnight boarding facilities, and a single dwelling unit exclusively occupied by an on-site caretaker or the kennel owner/operator and family.
4. Exceptions:
 - a. Facilities where the primary activity is animal sales shall be considered Sales-Oriented Retail.
 - b. Does not include animal grooming, which is considered Personal Services or Repair-Oriented Retail.
 - c. Does not include veterinary clinics, which are considered Office.
 - d. Does not apply to poultry or livestock, which are considered an Agriculture/Horticulture Use.

C. Bulk Sales.

1. Characteristics: Establishments engaging in the sales, leasing, and rental of bulky items requiring extensive interior space for display.
2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include furniture, large appliances, and home improvement.
4. Exceptions:
 - a. Does not include uses meeting the definition of Outdoor Sales.
 - b. Does not include Motor Vehicle Sales/Rental.

D. Commercial Lodging.

1. Characteristics: Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.
2. Accessory uses: Accessory uses commonly found are parking, restaurants and bars, meeting and convention facilities, and recreational facilities for guests such as pools and gym.
3. Examples: Examples include hotels, motels, rooming houses, and bed-and-breakfast establishments.
4. Exceptions:
 - a. Does not include uses meeting the definition of Group Living or Transitional Housing.

E. Custom Arts and Crafts.

1. Characteristics: Establishments engaged in the on-site manufacture and sale of crafts, art, sculpture, pottery, stained glass, musical instruments, and similar items produced without the use of a mechanized assembly line or large-scale machinery. Typically the business is operated by an artist or craftsman who may or may not be supported by a small number of assistants.
2. Accessory uses: Accessory uses commonly found include showrooms, sales facilities, parking, office space, storage space, and temporary outdoor activities subject to further regulation under Chapter 18.785.
3. Examples: Examples include artisans and artists producing arts and crafts from materials such as wood, glass, fabric, fiber, and painted images on canvas or other portable materials.
4. Exceptions:
 - a. Does not include uses where customers come to paint or assemble their own craft or artwork. Such uses are considered Sales-Oriented-Retail.

F. Eating and Drinking Establishments.

1. Characteristics: Eating and Drinking Establishments are characterized by the sale of prepared food and beverages for consumption on-site or take-away.
2. Accessory uses: Accessory uses commonly found are parking and outdoor seating areas.
3. Examples: Examples include restaurants, delicatessens, retail bakeries, taverns, brew-pubs, and espresso bars.
4. Exceptions:
 - a. Does not include grocery stores and convenience stores, which are classified as Sales-Oriented General Retail.

G. Indoor Entertainment.

1. Characteristics: Indoor entertainment consists of for-profit facilities providing active recreational uses of a primarily indoor nature.
2. Accessory uses: Accessory uses commonly found include parking, offices, limited retail, and concessions.
3. Examples: Examples include health/fitness clubs, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.
4. Exceptions:
 - a. Does not include uses meeting the definition of Community Recreation or Cultural Institutions.

H. Major Event Entertainment.

1. Characteristics: Major Event Entertainment facilities are uses characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
2. Accessory uses: Accessory uses commonly found include parking, maintenance facilities, and concessions.
3. Examples: Examples include auditoriums, stadiums, convention centers and race tracks.
4. Exceptions:
 - a. Does not include uses meeting the definition of Cultural Institutions.
 - b. Does not include movie theaters or playhouses, which are considered Indoor Entertainment.

I. Motor Vehicle Sales/Rental.

1. Characteristics: Motor Vehicle Sales/Rental includes land uses involved in the sale, lease, and/or rental of cars, motorcycles, light and heavy trucks, mobile homes, boats, and recreational vehicles.
2. Accessory uses: Accessory uses commonly found include parking, auto repair and maintenance facilities, office space, and storage space.
3. Examples: Examples include auto dealerships, used car lots, and car rental facilities.

J. Motor Vehicle Servicing/Repair.

1. Characteristics: Motor Vehicle Servicing/Repair includes freestanding vehicle servicing and repair establishments not accessory to new vehicle sales.
2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include general service stations, quick oil-change facilities, car washes, and body shops.

K. Non-Accessory Parking.

1. Characteristics: Non-Accessory Parking is any public or private parking which is not accessory to a primary use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as Non-Accessory Parking.
2. Accessory uses: Accessory uses commonly found are a ticket booth to collect fees and house security personnel.
3. Examples: Examples include public and private structures and surface parking lots, freestanding fleet vehicle parking, commercial district shared parking lots, and transit park-and-ride lots.

4. Exceptions:
 - a. Parking facilities accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking Facilities.

L. Office.

1. Characteristics: Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Office uses may include activities that, while conducted in an office-like setting, are less consumer-oriented and focus on the support of off-site service personnel or in the development, testing, production, processing, packaging, or assembly of goods and products. Medical, dental, veterinary offices are out-patient clinics which provide healthcare to humans or animals, characterized by a professional or group of professionals assisted by support staff.
2. Accessory uses: Accessory uses commonly found are parking and storage facilities.
3. Examples: Examples include government offices; medical, dental, and veterinary clinics and laboratories; blood collection centers; professional offices for attorneys, architects, engineers, stockbrokers, insurance brokers, and other consultants; headquarters offices; sales offices; radio and television studios; administrative offices for painting, building, and landscaping contractors; and software development firms.
4. Exceptions:
 - a. Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity.
 - b. Contractors and others who perform services off-site are included in the Office category if equipment and materials are incidental to the office use and their storage does not constitute 50% or more of occupied space; otherwise, they are considered as Industrial Services.

M. Outdoor Entertainment.

1. Characteristics: Outdoor entertainment consists of for-profit facilities providing active recreational uses primarily in an out-of-doors setting.
2. Accessory uses: Accessory uses commonly found include parking, offices, clubhouses, and concessions.
3. Examples: Examples include outdoor tennis clubs, golf courses, and shooting ranges.
4. Exceptions:
 - a. Does not include uses meeting the definition of Community Recreation.

N. Outdoor Sales.

1. Characteristics: Outdoor Sales are sales-oriented establishments requiring extensive outdoor or only partially-enclosed display and/or storage. These uses may be retail, wholesale, or a combination of the two.
2. Accessory uses: Accessory uses commonly found include parking and office space.
3. Examples: Examples include lumber yards and plant nurseries.
4. Exceptions:
 - a. Does not include Motor-Vehicle Sales/Rental and Vehicle Fuel.
 - b. Does not include outdoor dining areas for Eating and Drinking establishments.
 - c. Does not include incidental and temporary outdoor activities such as Christmas tree lots, "sidewalk sales," and seasonal markets, which may be subject to additional regulation under Chapter 18.785.
 - d. Does not include limited outdoor or partially-enclosed display and/or storage areas that are clearly incidental and accessory to retail uses selling hardware and home improvement supplies.

O. Personal Services.

1. Characteristics: Personal Services are establishments which are oriented towards the provision of consumer services in a manner typically necessitating no more than one consumer visit per service transaction.
2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include banks/credit unions, barber/beauty shops, self-serve pet grooming, laundromats, copy centers, photographic studios, trade/vocational schools, mortuaries, and beverage container redemption centers.
4. Exceptions:
 - a. Does not include Office Uses.
 - b. Does not include Repair-Oriented Retail Uses.
 - c. Does not include Motor-Vehicle Servicing/Repair and Vehicle Fuel.

P. Repair-Oriented Retail.

1. Characteristics: Repair-Oriented Retail are establishments providing product repair of consumer and business goods, and other consumer services that typically necessitate two or more consumer visits per service transaction.

2. Accessory uses: Accessory uses commonly found include parking, office space, workshop space, and storage.
3. Examples: Examples include televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, photo and laundry drop-off, dry-cleaners, quick printing, drop-off pet grooming and doggy-daycare.
4. Exceptions:
 - a. Does not include Motor-Vehicle Servicing/Repair.

Q. Sales-Oriented Retail.

1. Characteristics: Sales-Oriented Retail firms are involved in the sale, leasing, and rental of new or used products to the general public.
2. Accessory uses: Accessory uses commonly found include parking, office space, storage space, and temporary outdoor activities subject to regulation in Chapter 18.785.
3. Examples: Examples include art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.
4. Exceptions:
 - a. Does not include uses meeting the definition of Bulk Sales.
 - b. Does not include uses meeting the definition of Outdoor Sales.
 - c. Does not include Motor-Vehicle Sales/Rental and Vehicle Fuel.

R. Self-Service Storage.

1. Characteristics: Commercial operations which provide rental of storage space to individuals or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
2. Accessory uses: Accessory uses commonly found include parking, office space, and a dwelling unit for a residential caretaker.
3. Examples: Examples include single-story and multi-story facilities that provide individual storage areas for rent, often called mini-warehouses or self-storage facilities; and the storage of boats and recreational vehicles.
4. Exceptions:
 - a. Does not include moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored. Such uses are considered Warehouse/Freight Movement.

- b. Does not include the storage of fleet vehicles, which is considered non-accessory parking, or the storage of sales or rental inventory, which is considered Motor Vehicle Sale/Rental.

S. Vehicle Fuel Sales.

1. Characteristics: Vehicle Fuel Sales includes establishments engaging in the sale of petroleum and non-petroleum based fuels for cars, motorcycles, trucks, recreational vehicles, and boats.
2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include gas stations and electric vehicle charging stations. (Ord. 10-15 §1)

18.130.070 Industrial Use Categories

A. General Industrial.

1. Characteristics: General Industrial includes the manufacturing, processing and assembling of semi-finished or finished products from raw materials. All activities are contained within buildings, with some outside storage of raw materials.
2. Accessory uses: Accessory uses commonly include parking, office, and storage space.
3. Examples: Examples include food processing; breweries, distilleries and wineries; production of apparel or textiles; woodworking including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large-scale machinery.
4. Exceptions:
 - a. Does not include uses meeting the definition of Custom Arts and Crafts.
 - b. Does not include the manufacture and production of goods from the composting of organic material, which is considered Waste-Related.

B. Heavy Industrial.

1. Characteristics: Heavy Industrial includes the manufacturing, processing, and assembling of semi-finished or finished products from raw materials. A substantial portion of activities and storage may be undertaken outdoors with resulting noise, glare vibration, and other potentially adverse impacts.
2. Accessory uses: Accessory uses may include parking, office, storage, and maintenance facilities.
3. Examples: Examples include energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles or mobile homes.
4. Exceptions:

- a. Does not include energy production from the biological decomposition of organic materials, such uses are considered Waste-Related.

C. Industrial Services.

1. Characteristics: Industrial Services are uses that repair and service industrial, business, or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Includes contractors, building maintenance services and similar uses, that perform services off-site. Few customers, especially the general public, come to the site.
2. Accessory uses: Accessory uses may include offices, parking, storage, loading docks, and railroad lead and spur lines to allow the loading and unloading of rail cars.
3. Examples: Examples include welding shops; machine shops; repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributions; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.
4. Exceptions:
 - a. Contractors and others who perform services off-site are included in the Office category if equipment and materials storage does not constitute 50% or more of occupied space and fabrication or similar work is not carried out at the site.

D. Light Industrial.

1. Characteristics: Light Industrial includes the production, processing, assembling, packaging, and/or treatment of finished products from previously prepared materials or components. All activities and storage is contained within buildings.
2. Accessory uses: Accessory uses commonly include parking, office, and storage space.
3. Examples: Examples include the manufacturing and assembly of small-scale machinery, appliances, computers and other electronic equipment; pharmaceuticals; scientific and musical instruments; art work, toys and other precision goods; sign-making; and catering facilities.
4. Exceptions:
 - a. Does not include uses meeting the definition of Custom Arts and Crafts.

E. Railroad Yards.

1. Characteristics: Railroad Yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and the transshipment of goods from other transportation modes to or from trains.

2. Accessory uses: Accessory uses may include offices, employee facilities, storage areas, and rail car maintenance and repair facilities.

F. Research and Development.

1. Characteristics: Research and Development includes facilities featuring a mix of uses including office, research laboratories and prototype manufacturing.
2. Accessory Uses: Accessory uses may include parking, storage, and employee facilities.
3. Exceptions:
 - a. If manufacturing is not present, it is considered an Office use.

G. Warehouse / Freight Movement.

1. Characteristics: Warehouse/Freight Movement includes uses involved in the storage and movement of large quantities of materials or products for themselves or other firms. Goods are generally delivered to other firms for the final consumer, except for some will-call pickups. May occur indoors and/or outdoors, and usually associated with significant truck and rail traffic. There is little on-site sales activity with the customer present.
2. Accessory uses: Accessory uses may include offices, parking, fleet truck parking and maintenance area, storage, docks, rail spur or lead lines, and the repackaging of goods..
3. Examples: Examples include freestanding warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.
4. Exceptions:
 - a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

H. Waste-Related.

1. Characteristics: Waste-Related uses are characterized as uses that receive solid or liquid wastes from others for disposal onsite or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to state regulations regarding hazardous waste management.
2. Accessory uses: Accessory uses may include parking, recycling of materials, offices, and repacking and transshipment of by-products.
3. Examples: Examples include recycling/garbage transfer stations; landfills; waste composting, energy recovery, portable sanitary equipment storage and pumping, and sewage treatment plants.
4. Exceptions:

- a. Infrastructure services that must be located in or near the area where the service is provided in order to function are considered Basic Utilities. Examples include sewer pipes that serve a development or water re-use pipes and tanks, pump stations, and collection stations necessary for the water re-use that serve a development or institution.
- b. The disposal of clean fill, as defined in OAR 340-093-0030, is not considered a waste-related use.

I. Wholesale Sales.

1. Characteristics: Wholesale Sales is characterized by the sale, leasing, or rental of equipment or products primarily intended for industrial, institutional, or commercial users. The use emphasizes on-site sales or order taking, and often include display areas. The uses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
2. Accessory uses: Accessory uses may include offices, product repair, warehouses, parking, and the repackaging of goods.
3. Examples: Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.
4. Exceptions:
 - a. Firms that engage primarily in sales to the general public are classified as Sales-Oriented Retail or Bulk Sales.
 - b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement. (Ord. 10-15 §1)

18.130.080 Other Use Categories

A. Agriculture / Horticulture.

1. Characteristics: Agricultural/Horticultural uses are open areas devoted to the raising, production, or keeping of plants and/or animals being raised for food or fiber production. Sales of products grown on site may be included.
2. Accessory uses: Accessory uses include dwellings for proprietors and animal training.
3. Examples: Examples include breeding or raising of fowl or livestock, stables, riding academies, farming, and truck gardening.
4. Exceptions:
 - a. Does not include nurseries, which are classified as Outdoor Sales.
 - b. Does not include uses involving common household pets, which are considered Animal Related Commercial uses.

B. Cemeteries.

1. Characteristics: Cemeteries are facilities for the permanent storage of human remains.
2. Accessory uses: Accessory uses may include chapels, mortuaries, offices, maintenance facilities, and parking.

C. Detention Facilities.

1. Characteristics: Detention facilities are uses devoted to the judicially required detention, incarceration, or supervision of people.
2. Accessory uses: Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing facilities.
3. Examples include prisons, jails, probation centers, juvenile detention homes, and related post-incarceration and half-way houses.
4. Exceptions:
 - a. Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by police officers, are classified as transient housing.

D. Heliports.

1. Characteristics: Heliports are public or private facilities designed for the landing, departure, storage and fueling of helicopters.
2. Accessory uses: Accessory uses may include offices, parking, maintenance and fueling facilities.

E. Mining.

1. Characteristics: Mining is the extraction of mineral or aggregate resources from the ground for off-site use.
2. Accessory uses: Accessory uses may include office, parking, storage, sorting, and transfer facilities.
3. Examples: Examples include dredging or mining for sand or gravel, quarrying, and oil, gas, or geothermal drilling.

F. Rail-Lines Transportation / Utility Corridors.

1. Characteristics: Rail-Transportation / Utility Corridors are regional corridors in public or private ownership, including easements, dedicated for the express use of rail lines; multi-use trails; above-grade or underground power or communication lines; water, sewer, and storm sewer lines; or similar services.
2. Accessory uses: Accessory uses commonly found include trailhead improvements such as public restrooms and parking lots.

2 3 Examples: Examples include rail trunk and feeder lines; multi-use trails; regional electrical transmission lines; and regional gas and petroleum pipelines.

3 4 Exceptions:

- a. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
- b. Rail Lines Transportation / Utility Corridors contained within a motor vehicle rights-of-way are not included.
- c. Does not include Railroad Yards.

G. Wireless Communications Facilities.

1. Characteristics: Wireless Communication Facilities includes all devices, equipment, machinery, structures, and supporting elements necessary to produce electromagnetic radiation to produce a discrete wireless signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.
2. Accessory uses: Accessory uses commonly includes related ancillary equipment buildings.
3. Examples: Examples include Television and AM/FM radio transmission towers, microwave relay stations, and cellular communications equipment.
4. Exceptions:
 - a. Does not include transmission facilities which are part of the public safety network, which are classified as Basic Utilities or Emergency Services.
 - b. Does not include amateur (ham) radio antennas or towers.
 - c. Does not include radio and television studios, which are classified as Office. (Ord. 10-15 §1)
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**Chapter 18.330
CONDITIONAL USE**

Sections:

- 18.330.010 Purpose**
18.330.020 Approval Process
18.330.030 Approval Standards and Conditions of Approval
18.330.040 Additional Submission Requirements
18.330.050 Additional Development Standards for Conditional Use Types

18.330.010 Purpose

The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met. There are certain uses which due to the nature of the impacts on surrounding land uses and public facilities require a case-by-case review and analysis.

18.330.020 Approval Process

- A. Initial applications. A request for approval for a new conditional use shall be processed as a Type III-HO procedure, as regulated by Chapter 18.390.050, using approval criteria contained in 18.330.030.A and subject to other requirements in this chapter.
- B. Major modification of approved or existing conditional use.
1. An applicant may request approval of modification to an approved plan by:
 - a. Providing the director with five copies of the proposed modified conditional use site plan; and
 - b. A narrative addressing the proposed changes as listed in paragraph B.2 of this section.
 2. The director shall determine that a major modification(s) has resulted if one or more of the changes listed below have been proposed:
 - a. A change in land use;
 - b. A 10% increase in dwelling unit density;
 - c. A change in the type and/or location of access ways and parking areas where off-site traffic would be affected;
 - d. An increase in the floor area proposed for nonresidential use by more than 10% where previously specified;
 - e. A reduction of more than 10% of the area reserved for common open space and/or usable open space;
 - f. A reduction of specified setback requirements by more than 20%;

- g. An elimination of project amenities by more than 10% where previously specified provided such as:
 - i. Recreational facilities,
 - ii. Screening, or
 - iii. Landscaping provisions; and
 - h. A 10% increase in the approved density;
3. Upon the director determining that the proposed modification to the conditional use plan is a major modification, the applicant shall submit a new application in accordance with Section 18.390.050.

C. Minor modification of approved or existing conditional use.

- 1. Any modification which is not within the description of a major modification as provided in subsection B of this section shall be considered a minor modification.
- 2. An applicant may request approval of a minor modification by means of a Type I procedure, as regulated by Section 18.390.030, using approval criteria in paragraph 3 of this subsection C.
- 3. A minor modification shall be approved, approved with conditions, or denied following the director's review based on the findings that:
 - a. The proposed development is in compliance with all applicable requirements of this title; and
 - b. The modification is not a major modification as defined in subsection A of this section.

D. Phased development approval. As part of the approval process, the hearings officer shall approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than three years without reapplying for conditional use review. The criteria for approving a phased conditional use review proposal is that all of the following are satisfied:

- 1. The public facilities shall be constructed in conjunction with or prior to each phase.
- 2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city or district standard.
- 3. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as part of the approved development proposal.

E. Approval period. Conditional use approval by the hearings officer shall be effective for a period of 1-1/2 years from the date of approval. The conditional use approval by the hearings officer shall lapse if:

- 1. Substantial construction of the approved plan has not begun within a 1-1/2 year period; or

2. Construction on the site is a departure from the approved plan. (Ord. 09-13)

18.330.030 Approval Standards and Conditions of Approval

- A. Approval standards. The hearings officer shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:
 1. The site size and dimensions provide adequate area for the needs of the proposed use;
 2. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography, and natural features;
 3. All required public facilities have adequate capacity to serve the proposal;
 4. The applicable requirements of the zoning district are met except as modified by this chapter;
 5. The applicable requirements of Section 18.330.050; and
 6. The supplementary requirements set forth in other chapters of this code, including, but not limited to, Chapter 18.780, Signs; Chapter 18.745, Landscaping and Screening; Chapter 18.790, Urban Forestry Plan; and Chapter 18.360, Site Development Review, if applicable, are met.
- B. Conditions of approval. The hearings officer may impose conditions on the approval of a conditional use, which are found necessary to ensure the use is compatible with other use in the vicinity, and that the impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include, but are not limited to the following:
 1. Limiting the hours, days, place and/or manner of operation;
 2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and/or dust;
 3. Requiring additional setback areas, lot area, and/or lot depth or width;
 4. Limiting the building height, size or lot coverage, and/or location on the site;
 5. Designating the size, number, location and/or design of vehicle access points;
 6. Requiring street right-of-way to be dedicated and street(s) to be improved;
 7. Requiring landscaping, screening, drainage and/or surfacing of parking and loading areas;
 8. Limiting the number, size, location, height and/or lighting of signs;
 9. Limiting or setting standards for the location and/or intensity of outdoor lighting;
 10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
 11. Requiring and designating the size, height, location and/or materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and/or drainage areas;
 13. Requiring the dedication of sufficient open land area for a greenway adjoining and within the floodplain when land form alterations and development are allowed within the 100-year floodplain; and
 14. Requiring the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.
- C. Exemptions. Manufactured home parks and manufactured home subdivisions are exempt from the provisions of subsection B of this section. Manufactured home subdivisions are subject to approval under the provisions of Chapter 18.430, Subdivisions. Manufactured home parks are subject to approval under the provisions of Chapter 18.340, Site Development Review. (Ord. 12-09 §1)

18.330.040 Additional Submission Requirements

- A. In addition to the submission requirements required in Chapter 18.390, Decision-Making Procedures, an application for conditional use approval must include the following additional information in graphic, tabular and/or narrative form. The director shall provide a list of the specific information to be included in each of the following:
1. Existing site conditions;
 2. A site plan;
 3. A grading plan;
 4. A landscape plan;
 5. An urban forestry plan consistent with Chapter 18.790;
 6. Architectural elevations of all structures; and
 7. A copy of all existing and proposed restrictions or covenants. (Ord. 12-09 §1)

18.330.050 Additional Development Standards for Conditional Use Types

- A. Concurrent variance application(s). A conditional use permit shall not grant variances to the regulations otherwise prescribed by this title. A variance application(s) may be filed in conjunction with the conditional use application and both applications may be heard at the same hearing.
- B. Additional development standards. The additional dimensional requirements and approval standards for conditional use are as follows:
1. Adult entertainment:
 - a. No adult entertainment establishment shall be permitted to locate within 500 feet of any:
 - i. Residential zone;

- ii. Public or private nursery, preschool, elementary, junior, middle, or high school;
 - iii. Day care center, nursery school, resident care facility or hospital;
 - iv. Public library;
 - v. Public park; or
 - vi. Religious institution.
- b. Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the use, to the closest portion of the residential zone or property line upon which a use specified in subparagraph (a) of this paragraph 1 is listed;
 - c. Any sign shall comply with the sign requirements, Chapter 18.780;
 - d. Hours of operation shall be limited to 10 a.m. to one a.m.;
 - e. All windows less than seven feet from the ground shall be covered or screened in such a manner that the sales area and inventory are not visible from the sidewalk adjacent to the use;
 - f. Doors and windows shall at all times be closed except for normal ingress and egress;
 - g. No amplified or mechanically reproduced sounds shall emanate from the confines of the structure or portion of the structure in which the adult business is operated; and
 - h. All adult entertainment establishments shall comply with all applicable state laws.
2. Motor vehicle servicing and repair:
- a. Setbacks:
 - i. A six-foot perimeter setback shall surround all outdoor parking and storage areas;
 - ii. Buffer screening shall be provided along the perimeter of all outdoor parking and storage areas as required in Section 18.745.050; and
 - iii. All repair work shall be performed indoors.
3. Fleet storage:
- a. No buildings or structures are allowed; and
 - b. Setbacks shall comply to those of the underlying zone.
4. Motor vehicle sales and rental:
- a. Five feet of the perimeter setback shall be used for landscaping and screening purposes.

5. Community recreation and parks:
 - a. All building setbacks shall be a minimum of 30 feet from any property line;
 - b. There are no off-street parking requirements, except that five automobile parking spaces are required for a dog park or off-leash area with a fenced area of one acre or more, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking. Three automobile parking spaces are required for a dog park or off-leash area with a fenced area of less than one acre, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking.
6. Heliports:
 - a. In all commercial and industrial zones, heliports shall be sited in accordance with the ODOT Aeronautics Division requirements and the FAA recommended design guidelines.
7. Vehicle fuel sales:
 - a. Minimum lot size shall be 10,000 square feet;
 - b. Setbacks:
 - i. The front yard setback shall be 40 feet;
 - ii. On corner and through lots, the setback shall be 40 feet on any side facing a street; and
 - iii. No side or rear yard setback shall be required, except 20 feet where abutting a residential zoning district;
 - c. Fuel tank installation shall be in accordance with the Uniform Fire Code; and
 - d. Building height shall be the same as applicable zone.
8. Schools:
 - a. There shall be no minimum lot size requirements for schools other than what is required for the applicable zoning district;
 - b. Setbacks:
 - i. The front yard setback shall be a minimum of 30 feet;
 - ii. On corner lots and through lots, the setback shall be a minimum of 20 feet on any side facing a street, plus meet visual clearance areas, Chapter 18.795;
 - iii. The side yard setback shall be a minimum of 20 feet; and
 - iv. The rear yard setback shall be a minimum of 30 feet.

9. Religious institutions:

- a. Minimum lot size shall be 20,000 square feet;
- b. Setbacks:
 - i. The front yard setback shall be a minimum of 25 feet;
 - ii. On corner lots and through lots, the setback shall be a minimum of 20 feet, plus meet visual clearance areas, Chapter 18.795;
 - iii. The side yard setback shall be a minimum of 20 feet;
 - iv. The rear yard setback shall be a minimum of 20 feet; and
 - v. Each setback shall be increased five feet for every 10 feet of building height over 45 feet.

10. Medical centers:

- a. Minimum lot size shall be 20,000 square feet plus 1,000 square feet for each bed over 15 beds;
- b. Setbacks:
 - i. The front yard setback shall be a minimum of 25 feet;
 - ii. On corner lots and through lots, the setback shall be a minimum of 25 feet, plus meet visual clearance areas requirements, Chapter 18.795;
 - iii. The side yard setback shall be a minimum of 25 feet;
 - iv. The rear yard setback shall be a minimum of 25 feet; and
 - v. Each setback shall be increased five feet for every 10 feet of building height over 45 feet.

11. Cemeteries:

- a. The minimum lot size shall be five acres;
- b. Setbacks:
 - i. For graves only:
 - (A) The front yard setbacks shall be a minimum of 15 feet;
 - (B) The side yard setbacks shall be a minimum of 15 feet; and
 - (C) The rear yard setbacks shall be a minimum of 15 feet.

- ii. For structures only:
 - (A) The front yard setbacks shall be a minimum of 25 feet;
 - (B) On corner lots and through lots, the setbacks shall be a minimum of 25 feet on any side facing a street, plus meet visual clearance areas, Chapter 18.795;
 - (C) The side yard setback shall be a minimum of 25 feet; and
 - (D) The rear yard setback shall be a minimum of 25 feet;
 - c. Adequate fencing shall be provided. A fence of at least four feet in height located at least 2-1/2 feet from any right-of-way shall completely surround the area and shall meet visual clearance areas; and
 - d. There are no off-street parking requirements.
12. Social/fraternal clubs/lodges:
- a. Minimum lot size shall be 20,000 square feet.
13. Major event entertainment:
- a. The minimum lot size shall be two acres;
 - b. Setbacks:
 - i. The front yard setback shall be a minimum of 30 feet;
 - ii. On corner lots and through lots, the setback shall be a minimum of 25 feet on any side facing a street, plus meets visual clearance areas, Chapter 18.795;
 - iii. The side yard setback shall be a minimum of 25 feet;
 - iv. The rear yard setback shall be a minimum of 30 feet; and
 - v. Each setback shall be increased five feet for every 10 feet of building height over 45 feet.
 - c. With regard to off-street parking: Exempt, if constructed with a school use for school activities only. Otherwise, requirements shall comply with Chapter 18.765;
 - d. On school sites the use must be entirely within existing building of 10,000 square feet or greater. Expansions based on the original square footage, up to a maximum of 50% may be allowed.
14. Duplexes:
- a. The minimum lot size shall be 10,000 square feet; and
 - b. The remaining dimensional requirements of the underlying zoning district shall apply.

15. Group living:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks shall be those in the applicable zone;
- c. Height limitation shall be that in the applicable zone;
- d. Compliance with all state requirements shall be required; and
- e. Off-street parking shall be in accordance with Chapter 18.765.

16. Emergency services and basic utilities:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks shall be those in the applicable zone;
- c. Height limitation shall be in accordance with Chapter 18.730;
- d. Off-street parking and loading requirement shall be in accordance with Chapter 18.765; and
- e. Screening shall be in accordance with Chapter 18.745.

f. For above-ground infrastructure facilities on private and public property (outside of placement in the right-of-way) where length plus width plus height is more than 36 inches, the following standards shall apply:

- 1) Demonstrate that the functional properties of the facility require above-ground placement;
- 2) Be of a size that is the minimum necessary for the intended use.
- 3) Be located on the site as visually inconspicuous as reasonably possible.
- 4) Be dark in color, non-reflective, and visually subordinate to the surroundings.
- 5) Be screened from view in accordance with the applicable sections of Chapter 18.745.

17. Non-accessory parking:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks: for structures: shall be those of the applicable zone; for parking area: six feet around perimeter of paved area for landscaping and screening purposes;
- c. Height limitation shall be that of the applicable zone;
- d. Off-street parking requirements shall be in accordance with Chapter 18.765; and
- e. Screening shall be in accordance with Chapter 18.745.

18. Manufactured/mobile home parks (also see Chapter 18.750):

- a. Minimum lot size shall be one acre;
- b. Minimum lot dimension:
 - i. Frontage: 100 feet,
 - ii. Depth: 150 feet;
- c. Minimum setbacks:
 - i. Front yard: 25 feet,
 - ii. Rear yard: 25 feet,
 - iii. Side yard: 10 feet,
 - iv. Corner yard: 25 feet;
- d. Height limitation shall be that of the applicable zone;
- e. Off-street parking shall be in accordance with Chapter 18.765;
- f. Landscaping shall be equal to 20% of the project area;
- g. Screening shall be in accordance with Chapter 18.745;
- h. Outdoor recreation shall equal a minimum of 60 square feet area, suitably improved for recreational use, for each unit exclusive of required yards. Each recreation area shall have minimum size of 2,500 square feet.

19. Children's day care:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks shall be those of the applicable zone;
- c. Height limitation shall be that of the applicable zone;
- d. State certification shall be obtained in accordance with ORS Chapter 418; and
- e. Off-street parking shall be in accordance with Chapter 18.765.

20. Drive-up windows:

- a. Minimum lot size shall be as required in the underlying zone.

- b. Minimum setbacks: Where access to the drive-up windows is not separated from abutting properties or a public right-of-way by parking, structures or landscaping, visual screening shall be provided to screen headlights from abutting property and the right-of-way.
- c. Height limitation shall be in accordance with the underlying zone.
- d. Drive-up window reservoir requirement: All uses providing drive-up service as defined by this title shall provide on the same site a reservoir for inbound vehicles as follows in Table 18.765.1 contained in Chapter 18.765, Off-Street Parking and Loading Requirements.
- e. Reservoir parking: Restaurants providing drive-up window service shall provide at least two designated parking spaces immediately beyond the service window, or provide other satisfactory methods, to allow customers requiring excessive waiting time to receive their food while parked.
- f. Hours of operation: Hours of operation shall be limited for the drive-up window when the property with the drive-up window facility abuts a residential use. In this case, hours of the drive-up window shall be limited to 7 a.m. to 9 p.m.
- g. Walk-up service: Financial and other commercial establishments providing drive-up window facilities which do not provide for walk-in customer service (i.e., not allowing transactions within the structure) shall provide for safe, convenient and readily-accessible exterior walk-up window service, such as an automatic teller machine, at any time during regular business hours. Additionally, at a minimum, two parking spaces shall be provided allowing convenient access to the walk-up service window.
- h. Emergency exit: The design of the vehicle stacking area serving the drive-up window shall allow customers to leave the stacking line in their vehicle in the event of an emergency.
- i. Pedestrian access: On-site parking for walk-in customers shall be designed so that pedestrians do not have to cross drive-up window stacking lines to any public entrances into the building.
- j. Obstruction of rights-of-way: Establishments having drive-up window facilities shall have sufficient stacking area to insure that public rights-of-way are not obstructed.
- k. Sound systems: Communications sound systems shall not exceed a measurement of 55 decibels at the adjoining property line(s) at any time. (Ord. 12-09 §1; Ord. 07-12) ■

Chapter 18.510
RESIDENTIAL ZONING DISTRICTS

Sections:

- 18.510.010 Purpose**
18.510.020 List of Zoning Districts
18.510.030 Uses
18.510.040 Minimum and Maximum Densities
18.510.050 Development Standards
18.510.060 Accessory Structures

18.510.010 Purpose

- A. Preserve neighborhood livability. One of the major purposes of the regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible nonresidential development—schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services—at appropriate locations and at an appropriate scale.
- B. Encourage construction of affordable housing. Another purpose of these regulations is to create the environment in which construction of a full range of owner-occupied and rental housing at affordable prices is encouraged. This can be accomplished by providing residential zoning districts of varying densities and developing flexible design and development standards to encourage innovation and reduce housing costs.

18.510.020 List of Zoning Districts

- A. R-1: low-density residential district. The R-1 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 30,000 square feet. Some civic and institutional uses are also permitted conditionally.
- B. R-2: low-density residential district. The R-2 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 20,000 square feet. Some civic and institutional uses are also permitted conditionally.
- C. R-3.5: low-density residential district. The R-3.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 10,000 square feet. Duplexes are permitted conditionally. Some civic and institutional uses are also permitted conditionally.
- D. R-4.5: low-density residential district. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally.
- E. R-7: medium-density residential district. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

- F. R-12: medium-density residential district. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally.
- G. R-25: medium high-density residential district. The R-25 zoning district is designed to accommodate existing housing of all types and new attached single-family and multifamily housing units at a minimum lot size of 1,480 square feet. A limited amount of neighborhood commercial uses is permitted outright and a wide range of civic and institutional uses are permitted conditionally.
- H. R-40: high-density residential district. The R-40 zoning district is designed to accommodate existing housing of all types and new attached single-family and multifamily housing units with no minimum lot size. A limited amount of neighborhood commercial uses is permitted outright and a wide range of civic and institutional uses are permitted conditionally. (Ord. 09-13)

18.510.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:
 - 1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted used under the provisions of Chapter 18.230.
 - 2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
 - 3. A conditional use (C) is a use the approval of which is discretionary with the Hearings Officer. The approval process and criteria are set forth in Chapters 18.310 and 18.320. If a use is not listed as a conditional use, it may be held to be a similar unlisted used under the provisions of Chapter 18.230.
 - 4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.
- B. Use table. A list of permitted, restricted, conditional and prohibited uses in residential zones is presented in Table 18.510.1.

**TABLE 18.510.1
USE TABLE**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
RESIDENTIAL								
Household Living	P	P	P	P	P	P	P	P
Group Living	R ^{1/C}							
Transitional Housing	N	N	N	N	N	C	C	C
Home Occupation	R ²							
HOUSING TYPES								
Single Units, Attached	N	N	N	R ⁸	R ^{9/C}	P	P	P
Single Units, Detached	P	P	P	P	P	P	P	P
Accessory Units	R ³							
Duplexes	N	N	C	C	P	P	P	P
Multifamily Units	N	N	N	N	N	P	P	P
Manufactured Units	P	P	P	P	P	P	P	P
Mobile Home Parks/Subdivisions	N	N	C	C	P	P	P	P
CIVIC (INSTITUTIONAL)								
Basic Utilities	C ⁴							
Colleges	C	C	C	C	C	C	C	C
Community Recreation	C	C	C	C	C	C	C	C
Cultural Institutions	N	N	C	C	C	C	N	N
Day Care	P/C ⁵							
Emergency Services	C	C	C	C	C	N	N	N
Medical Centers	N	N	C	C	C	C	C	C
Postal Service	N	N	N	N	N	N	N	N
Public Support Facilities	P	P	P	P	P	P	P	P
Religious Institutions	C	C	C	C	C	C	C	C
Schools	C ¹²							
Social/Fraternal Clubs/Lodges	N	N	N	N	N	C	C	C
COMMERCIAL								
Commercial Lodging	N	N	N	N	N	N	N	N
Custom Arts and Crafts	N	N	N	N	N	N	N	N
Eating and Drinking Establishments	N	N	N	N	N	N	N	N
Major Event Entertainment	C ¹³							
Outdoor Entertainment	N	N	N	N	N	N	N	N
Indoor Entertainment	N	N	N	N	N	N	N	N
Adult Entertainment	N	N	N	N	N	N	N	N
Sales-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
Personal Services	N	N	N	N	N	N	R ¹¹	R ¹¹
Repair-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
Bulk Sales	N	N	N	N	N	N	N	N
Outdoor Sales	N	N	N	N	N	N	N	N
Animal-Related	N	N	N	N	N	N	N	N
Motor Vehicle Sales/Rental	N	N	N	N	N	N	N	N
Motor Vehicle Servicing/Repair	N	N	N	N	N	N	N	N
Vehicle Fuel Sales	N	N	N	N	N	N	N	N
Office	N	N	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	C ¹⁰	C ¹⁰	C ¹⁰

**TABLE 18.510.1
USE TABLE (cont'd)**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
INDUSTRIAL								
Industrial Services	N	N	N	N	N	N	N	N
Light Industrial	N	N	N	N	N	N	N	N
General Industrial	N	N	N	N	N	N	N	N
Heavy Industrial	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N	N	N
Warehouse/Freight Movement	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N
OTHER								
Agriculture/Horticulture	P ⁶	N	N	N				
Cemeteries	N	N	C	C	C	N	N	N
Detention Facilities	N	N	N	N	N	N	N	N
Heliports	N	N	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N
Wireless Communication Facilities	P/R ⁷							
Rail Lines <u>Transportation</u> /Utility Corridors	C	C	C	C	C	C	C	C

P=Permitted R=Restricted C=Conditional Use N=Not Permitted

¹Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

²Permitted subject to requirements Chapter 18.742.

³Permitted subject to compliance with requirements in 18.710.

⁴ Except water, ~~and~~ storm, ~~and~~ sanitary sewers, and other underground infrastructure facilities, which would be allowed by right.

⁵In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.

⁶When 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.

⁷See Chapter 18.798, Wireless Communication Facilities, for requirements for permitted and restricted facilities.

⁸Attached single-family units permitted only as part of an approved planned development.

⁹Permitted by right if no more than five units in a grouping; permitted conditionally if six or more units per grouping.

¹⁰Only park-and-ride and other transit-related facilities permitted conditionally.

¹¹Limited to ground-floor level of multi-family projects, not to exceed 10% of total gross square feet of the building.

¹²School bus parking is permitted on public high school sites as an accessory use if located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes. Maximum time limitation is three years. An extension to the time limit is possible through a major modification to the conditional use.

¹³Permitted as a conditional use on public school sites. (Ord. 10-15 § 1; Ord. 07-12; Ord. 07-05)

18.510.040 Minimum and Maximum Densities

- A. Purpose. The purpose of this section is to establish minimum and maximum densities in each residential zoning district. To ensure the quality and density of development envisioned, the maximum density establishes the ceiling for development in each zoning district based on minimum lot size. To ensure that property develops at or near the density envisioned for the zone, the minimum density for each zoning district has been established at 80% of maximum density.
- B. Calculating minimum and maximum densities. The calculation of minimum and maximum densities is governed by the formulas in Chapter 18.715, Density Computations.
- C. Adjustments. Applicants may request an adjustment when, because of the size of the site or other constraint, it is not possible to accommodate the proportional minimum density as required by 18.715.020.C and still comply with all of the development standards in the underlying zoning district, as contained in Table 18.510.2 below. Such an adjustment may be granted by means of a Type I procedure, as governed by Chapter 18.390, using approval criteria in 18.370.020.C.2.

18.510.050 Development Standards

- A. Compliance required. All development must comply with:
 - 1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370;
 - 2. All other applicable standards and requirements contained in this title.
- B. Development standards. Development standards in residential zoning districts are contained in Table 18.510.2.

**TABLE 18.510.2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES**

STANDARD	R-1	R-2	R-3.5	R-4.5	R-7
Minimum Lot Size - Detached unit - Duplexes - Attached unit [1]	30,000 sq.ft.	20,000 sq.ft.	10,000 sq.ft.	7,500 sq.ft. 10,000 sq.ft.	5,000 sq. ft. 10,000 sq.ft. 5,000 sq.ft.
Average Minimum Lot Width - Detached unit lots - Duplex lots - Attached unit lots	100 ft.	100 ft.	65 ft. 90 ft.	50 ft. 90 ft.	50 ft. 50 ft. 40 ft.
Maximum Lot Coverage	-	-	-	-	80% [2]
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Rear yard - Side or rear yard abutting more restrictive zoning district - Distance between property line and front of garage	30 ft. 20 ft. 5 ft. 25 ft. 20 ft.	30 ft. 20 ft. 5 ft. 25 ft. 20 ft.	20 ft. 20 ft. 5 ft. 15 ft. 20 ft.	20 ft. 15 ft. 5 ft. 15 ft. 20 ft.	15 ft. 10 ft. 5 ft. 15 ft. 30 ft. 20 ft.
Maximum Height	30 ft.	30 ft.	30 ft.	30 ft.	35 ft.
Minimum Landscape Requirement	-	-	-	-	20%

[1] Single-family attached residential units permitted at one dwelling per lot with no more than five attached units in one grouping.
 [2] Lot coverage includes all buildings and impervious surfaces.

**TABLE 18.510.2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES (cont'd)**

STANDARD	R-12		R-25		R-40	
	MF DU*	SF DU**	MF DU*	SF DU**	MF DU*	SF DU**
Minimum Lot Size - Detached unit - Attached unit - Duplexes - Boarding, lodging, rooming house	3,050 sq.ft.per unit	3,050 sq.ft. per unit	1,480 sq.ft. 6,100 sq.ft.	3,050 sq.ft. per unit 1,480 sq.ft. 6,100 sq.ft. or 3,050 sq.ft. per unit	None	None None None
Average Lot Width	None	None	None	None	None	None
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Rear yard - Side or rear yard abutting more restrictive zoning district - Distance between property line and garage entrance	20 ft. 20 ft. 10 ft. 20 ft. 30 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 30 ft. 20 ft.	20 ft. 20 ft. 10 ft. 20 ft. 30 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 30 ft. 20 ft.	20 ft. 20 ft. 10 ft. 20 ft. 35 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 35 ft. 20 ft.
Maximum Height	35 ft.	35 ft.	45 ft.	45 ft.	60 ft.	60 ft.
Maximum Lot Coverage [2]	80%	80%	80%	80%	80%	80%
Minimum Landscape Requirement	20%	20%	20%	20%	20%	20%

[1] Except this shall not apply to attached units on the lot line on which the units are attached.

[2] Lot coverage includes all buildings and impervious surfaces.

* Multiple-family dwelling unit

** Single-family dwelling unit

18.510.060 Accessory Structures

A. Permitted uses. Accessory structures are permitted by right in all residential zones subject to the following:

1. Dimensional requirements:

- a. On sites containing less than 2.5 acres, an accessory structure may not exceed 528 square feet. On sites 2.5 acres or larger, an accessory structure may not exceed 1,000 square feet;
- b. An accessory structure may not exceed 15 feet in height;
- c. In no case shall the primary structure and accessory structure(s) exceed the maximum lot coverage allowed in the base zone;
- d. An accessory structure may not be located within the front yard setback;
- e. An accessory structure must maintain a minimum side and rear yard setback of five feet.

2. Non-dimensional requirements:

- a. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys and public and private easements;
- b. An accessory structure shall comply with all of the requirements of the state building code;

- c. An accessory structure which is nonconforming is subject to the provisions of Chapter 18.760, Nonconforming Situations, when an alternation, expansion or reconstruction is requested;
 - d. The erection of television receiving dishes on the roof of a structure is not permitted in any residential zone.
3. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Wireless Communication Facilities (Chapter 18.798), shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments. (Ord. 09-13) ■

**Chapter 18.520
COMMERCIAL ZONING DISTRICTS**

Sections:

- 18.520.010 Purpose**
18.520.020 List of Zoning Districts
18.520.030 Uses
18.520.040 Development Standards
18.520.050 Special Limitations on Uses
18.520.060 Additional Development and Design Guidelines

18.520.010 Purpose

- A. Provide range of commercial services for city residents. One of the major purposes of the regulations governing development in commercial zoning districts is to ensure that a full range of retail and office uses are available throughout the city so that residents can fulfill all or most of their needs within easy driving and, ideally within easy walking and/or biking distance of their homes. The location of land within each commercial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of commercial activity on established residential areas. At the same time, it is important to create more opportunities for mixed use, including residential, commercial and institutional activities, in new and re-developing commercial areas.
- B. Facilitate economic goals. Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the city limits, in compliance with the economic goals of the City of Tigard Comprehensive Plan.

18.520.020 List of Zoning Districts

- A. C-N: neighborhood commercial district. The C-N zoning district is designed to provide convenience goods and services within a small cluster of stores adjacent to residential neighborhoods. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots and facilities with drive-up windows, are permitted conditionally.
- B. C-C: community commercial district. The C-C zoning district is designed to provide convenience shopping facilities which meet the regular needs of nearby residential neighborhoods. With a service area of about 1.5 miles, such commercial centers typically range in size from 30,000—100,000 gross square feet on sites ranging from 2—8 acres. Separated from other commercially-zoned areas by at least one-half mile, community commercial centers are intended to serve several residential neighborhoods, ideally at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Housing is permitted on or above the second floor of commercial structures at a density not to exceed 12 units/net acre, e.g., the maximum density permitted in the R-12 zone. A limited number of other uses, including but not limited to car washes, gas stations, religious institutions, and transit-related park-and-ride lots, are permitted conditionally. In addition to mandatory site development review, design and development standards in the C-C zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.

- C. C-G: general commercial district. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a city-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.
- D. C-P: professional/administrative commercial district. The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas.
- E. MU-CBD: mixed use-central business district. The MU-CBD zoning district is designed to provide a pedestrian friendly urban village in downtown Tigard. A wide variety of commercial, civic, employment, mixed-use, multifamily and attached single-family residences are permitted. New development and redevelopment is required to conform to the standards of Chapter 18.610.
- F. MUE: mixed-use employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to (1) support alternative modes of transportation to the greatest extent possible; and (2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the city through the legislative process.
- G. MUE-1 and MUE-2: mixed use employment districts. The MUE-1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities.
- H. MUC: mixed use commercial district. The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and housing at densities of 50 units per acre. Larger buildings are encouraged in this area with parking under, behind or to the sides of buildings.
- I. MUC-1: mixed use commercial - 1. The MUC-1 zoning district, which is designed to apply to that portion of the Durham Quarry site within the City of Tigard, is a mixed-use commercial district bounded by 72nd Avenue, Findlay Street and the Tigard, Tualatin and Durham city limits. This site is the subject of an intergovernmental agreement between the cities of Tigard and Tualatin. Pursuant to that agreement the City of Tualatin shall furnish all planning, building and associated development

review/permit services for the property. This zoning district is intended to mirror the City of Tualatin's Mixed Use Commercial Overlay District (TDC, Chapter 57). It permits a wide range of uses including commercial lodging, general retail, offices and housing; the latter includes multi-family housing at a minimum density of 25 units/acre and a maximum of 50 units/acre. Additional uses, including but not limited to major event entertainment and motor vehicle retail fuel sales, are permitted conditionally. In addition to the standards of this chapter, development within this zone is subject to the standards of Chapter 18.640.

- J. MUR: mixed use residential districts. The MUR zoning district is designed to apply to predominantly residential areas where mixed-uses are permitted when compatible with the residential use. A high density (MUR-1) and moderate density (MUR-2) designation is available within the MUR zoning district. (Ord. 10-02 §2; 02-33)

18.520.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Section 18.130.030.
2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
3. A conditional (C) use is a use the approval of which is at the discretion of the Hearings Officer. The approval process and criteria are set forth in Chapter 18.370. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Section 18.130.030.
4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.

- B. Use table. A list of permitted, restricted, conditional and prohibited uses in commercial zones is presented in Table 18.520.1.

- C. Accessory structures.

1. Accessory structures are permitted in all commercial zones providing the site is still in compliance with all development standards, including but not limited to setbacks, height, lot coverage and landscaping requirements, of the base zone. All accessory structures shall comply with all requirements of the state building code.
2. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Chapter 18.798, Wireless Communication Facilities, shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments. (Ord. 10-15 §1; Ord. 09-13)

**TABLE 18.520.1
USE TABLE: COMMERCIAL ZONES**

USE CATEGORY	C-N ^[1, 4]	C-C ^[5, 10]	C-G	C-P	MU-CBD ^[19, 38]	MUE ^[20]	MUC-1	MUC ^[28]	MUE 1 and 2 ^[28]	MUR 1 and 2 ^[28]
RESIDENTIAL										
Household Living	N	R ^[6]	R ^[11]	R	P	R ^[21]	P ^[26]	P	P	P
Group Living	N	N	C	N	P	N	C	R ^[29] /C	R ^[29] /C	R ^[29] /C
Transitional Housing	N	N	C	N	C	N	C	C	C	C
Home Occupation	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	P	R ^[2]	R ^[2]	R ^[2]
HOUSING TYPES										
Single Units, Attached	N/A	N/A	N/A	N/A	P	N/A	N/A	R ^[30]	R ^[30]	P
Single Units, Detached	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	R ^[30]
Accessory Units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[31]	R ^[31]	R ^[31]
Duplexes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	P
Multifamily Units	N/A	N/A	N/A	N/A	P	N/A	N/A	P	P	P
Manufactured Units	N/A	N/A	N/A	N/A	P	N/A	N/A	N	N	N
Mobile Home Parks, Subdivisions	N/A	N/A	N/A	N/A	R ^[36]	N/A	N/A	N	N	N
CIVIC (INSTITUTIONAL)										
Basic Utilities	C	C ^[32]	C ^[32]	C	C	C	C	C ^[32]	C ^[32]	C ^[32]
Colleges	N	N	N	N	P	C	C	C	C	C
Community Recreation	N	P	N	N	P	C	N	P	C	C
Cultural Institutions	P	P	P	P	P	P	P	P	P	N
Day Care	P	P	P	P	P	P	P	P	P	P/C ^[33]
Emergency Services	P	P	P	P	P	P	P	P	P	N
Medical Centers	C	N	C	C	C	C	C	C	C	C
Postal Service	P	P	P	P	P	P	P	P	P	N
Public Support Facilities	P	P	P	P	P	P	P	P	P	P
Religious Institutions	C	C	P	P	P	P	P	P	P	C
Schools	N	N	N	N	P	C	C	C	C	C
Social/Fraternal Clubs/Lodges	C	C	P	P	P	P	P	P	P	C
COMMERCIAL										
Commercial Lodging	N	N	P	R ^[14]	P	P	P	P	P	N
Custom Arts and Crafts	N	N	N	N	P ^[39]	N	N	N	N	N

Eating and Drinking Establishments	C	P	P	R ^[15]	P	P	P	P	P	R ^[34/35]
USE CATEGORY	C-N^[1]	C-C^[5]	C-G	C-P	MU-CBD^[38]	MUE^[20]	MUC-1	MUC^[28]	MUE 1 and 2^[28]	MUR 1 and 2^[28]
COMMERCIAL (cont'd.)										
Major Event Entertainment	N	N	C	N	C	N	C	C	N	N
Outdoor Entertainment	N	N	P	R ^[15]	C	N	N	C	N	N
Indoor Entertainment	P	P	P	P	P	P	P	P	P	N
Adult Entertainment	N	N	C	N	N	N	N	C	N	N
Sales-Oriented	P	P ^[7]	P	R ^[16]	P/R ^[37]	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
Personal Services	P	P	P	P	P	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
Repair-Oriented	P	P	P	N	P	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
Bulk Sales	N	N	P	N	R ^[36]	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
Outdoor Sales	N	N	P	N	N	N	N	N	N	N
Animal-Related	N	N	N	N	N	P	P	N	N	N
Motor Vehicle Sales/Rental	N	N	P/C ^[12]	N	R ^[36]	N	N	R ^[24]	R ^[24]	N
Motor Vehicle Servicing/Repair	N	C ^[8]	P/C ^[12]	N	C	R ^[22]	R ^[25]	N	N	N
Vehicle Fuel Sales	C	C	C	N	R ^[36]	N	C	C	C	N
Office	P	R ^[19]	P	P	P	P	P	P	P	R ^[34/35]
Self-Service Storage	N	N	C	N	R ^[36]	N	N	N	N	N
Non-Accessory Parking	C	C	P	P	P	P	P	P	P	N
INDUSTRIAL										
Industrial Services	N	N	N	N	N	N	N	N	N	N
Light Industrial	N	N	N	N	N	R ^[23]	N	N	R ^[23]	N
General Industrial	N	N	N	N	N	N	N	N	N	N
Heavy Industrial	N	N	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	C	R ^[24]	R ^[24]	N	R ^[23]	N
Warehouse/Freight Movement	N	N	N	N	N	R ^[24]	N	N	R ^[23/24]	N
Waste-Related	N	N	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N	R ^[23/24]	N
OTHER										
Agriculture/Horticulture	N	N	N	N	N	N	N			
Cemeteries	N	N	N	N	N	N	N			
Detention Facilities	N	N	C	N	C	N	N			
Heliports	N	N	C	C	N	N	N			

Mining	N	N	N	N	N	N	N			
USE CATEGORY	C-N^[1]	C-C^[5]	C-G	C-P	MU-CBD^[38]	MUE^[20]	MUC-1	MUC^[28]	MUE 1 and 2^[28]	MUR 1 and 2^[28]
OTHER (cont'd.)										
Wireless Communication Facilities	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[27]			
Rail Lines — <u>Transportation</u> /Utility Corridors	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
Other	C^[4]	C^[40]	NA	NA	R^[19]	NA	NA			

P=Permitted R=Restricted C=Conditional Use NA=Not Applicable N=Not Permitted

- [1] All permitted and conditional uses subject to special development standards contained in 18.520.050.A.
- [2] Permitted subject to requirements Chapter 18.742.
- [3] See Chapter 18.798 Wireless Communication Facilities, requirements for permitted and restricted facilities.
- [4] Uses operating before 7 a.m. and/or after 10 p.m. are conditional uses.
- [5] All permitted, limited and conditional uses must meet special development standards in 18.520.050.B.
- [6] Residential units permitted by right, as a mixed use in conjunction with a commercial development, on or above the second floor of the structure, at densities not to exceed 12 units/net acre.
- [7] Limited to 10,000 gross square feet in size, except retail food and beverage outlets, which are limited to 40,000 gross square feet or less.
- [8] Limited to motor vehicle cleaning only.
- [9] When combined in single structure, each separate establishment shall not exceed 5,000 gross square feet.
- [10] Uses operating before 6 a.m. and/or after 11 p.m.; or drive-up windows are conditional uses.
- [11] A single-family unit providing that it is located on the same site with a permitted or conditional use in and is occupied exclusively by a caretaker or superintendent of the permitted or conditional use. Multifamily housing is permitted as part of a PD, subject to Chapter 18.350.
- [12] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted conditionally.
- [13] (Deleted by Ord. 09-13)
- [14] Restaurant permitted with restriction in size in conjunction with and on the same parcel as a commercial lodging use.
- [15] As accessory to offices or other permitted uses, the total space devoted to a combination of retail sales and eating/drinking establishments may not exceed more than 20% of the entire square footage within the development complex.
- [16] May not exceed 10% of the total square footage within an office complex.
- [17] Single-family attached and multi-family residential units, developed at R-40 standards, except the area bounded by Fanno Creek, Hall Boulevard, O'Mara, Ash Avenue and Hill Street, within which property zoned for CBD development which shall be designated R-12 PD and shall be developed as planned developments in conformance with the R-12 District standards.
- [18] Motor vehicle cleaning only.
- [19] Drive-up windows are permitted to continue if the property had one lawfully in existence prior to the adoption of the MU-CBD designation. Otherwise, not permitted.
- [20] All permitted and conditional uses subject to special development standards contained in 18.520.050.C.
- [21] Multifamily residential, at 25 units/gross acre, allowed outright. Pre-existing detached and attached single-family dwellings are permitted outright.
- [22] New retail and sales uses may not exceed 60,000 gross leasable area per building within the Washington Square Regional Center or Tigard Triangle except for those areas zoned C-G at the time the MUE zoning district was adopted in the Tigard Triangle.
- [23] All activities associated with this use, except employee and customer parking, shall be contained within buildings.
- [24] Permitted as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use.
- [25] Permitted provided the use is no larger than 60,000 square feet of gross floor area per building or business.
- [26] Household living limited to single units, attached, and multifamily including but not limited to apartments, attached condominiums, townhouses and rowhouses at a minimum density of 25 dwelling units per acre and a maximum density of 50 dwelling units per acre.
- [27] Wireless only as attached to structure within height limit, see Chapter 18.798.
- [28] All Permitted and Conditional Uses subject to special development standards contained in Chapter 18.630.
- [29] Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.
- [30] Pre-existing housing units permitted. Conversion of pre-existing housing units to other uses is subject to the requirements of Chapter 18.630.

- [31] Permitted for pre-existing housing units, subject to requirements Chapter 18.710.
- [32] Except water, and storm, and sanitary sewers, and other underground infrastructure facilities, which would be allowed by right.
- [33] In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.
- [34] This use is allowed only in mixed-use developments in the Washington Square Regional Center. Commercial uses shall occupy no more than 50% of the total floor area within the mixed-use development, and shall be permitted only when minimum residential densities are met. An exception to the requirement that commercial uses may be permitted only if residential minimum densities are met is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. These parcels, or parcels created from these parcels, after the effective date of this ordinance, may be developed as a solely commercial use with a use permitted in the MUR-1 or MUR-2 zones.
- [35] The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 7,500 square feet. An exception to the limit on the size of a building occupied by commercial uses is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. On these parcels, or parcels created from these parcels, after the effective date of this ordinance, a commercial development is not limited to a specific square footage, however, all other dimensional standards of the MUR-1 and MUR-2 zoning district apply which may limit the ultimate size of commercial development.
- [36] Only for properties that were lawfully in existence (as permitted, conditional, or planned development) prior to the adoption of the MU-CBD designation.
- [37] New retail and sales uses may not exceed 60,000 square feet of gross leasable area per building in all subareas except 99W/Hall Corridor subarea. (See Map 18.610.A)
- [38] All developments subject to Chapter 18.610, Downtown Urban Renewal Standards, and Map 18.610.A.
- [39] Custom Arts and Crafts uses may not exceed 500 square feet of production area.

(Ord. 10-15 §1; Ord. 10-02 §2; Ord. 09-13; Ord. 02-32)

18.520.040 Development Standards

A. Compliance required. All development must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370;
2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in commercial zoning districts are contained in Table 18.520.2 below:

**TABLE 18.520.2
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	C-N	C-C ^[9]	C-G	C-P	MU-CBD**	MUE		MUC -1	MUC ^{[17][18]}	MUE 1 ^{[17][18]}	MUE 2 ^{[17][18]}	MUR 1 ^{[17][18]}	MUR 2 ^{[17][18]}
						C-G	MF DU*						
Minimum Lot Size	5,000 sq ft	5,000 sq ft	None	6,000 sq ft	None	None	-	None	None	None	None	None	None
- Detached unit	-	-	-	-	-	-	1,480 sq ft	-	-	-	-	-	-
- Boarding, lodging, rooming house	-	-	-	-	-	-	6,100 sq ft	-	-	-	-	-	-
Minimum Lot Width	50 ft	50 ft	50 ft	50 ft	None	50 ft	None	None	None	None	None	None	None
Minimum Setbacks													
- Front yard	20 ft	0/20 ft ^[10]	0 ft ^[11]	0 ft ^[11]	□	0 ft ^[11]	20 ft	▽	0 ft ^[19]	0 ft ^[21]	0 ft ^[21]	0 ft ^[21]	10 ft ^[21]
- Side facing street on corner & through lots ^[1]	20 ft	-	-	-	□	-	20 ft	▽	0 ft ^[19]	0 ft ^[21]	0 ft ^[21]	5 ft ^[21]	10 ft ^[21]
- Side yard	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	□	0/20 ft ^[8]	10 ft	▽	0 ft ^{[19][20]}	0 ft ^[20]	0 ft ^[20]	0 ft ^[20]	0 ft ^[20]
- Side or rear yard abutting more restrictive zoning district	-	-	-	-	-	-	30 ft	▽	-	-	-	-	-
- Rear yard	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	□	0/20 ft ^[8]	20 ft	▽	0 ft ^{[19][20]}	0 ft ^[20]	0 ft ^[20]	0 ft ^{[20][22]}	0 ft ^{[20][22]}
- Distance between front of garage & property line abutting a public or private street.	-	-	-	-	-	-	20 ft	▽	N/A	N/A	N/A	N/A	N/A
Minimum Building Height	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	2 stories	2 stories	None	2 stories	None
Maximum Building Height	35 ft	35 ft	45 ft	45 ft	□	45 ft	45 ft	70 ft	200 ft	200 ft	60 ft	75 ft	45 ft
Maximum Site Coverage ^[2]	85 %	80 %	85 %	85 %	□	85 %	80 % ^[16]	90%	85%	85%	85%	80%	80%
Minimum Landscape Requirement	15 %	20 %	15 %	15 %	□	15 %	20 %	10%	15%	15%	15%	20%	20%
Minimum FAR ^[3]	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	1.25	1.25	0.6	0.6	0.3
Minimum Residential Density ^{[4][5][6]}	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	50 unit/acre	50 unit/acre	25 unit/acre	50 unit/acre	25 unit/acre
Maximum Residential Density ^{[4][5][6][7]}	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	None	None	50 unit/acre	None	50 unit/acre

* Multiple-family dwelling unit.

** See Table 18.610.1 and Map 18.610.A for development standards.

▽ = See 18.640.050.B.

□ = See Table 18.610.1 and Map 18.610.A for development standards.

- [1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.
- [2] Includes all buildings and impervious surfaces.
- [3] Applies to all nonresidential building development and mixed use development which includes a residential component. In mixed use development, residential floor area is included in the calculations of floor area ratio to determine conformance with minimum FAR.
- [4] Notwithstanding the requirements of Section 18.715.020, minimum and maximum density shall be determined for residential only projects using the number of residential units per acre shown in the above table. The provisions for density transfer described in 18.715.030.B apply, using the minimum and maximum density shown in the above table. Any mixed-use or commercial only development does not have a minimum density requirement.
- [5] For purposes of determining floor area ratio and residential densities, the net development area shall be used to establish the lot area, determined per 18.715.020.A.
- [6] Adjustments to minimum density in the Washington Square Regional center area subject to the standards set forth in 18.630.020.E.
- [7] The maximum density requirements for developments that include or abut designated Water Resources Overlay district Riparian setbacks per Chapter 18.797 are described in 18.630.020.D.
- [8] No setback shall be required except 20 feet shall be required where the zone abuts a residential zoning district.
- [9] See 18.520.050.B for site and building design standards.
- [10] No front yard setback shall be required, except a 20-foot front yard setback shall apply within 50 feet of a residential district.
- [11] There shall be no minimum front yard setback requirement; however, conditions in Chapters 18.745 and 18.795 must be met.
- [12] There are no setback requirements, except 30 feet where a commercial use within a district abuts a residential zoning district.
- [13] The maximum height of any building in the CBD zone within 100 feet of any residential zoning district shall not exceed 40 feet.
- [14] Where the side or rear yard of attached or multiple-family dwellings abut a more restrictive zoning district, such setbacks shall not be less than 35 feet.
- [15] Landscaped areas on existing developed property in the CBD shall be retained. Buffering and screening requirements set forth in Chapter 18.745 shall be met for existing and new development.
- [16] Lot coverage includes all buildings and impervious surfaces.
- [17] Modifications to dimensional and minimum density requirements for developments that include or abut designated Water Resources Overlay District Riparian setbacks per Chapter 18.797 are described in 18.630.040.F.
- [18] The requirements contained in the Buffer Matrices in Tables 18.745.1 and 18.745.2 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses in the MUC, MUE and MUR zones within the Washington Square Regional Center (WSRC) and abutting zoning districts not included within the WSRC, or zoning districts within the WSRC which are not mixed-use. For MUC and MUE zones, the requirements for Commercial Zones apply. For MUR zones, the requirements for the Neighborhood Commercial Zone apply.
- [19] For Commercial and Mixed-use developments, the maximum front and street side yard setback is 10 feet. For Residential only developments, the maximum front and street side yard setback is 20 feet.
- [20] Side and rear yard setbacks shall be 20 feet when the zone abuts residential districts shown in Section 18.510.020 except R-25 and R-40.
- [21] The maximum setback is 20 feet.
- [22] The maximum setback is 10 feet.

C-N - Neighborhood Commercial District	MUC 1 – Mixed Use Commercial
C-C - Community Commercial District	MUC – Mixed Use Commercial
C-G - General Commercial District	MUE 1 – Mixed Use Employment/High Density
C-P - Professional/Administrative Office Commercial	MUE 2 – Mixed Use Employment/Medium Density
MU-CBD – Mixed Use Central Business District	MUR 1 – Mixed Use Residential/High Density
	MUR 2 – Mixed Use Residential/Medium Density

(Ord. 10-02 §2; Ord. 09-13)

18.520.050 Special Limitations on Uses

A. In the C-N zone. Special limitations in the C-N zoning district are as follows:

1. The use shall be conducted wholly within an enclosed structure, except as allowed in Subsection A.3 below;
2. No use shall have a gross floor area greater than 4,000 square feet;
3. Accessory open-air sales, display and/or storage shall be permitted for horticultural and food merchandise only and shall constitute no more than five percent of the gross building floor area of any individual establishment; and
4. Uses operating before 7 a.m. and after 10 p.m. shall be subject to the conditional use provisions, as governed in Chapter 18.330.

B. In the C-C zone. Special limitations in the C-C zoning district are as follows:

1. Such centers shall be developed preferably as a single unit and occupy only one quadrant of the intersection at which it is located;
2. The use shall be conducted wholly within an enclosed structure, except for outside play areas for children's day care facilities, and as allowed in paragraphs 3 and 4 of this subsection B;
3. No use shall have a gross floor area greater than 5,000 square feet except for the retail sales of food and beverages, when the maximum floor area shall not exceed 40,000 gross square feet, and all other sales-oriented retail, where the maximum floor area shall not exceed 10,000 gross square feet;
4. Accessory open-air sales, display and/or storage shall be permitted for horticultural and food merchandising uses only shall constitute no more than five percent of the gross building floor area of any individual establishment;
5. Accessory open-air dining or drinking areas shall be permitted for approved eating and drinking establishments or retail food stores only. Outside dining areas are not permitted within 200 feet of any developed residential area. Public or private sidewalk areas around dining areas may not be reduced to less than five feet of clear walkway; and
6. Uses operating before 6 a.m. and/or after 11 p.m. and drive-up windows are subject to conditional use provisions, as governed by Chapter 18.330.

C. In the MUE zone. Special limitations in the MUE zoning district are as follows:

1. The maximum floor area ratio (FAR) for all commercial and industrial use types and mixed-use developments shall not exceed 0.40. Residential use types, including transient lodging, shall not be subject to this requirement;
2. On lots greater than three acres, general retail sales uses are limited to 30,000 square feet of gross leasable area plus one additional square foot of gross leasable area of general retail sales use for each additional four square feet of non-general retail sales use.

- D. In the MUC-1 zone. In addition to the standards of this chapter, development in the MUC-1 zone is subject to Chapter 18.640 and an intergovernmental agreement between the cities of Tigard and Tualatin.
- E. In the MUC, MUE-1, MUE-2, MUR-1 and MUR-2 zones. Within the Washington Square Regional Center, the standards of Chapter 18.630 shall also apply.

18.520.060 Additional Development and Design Guidelines

- A. Development/design guidelines in the C-C zone.
 - 1. The following design guidelines are strongly encouraged for developments within the C-C district. Conditions of approval of the development plan may include, but are not limited to, any of the site and building design guidelines deemed appropriate to be mandatory.
 - a. Building design guidelines.
 - i. The design of buildings within a community commercial development should incorporate elements such as special architectural details, distinctive color schemes, special art and other features, which are sensitive to and enhance the surrounding area and serve to distinguish the complex from other retail complexes in the city;
 - ii. All buildings within a multi-building complex should achieve a unity of design through the use of similar architectural elements, such as roof form, exterior building materials, colors and window pattern;
 - iii. Individual buildings should incorporate similar design elements, such as surface materials, color, roof treatment, windows and doors, on all sides of the building to achieve a unity of design. The sides of a building which face toward a public street should include public entrances to the building and windows to provide visual access to the activity within the building. The sides of a building which face toward an adjoining property, but not toward a public street, should include elements such as windows, doors, color, texture, landscaping or wall treatment to provide visual interest and prevent the development of a long continuous blank wall.
 - b. General site design guidelines. Loading areas should not be located on the side of a building which faces toward a residential use. Loading areas, if located between the building and the street, should be oriented away from the street and should be screened to minimize views of the loading area from the street and sidewalk.
 - 2. Design standards. The following mandatory design standards apply within the community commercial district:
 - a. Internal walkways.
 - i. Walkways, eight feet minimum width, shall be provided from the public sidewalk or right-of-way to the building(s). At a minimum, walkways shall be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points.
 - ii. Walkways, five feet minimum width, shall be provided to connect with walkways or

potential walkway locations on adjoining properties to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway should be commensurate with the anticipated level of pedestrian activity along the connecting walkway.

(A) Walkways shall be provided along the full length of the building on any side which provides building access to the public or where public parking is available, to provide safe and comfortable pedestrian access to the building.

(B) On the sides of the building which provide public access into the building, the walkway should be wide enough to allow for sidewalk seating areas as well as pedestrian travel. Weather protection of the walkway should be provided at a minimum at the entrance area and, if appropriate, along the entire walkway.

- iii. Walkway surfaces for walkways crossing parking areas shall be designed to be visually distinguishable from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.
- b. Other site development standards.
- i. All lighting fixtures shall incorporate cut-off shields to prevent the spillover of light to adjoining properties.
 - ii. Mechanical equipment, if located on the building, shall be located within the roof form of the building or enclosed within a screening structure, the design of which is consistent with the design of the building.
 - iii. Mechanical equipment, not located on the building, shall be screened from views from the public street, sidewalk and properties outside the district with a durable, solid wall or fence, or an evergreen hedge or a combination of the above.
 - iv. All refuse and recycling containers within the district shall be contained within structures enclosed on all four sides and which are at least as high as the tallest container within the structure.
 - v. Bicycle racks shall be provided on site. Facilities for a minimum of 10 bicycles shall be provided for developments having 100 or fewer parking stalls, notwithstanding Section 18.765.050. For each 100 additional stalls, facilities for five additional bicycles shall be provided. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways. It is strongly encouraged that bicycle parking areas be covered.
 - vi. The site development plan shall incorporate a special feature at the corner of the site. A special corner feature can be a landscape feature, seasonal color planting area, sculpture or water feature. The feature shall provide a visual landmark and some amount of seating area.
 - vii. Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping shall be used to define and separate parking, access and pedestrian areas within parking lots.

- viii. The landscape design for the site shall include plantings which emphasize the major points of pedestrian and vehicular access to and within the site.
 - ix. Site features such as fences, walls, refuse and recycling facility enclosures, and light fixtures shall be designed to be consistent with the scale and architectural design of the primary structure(s). Such site features shall be designed and located to contribute to the pedestrian environment of the site development.
 - x. In multiple building complexes, buildings shall be located to facilitate safe and comfortable pedestrian movement between buildings. On sites which are adjacent to other properties within the community commercial district, building location shall be chosen to facilitate pedestrian and vehicular connections to buildings on those adjacent properties. Consideration should be given to locating buildings closer to the public street with entrances to the buildings from the public sidewalk, with no intervening parking or driving area. Corner locations are particularly appropriate for this treatment.
 - xi. Opportunities shall be found for safe, convenient, and pleasant pedestrian connections to existing or proposed transit facilities. Where needed, shelters and layover areas for transit vehicles shall be incorporated into the site development.
- c. Sign design standards. All signage shall be an integral part of the architectural design.
- B. MU-CBD (Downtown). See Chapter 18.610 for additional development and design objectives.
- C. Washington Square Regional Center. See Chapter 18.630 for additional development and design guidelines. (Ord. 10-02 §2) ■

**Chapter 18.530
INDUSTRIAL ZONING DISTRICTS**

Sections:

- 18.530.010 Purpose**
18.530.020 List of Zoning Districts
18.530.030 Uses
18.530.040 Development Standards
18.530.050 Additional Development Standards

18.530.010 Purpose

- A. Provide range of industrial services for city residents. One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the city so that residents can work close to home if they choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.
- B. Facilitate economic goals. Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the city limits, in compliance with the economic goals of the City of Tigard Comprehensive Plan.

18.530.020 List of Zoning Districts

- A. I-P: industrial park district. The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.
- B. I-L: light industrial district. The I-L zoning district provides appropriate locations for general industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, and wholesale sales activities with few, if any, nuisance characteristics such as noise, glare, odor, and vibration.
- C. I-H: heavy industrial district. The I-H zoning district provides appropriate locations for intensive industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, railroad yards, waste-related and wholesale sales activities. Activities in the I-H zone include those which involve the use of raw materials, require significant outdoor storage and generate heavy truck and/or rail traffic. Because of these characteristics, I-H-zoned property has been carefully located to minimize impacts on established residential, commercial and light industrial areas.

18.530.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 18.230;
 2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions;
 3. A conditional use (C) is a use the approval of which is at the discretion of the hearings officer. The approval process and criteria are set forth in Chapters 18.310 and 18.320. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 18.230;
 4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.
- B. Use table. A list of permitted, restricted, conditional and prohibited uses in industrial zones is presented in Table 18.530.1.
- C. Accessory structures.
1. Accessory structures are permitted in all industrial zones providing the site is still in compliance with all development standards, including, but not limited to, setbacks, height, lot coverage and landscaping requirements, of the base zone. All accessory structures shall comply with all requirements of the State Building Code. All accessory structures except those less than 120 square feet in size require a building permit.
 2. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Chapter 18.798, Wireless Communication Facilities, shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments.

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
INDUSTRIAL			
Industrial Services	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

Table 18.530.1
Use Table: Industrial Zones (cont'd)

Use Category	I-P	I-L	I-H
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/Transportation /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 the uniform fire code.
- ⁹ Day care uses with over five children are permitted subject to an environmental impact assessment in accordance with 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, and other underground infrastructure facilities, which would be allowed by right.

(Ord. 13-10 §1; Ord. 10-15 §1; Ord. 09-13; Ord. 09-01 §1; Ord. 04-14)

18.530.040 Development Standards

A. Compliance required. All development must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370.
2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in industrial zoning districts are contained in Table 18.530.2 below:

**TABLE 18.530.2
DEVELOPMENT STANDARDS IN INDUSTRIAL ZONES**

STANDARD	I-P	I-L	I-H
Minimum Lot Size	None	None	None
Minimum Lot Width	50 ft.	50 ft.	50 ft.
Minimum Setbacks			
- Front yard	35 ft.	30 ft.	30 ft.
- Side facing street on corner & through lots [1]	20 ft.	20 ft.	20 ft.
- Side yard	0/50 ft. [3]	0/50 ft. [3]	0/50 ft. [3]
- Rear yard	0/50 ft. [3][4]	0/50 ft. [3]	0/50 ft. [3]
- Distance between front of garage & property line abutting a public or private street	--	--	--
Maximum Height	45 ft.	45 ft.	45 ft.
Maximum Site Coverage [2]	75 % [5]	85 %	85 %
Minimum Landscape Requirement	25 % [6]	15 %	15%

[1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.

[2] Includes all buildings and impervious surfaces.

[3] No setback shall be required except 50 feet shall be required where the zone abuts a residential zoning district.

[4] Development in industrial zones abutting the Rolling Hills neighborhood shall comply with Policy 11.5.1.

[5] Maximum site coverage may be increased to 80% if the provisions of Section 18.530.050.B are satisfied.

[6] Except that a reduction to 20% of the site may be approved through the site development review process.

I-P – Industrial Park District I-L – Light Industrial I-H – Heavy Industrial
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18.530.050 Additional Development Standards

- A. Commercial lodging in the I-P zone. The following development standards shall apply for a commercial lodging facility located in the I-P zone:
1. Site size shall be a minimum of two acres and a maximum of five acres.
 2. The site shall have access to be approved by the city engineer to an arterial or collector street with capacity sufficient to ensure that adequate access to local businesses is maintained.
 3. Ancillary uses, also permitted in the I-P zone as contained in Chapter 18.530 shall be allowed as integral elements of the commercial lodging development, provided they comprise no more than 20% of total floor area.
 4. Signage shall conform to Chapter 18.780.
- B. Reduction of lot coverage requirements. Lot coverage may be increased from 75% to 80% as part of the site development review process, providing the following requirements are satisfied:
1. The minimum landscaping requirement shall be 20% of the site.
 2. The applicant shall meet the following performance standards with regard to the landscaping plan approved as part of the site development review process:
 - a. Street trees, as required by 18.745.040.A shall be installed with a minimum caliper of three inches;
 - b. The landscaping between a parking lot and street property line shall have a minimum width of 10 feet;
 - c. All applicable buffering, screening and setback requirements contained in Section 18.745.050 shall be satisfied;
 - d. The applicant shall provide documentation of an adequate on-going maintenance program to ensure appropriate irrigation and maintenance of the landscape area.
- C. Day care uses. The following standards shall apply for all commercial day care uses in industrial zones:
1. The environmental impact assessment must document noise, visible emissions, vibration, odor, glare and heat from uses within one quarter mile. A plan and program for day care facilities to provide mitigation on-site for any of the above off-site impacts must be provided. Sound attenuation walls, screening, window covering, shades, and other such means are appropriate means of mitigation and may be attached as conditions of approval.
 2. The State of Oregon Child Care Division Certification Section shall be notified of the proposed site plans prior to submitting an application to insure that the plans submitted generally address the permitting requirements.
 3. Prior to occupancy of the proposed day care, evidence of certification through the State of Oregon Child Care Division shall be provided. (Ord. 12-09 §1; Ord. 02-33) ■

**Chapter 18.540
PARKS AND RECREATION ZONE**

Sections:

18.540.010	Purpose
18.540.020	Short Name
18.540.030	Where the Zone is Applied
18.540.040	Other Zoning Regulations
18.540.050	Use Regulations
18.540.060	Development Standards

18.540.010 Purpose

The Parks and Recreation Zone is intended to preserve and enhance publicly owned open space and natural and improved parkland within the city. This zone is intended to serve many functions including:

- A. Providing opportunities for both active and passive recreational facilities to meet neighborhood, community and regional needs;
- B. Providing contrast to the built environment;
- C. Providing opportunities to strengthen community identity, improve public health, and foster interactions between citizens;
- D. Providing economic development by creating a desirable public image and robust quality of life;
- E. Recognizing that publicly owned parks have a special relationship to the community and are an important resource;
- F. Providing flexibility in the use and development of recreational facilities as the city responds to changes in demographics, program needs, and external regulatory requirements; and
- G. Allowing for the efficient implementation of plans and improvements to parks, recreational facilities and open areas with appropriate reviews where compatibility issues may arise. (Ord. 14-03 §1)

18.540.020 Short Name

The short name and map symbol of the Parks and Recreation Zone is PR. (Ord. 14-03 §1)

18.540.030 Where the Zone is Applied

The Parks and Recreation Zone is applicable to all city owned lands intended as parks, open space, and recreational facilities and may be applied within all comprehensive plan designations. City-owned parks, open space, and recreational facilities located in a plan district may retain or receive other than a parks and recreation zone designation if it better furthers the goals of the plan district. In addition, other public agencies may request a parks and recreation designation for areas that meet the purpose of the zone. See Chapter 18.380, Zoning Map and Text Amendments. (Ord. 14-03 §1)

18.540.040 Other Zoning Regulations

The regulations within this chapter state the allowed uses and development standards for the base zone. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations as set forth elsewhere in this title. (Ord. 14-03 §1)

18.540.050 Use Regulations

A. Types of uses. For the purposes of this chapter, there are three types of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title.
2. A conditional use (C) is a use the approval of which is at the discretion of the hearings officer. The approval process and criteria are set forth in Chapter 18.330, Conditional Use.
3. A prohibited (N) use is one that is not permitted in a zoning district under any circumstances.

B. Use table. A list of permitted, conditional and prohibited uses in the Parks and Recreation Zone is presented in Table 18.540.1.

**TABLE 18.540.1
USE TABLE: PARKS AND RECREATION ZONE**

Land Use Category	Use Type
RESIDENTIAL	
Household Living	N
Group Living	N
Transitional Housing	N
Home Occupation	N
CIVIC	
Basic Utilities	C ⁶
Colleges	N
Community Recreation	P/C ¹
Cultural Institutions	C
Day Care	N
Emergency Services	N
Medical Centers	N
Postal Service	N
Religious Institutions	N
Schools	C ^{2,3}
Social/Fraternal Clubs/Lodges	N
COMMERCIAL	
Commercial Lodging	N
Custom Arts and Crafts	N
Eating and Drinking Establishments	C ³
Major Event Entertainment	C
Outdoor Entertainment	C
Indoor Entertainment	N

Land Use Category	Use Type
COMMERCIAL (cont'd)	
Adult Entertainment	N
Sales-Oriented	C ³
Personal Services	N
Repair-Oriented	N
Bulk Sales	N
Outdoor Sales	C ³
Animal-Related	N
Motor Vehicle Sales/Rental	N
Motor Vehicle Servicing/Repair	N
Vehicle Fuel Sales	N
Office	C ³
Self-Service Storage	N
Non-Accessory Parking	N
INDUSTRIAL	
Industrial Services	N
Light Industrial	N
General Industrial	N
Heavy Industrial	N
Railroad Yards	N
Research and Development	N
Warehouse/Freight Movement	N
Waste-Related	N
Wholesale Sales	N
OTHER	
Agriculture / Horticulture	P/C ¹
Cemeteries	N
Detention Facilities	N
Heliports	N
Mining	N
Wireless Communication Facilities	P/C ⁴
Rail Lines <u>Transportation</u> / Utility Corridors	C ⁵

P=Permitted

C=Conditional Use

N=Not Permitted

^[1] See Subsection 18.540.050.C—D for use type determination.

^[2] Restricted to activities and facilities focused on environmental education.

^[3] Permitted only when accessory to a community recreation land use.

^[4] See Chapter 18.798, Wireless Communication Facilities.

^[5] Multi-use trails permitted within this zone, all other are conditional.

^[6] Except water, and storm, and sanitary sewers, and other underground infrastructure facilities, which are allowed by right.

- C. Development permitted outright. When associated with a community recreation land use, the following types of development are allowed outright if they comply with the development standards and other regulations of this title. Site development review is not required for the uses listed below. All other applicable land use reviews apply.
1. Park furnishings such as play equipment, picnic tables, benches, bicycle racks, public art, trash receptacles and other improvements of a similar nature.
 2. Fences.
 3. Off-street, multi-use trails.
 4. Structures up to 600 square feet in size, and no more than 15 feet high.
 5. Picnic areas designed to accommodate groups of less than 25.
 6. Outdoor recreational fields, courts, arenas and other structures when not illuminated and not designed or intended for organized sports and competitions.
 7. Community gardens up to 5,000 square feet in size.
 8. Routine maintenance or replacement of existing facilities.
- D. Development subject to conditional use review. The following types of development are allowed subject to conditional use permit approval, as set forth in Chapter 18.330, Conditional Use.
1. Pools and aquatic centers, both indoor and outdoor.
 2. Community and senior centers providing a focus for recreational, social, education and cultural activities. These may include gymnasiums, indoor tracks and fitness areas, meeting rooms, office and kitchen space and other amenities designed for community use.
 3. Picnic areas designed to accommodate groups of 25 or more.
 4. Boat ramps.
 5. Off-street parking areas.
 6. Recreational fields, courts, arenas and associated structures for organized sports and competitions.
 7. Stages and amphitheaters.
 8. Dog parks.
 9. Community gardens in excess 5,000 square feet.
 10. Structures in excess of 600 square feet, and/or more than 15 feet high.
 11. Outdoor amplified sound systems.

12. Illuminated athletic fields, courts, and other outdoor recreational facilities intended to be used after sunset.
13. Camping, unless associated with an approved temporary or seasonal event as set forth in Chapter 18.785, Temporary Uses.
14. Golf courses, including club houses and driving ranges.
15. Development within a high voltage transmission line right-of-way. (Ord. 14-03 §1)

18.540.060 Development Standards

Development within the zone must comply with the following development standards, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370.

- A. Minimum lot size. None.
- B. Minimum lot width. None.
- C. Maximum structure height. None, except structures within 100 feet of a residential zone are subject to the maximum height limit for the abutting residential zone.
- D. Minimum structure setbacks. None, except where abutting a residential zone. In such cases structures must be set back a minimum distance of one foot for each foot of building height.
- E. Outdoor recreation facility setbacks. Non-illuminated playgrounds must be set back a minimum of 25 feet from adjoining residentially zoned properties. Illuminated playgrounds and other constructed recreational facilities such as swimming pools, skate parks, basketball courts, soccer fields, and group picnic areas must be set back 50 feet from adjoining residentially zoned properties. Where the outdoor facility abuts a school use, the setback is reduced to zero. Outdoor recreation facilities not meeting minimum setbacks set forth in this subsection may be considered through conditional use review as set forth in Chapter 18.330.
- F. Bathrooms and concessions. Bathrooms and concession stands shall be set back a minimum distance of 50 feet from adjoining residential zones. Where a bathroom or concession stand abuts a school use on a residentially zoned property, the setback is reduced to zero.
- G. Parking. Development shall comply with Chapter 18.765, Off Street Parking and Loading Requirements, with the following exceptions:
 1. Minimum parking requirements shall only apply to conditional uses in this zone. Outright permitted uses are exempt from minimum parking requirements.
 2. Dog parks shall provide the following:
 - a. Dog parks or off-leash areas with a fenced area of one acre or more shall provide a minimum of five vehicle parking spaces, and a parking plan for anticipated peak use periods.
 - b. Dog parks or off-leash areas with a fenced area of less than one acre shall provide a minimum of three off-street parking spaces, and a parking plan for anticipated peak use periods.

- c. Dog parks or off-leash areas with a fenced area of less than one-half acre are exempt from minimum parking requirements.
- H. Signs. Signs in the Parks and Recreation Zone shall comply with the regulations applicable to nonresidential land uses in residential zones, as set forth in subsections 18.780.130.A and B of this title.
- I. Lights and amplified sound systems. Lights and amplified sounds systems shall comply with Chapter 18.725, Environmental Performance Standards. In addition, glare sources shall be hooded, shielded, or otherwise located to avoid direct or reflected illumination in excess of 0.5 foot candles, as measured at the site boundary or at the furthest boundary of adjacent industrially-zoned properties. (Ord. 14-03 §1)

**Chapter 18.610
TIGARD DOWNTOWN PLAN DISTRICT**

Sections:

18.610.010	Purpose and Procedures
18.610.015	Pre-Existing Uses and Developments within the Downtown District
18.610.020	Building and Site Development Standards
18.610.025	Connectivity
18.610.030	Building and Site Design Standards
18.610.035	Additional Standards
18.610.040	Special Requirements for Development Bordering Urban Plaza
18.610.045	Exceptions to Standards
18.610.050	Building and Site Design Objectives (To Be Used With Track 3 Approval Process)
18.610.055	Signs
18.610.060	Off-Street Parking and Loading Requirements

18.610.010 Purpose and Procedures

A. Purpose. The objectives of the Tigard Downtown Plan District are to implement the comprehensive plan, Tigard Downtown Improvement Plan, and urban renewal plan and ensure the quality, attractiveness, and special character of the downtown. The regulations are intended to:

1. Facilitate the development of an urban village by promoting the development of a higher density, economically viable, and aesthetically pleasing pedestrian-oriented downtown where people can live, work, play and shop for their daily needs without relying on the automobile. The quality and scale of the downtown urban environment shall foster social interaction and community celebration.
2. Encourage the integration of natural features and the open space system into downtown by promoting development sensitive to natural resource protection and enhancement; addressing the relationship to Fanno Creek Park; and promoting opportunities for the creation of public art and use of sustainable design.
3. Enhance the street level as an inviting place for pedestrians by guiding the design of the building “walls” that frame the right-of-way (the “public realm”) to contribute to a safe, high quality pedestrian-oriented streetscape. Building features will be visually interesting and human-scaled, such as storefront windows, detailed façades, art and landscaping. The impact of parking on the pedestrian system will also be limited. The downtown streetscape shall be developed at a human scale and closely connected to the natural environment through linkages to Fanno Creek open space and design attention to trees and landscapes.
4. Promote Tigard’s downtown as a desirable place to live and do business. Promote development of high-quality high density housing and employment opportunities in the downtown.
5. Provide a clear and concise guide for developers and builders by employing greater use of graphics to explain community goals and desired urban form to applicants, residents and administrators.

B. Conflicting standards. The following standards and land use regulations apply to all development within the mixed use central business district (zoning district MU-CBD) whose boundaries are set

forth in Map 18.610.B and on the official zoning map. With the exception of public facility requirements, if a design standard found in this section conflicts with another standard in the development code, the standards in this section shall govern, even if less restrictive than other areas of the code.

C. Applicability.

1. New buildings and redevelopment: All applicable design standards apply to new buildings and related site improvements.
2. Expansion, modification and site improvements to existing development: An addition, expansion, enlargement, modification, and/or site improvements associated with such lawfully preexisting uses and structures shall be allowed, provided the application for such proposed project moves toward compliance with the applicable development code standards. Only those Downtown building and site design standards applicable to the proposed expansion, modification or site improvements to the existing development shall be applicable.
3. Design standards do not apply to the following projects:
 - a. Maintenance and repair of a building, structure, or site in a manner that is consistent with previous approvals and/or necessary for safety;
 - b. Projects undertaken to bring an existing development into compliance with the Americans with Disabilities Act;
 - c. Exterior painting;
 - d. Any exterior project that doesn't require a building permit;
 - e. Interior remodeling;
 - f. Temporary structures/uses (as defined in Chapter 18.785);
 - g. Any project involving a pre-existing single-family residential building or duplex (that is not being or already been converted to a nonresidential use).

D. Downtown design review approval process.

1. To achieve the purpose of the downtown site and building design standards, there are three methods or "tracks" to apply for approval:
 - a. Track 1. The design compliance letter provides for a Type I review process, using the clear and objective design standards. It is intended for smaller building and site renovation projects, which meet the threshold of paragraph E.1 of this section.
 - b. Track 2. The administrative review track provides for a more complex process (Type II) that requires staff review utilizing clear/quantifiable standards. It applies to new development and renovation/remodeling projects listed in paragraph E.2 of this section.
 - c. Track 3. The design review board track provides for a Type III review process through which a design review board determines compliance with the design objectives. After or

concurrently with receiving design approval, a project will be administratively reviewed as a Type II decision for all other applicable standards (Type III if a conditional use).

2. Designing a project to the design and development standards would result in an administrative review process. However, applicants, at their option, may choose to use Track 3 with the design review board. Applicants can address design review requirements through a combination of satisfying certain design standards, and in instances where they elect not to utilize design standards, satisfy applicable design objectives. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design objectives only.

E. Procedures.

1. Track 1: Design review compliance letter using design standards.

- a. Applicability.

- i. Addition, elimination, or change in location of windows that does not decrease the minimum required window coverage;
- ii. Addition, elimination, or change in location of entry doors and loading doors;
- iii. Addition of new and change to existing awnings, canopies, and other mounted structures to an existing façade;
- iv. For commercial and mixed use developments, modification of up to 15% on-site landscaping with no reduction in required landscaping. Modification refers to changing the hardscape elements and the location of required landscape areas and/or trees;
- v. Modification of off-street parking with no reduction in required parking spaces or increase in paved area;
- vi. Addition of new fences, retaining walls, or both;
- vii. Changing of existing grade;
- viii. An increase in the height of the building(s) less than 20%;
- ix. A change in the type and location of access ways and parking areas where off-site traffic would not be affected;
- x. An increase in the floor area proposed for a nonresidential use by less than 10% or under 5,000 square feet;
- xi. A reduction in the area reserved for common open space and/or usable open space which does not reduce the open space area below the minimum required by this code or reduces the open space area by less than 10%.

- b. Process and procedure type. The Type I procedure, as described in Section 18.390.030 of this code, shall apply to an application for design compliance letter. The decision-making

authority is the director. The applicant must show compliance to the design standards prior to issuance of the design review compliance letter.

- c. Process and approval criteria. The director shall approve, approve with conditions, or deny an application based on finding that the following criteria are satisfied: the applicable building and site design standard(s) for the project (Section 18.610.030) and/or the applicable additional standards (Section 18.610.035).

2. Track 2: Administrative review with design standards.

- a. Applicability. A Track 2 review will be required for one or more of the following:
 - i. All new development except those listed in paragraph E.1 of this section;
 - ii. A change that requires additional on-site parking in accordance with Chapter 18.765;
 - iii. A change in the type of commercial or industrial structures as defined by the State Building Code;
 - iv. An increase in the height of the building(s) by more than 20%;
 - v. A change in the type and location of access ways and parking areas where off-site traffic would be affected;
 - vi. An increase in the floor area proposed for a nonresidential use by more than 10% excluding expansions under 5,000 square feet;
 - vii. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required by this code or reduces the open space area by more than 10%.
- b. Procedure type. The Type II procedure, as described in Section 18.390.040, shall apply to an application using the building and site design and development standards. The decision-making authority is the director.

Applicants are required to identify how their proposed site/building plan meets the design standards, through architectural drawings, illustrations, graphics, photographs, a narrative with findings and other materials that demonstrate how the proposed development implements the intent of the design standards.

- c. Process and approval criteria. The director shall approve, approve with conditions, or deny an application based on finding that the following criteria are satisfied: Sections 18.610.030, Building and Site Design Standards, and 18.610.035, Additional Standards.

3. Track 3: Discretionary design review using design objectives.

- a. Applicability. Any project, at the applicant's option. The applicant may also choose this track if a project is unable to meet a clear and objective standard.
- b. Procedure type. Applicants are required to identify how their proposed site/building plan meets the intent statements of the design objectives, through architectural drawings,

illustrations, graphics, photographs, a narrative with findings and other materials that demonstrate how the proposed development implements the intent of the design standards.

The Type III procedure, as described in Section 18.390.050, shall apply to an application using discretionary design objectives. The decision-making authority is the design review board. Projects receiving approval must also undergo review for land use, engineering, and building approval.

- c. Process and approval criteria. The design review board shall approve, approve with conditions, or deny an application based on finding that the following criteria are satisfied: Section 18.610.050, Building and Site Design Objectives.

4. Adjustments and variances.

- a. Variances and adjustments as outlined in Chapter 18.370 may be granted for the provisions and regulations of the underlying zone, the development standards (Section 18.610.020), and for the additional standards (Section 18.610.035). Variances cannot be granted for building and site design standards in Section 18.610.030. Instead, applications unable to meet a standard should use the Track 3 discretionary design review using design objectives.
- b. For applications using Track 3, variances and adjustments may only be granted for the provisions and regulations of the underlying zone, the development standards (Section 18.610.020), and for the additional standards (Section 18.610.035), not for the design objectives themselves.

F. Downtown design review submittal requirements.

1. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by Section 18.390.040, or for a Type III procedure, as governed by Section 18.390.050.
2. Additional information. In addition to the submission requirements required in Chapter 18.390, Decision-Making Procedures, an application must include the following additional information in graphic, tabular and/or narrative form. The director shall provide a list of the specific information to be included in each of the following:
 - a. An existing site conditions analysis;
 - b. A site plan;
 - c. A grading plan;
 - d. A landscape plan;
 - e. An urban forestry plan consistent with Chapter 18.790;
 - f. Architectural elevations of all structures; and
 - g. A copy of all existing and proposed restrictions or covenants.

3. All drawings submitted with applications for development using Tracks 2 and 3 shall be stamped by a registered architect. Applications for landscaping projects only may be stamped by a registered landscape architect. Applications that require engineering or transportation reports must be stamped by the appropriate specialist.
- G. Approval period. Approval by the director or design review board shall be effective for a period of 1-1/2 years from the date of approval. The approval shall lapse if:
1. Substantial construction of the approved plan has not begun within a 1-1/2 year period; or
 2. Construction on the site is a departure from the approved plan.
- H. Extension. The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year; provided that:
1. No changes are made on the plan as approved by the director or design review board;
 2. The applicant can show intent of initiating construction on the site within the one-year extension period; and
 3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.
- I. Phased development.
1. If the development of a site takes more than one year, the applicant shall submit a phased development time schedule for approval by the director. In no case shall the total time period for all phases be greater than seven years without reapplying for design review.
 2. The criteria for approving a phased development proposal is that all of the following are satisfied:
 - a. The public facilities are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city or district standard;
 - c. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as part of the approved development proposal; and
 - d. The director's decision may be appealed as provided by 18.390.040.G. No notice need be given of the director's decision.
- J. Bonding and assurances.
1. Performance bonds for public improvements. On all projects where public improvements are required the director shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of approval of the plan in order to ensure the completed project is in conformance with the approved plan; and

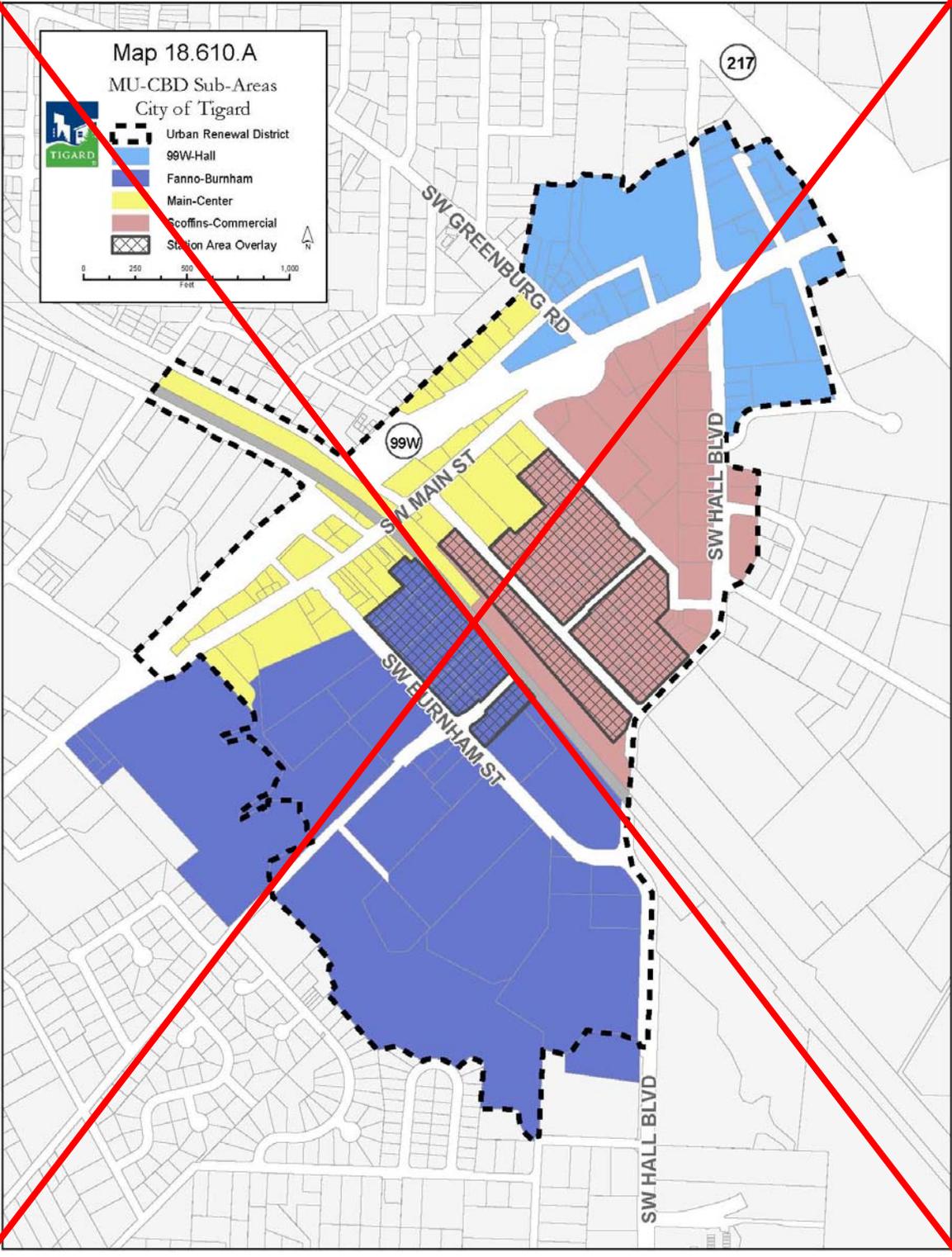
2. Release of performance bonds. The bond shall be released when the director finds the completed project conforms to the approved plan and all conditions of approval are satisfied.
 3. Completion of landscape installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the director is filed with the city recorder assuring such installation within six months after occupancy:
 - a. Security may consist of a faithful performance bond payable to the city, cash, certified check or such other assurance of completion approved by the city attorney; and
 - b. If the installation of the landscaping is not completed within the six-month period, the security may be used by the city to complete the installation.
- K. Business tax filing. The applicant shall ensure that all occupants of the completed project, whether permanent or temporary, shall apply for and receive a City of Tigard business tax prior to initiating business. (Ord. 13-04 §1; Ord. 12-13 §1; Ord. 12-09 §1; Ord. 10-02 §2)

18.610.015 Pre-Existing Uses and Developments within the Downtown District

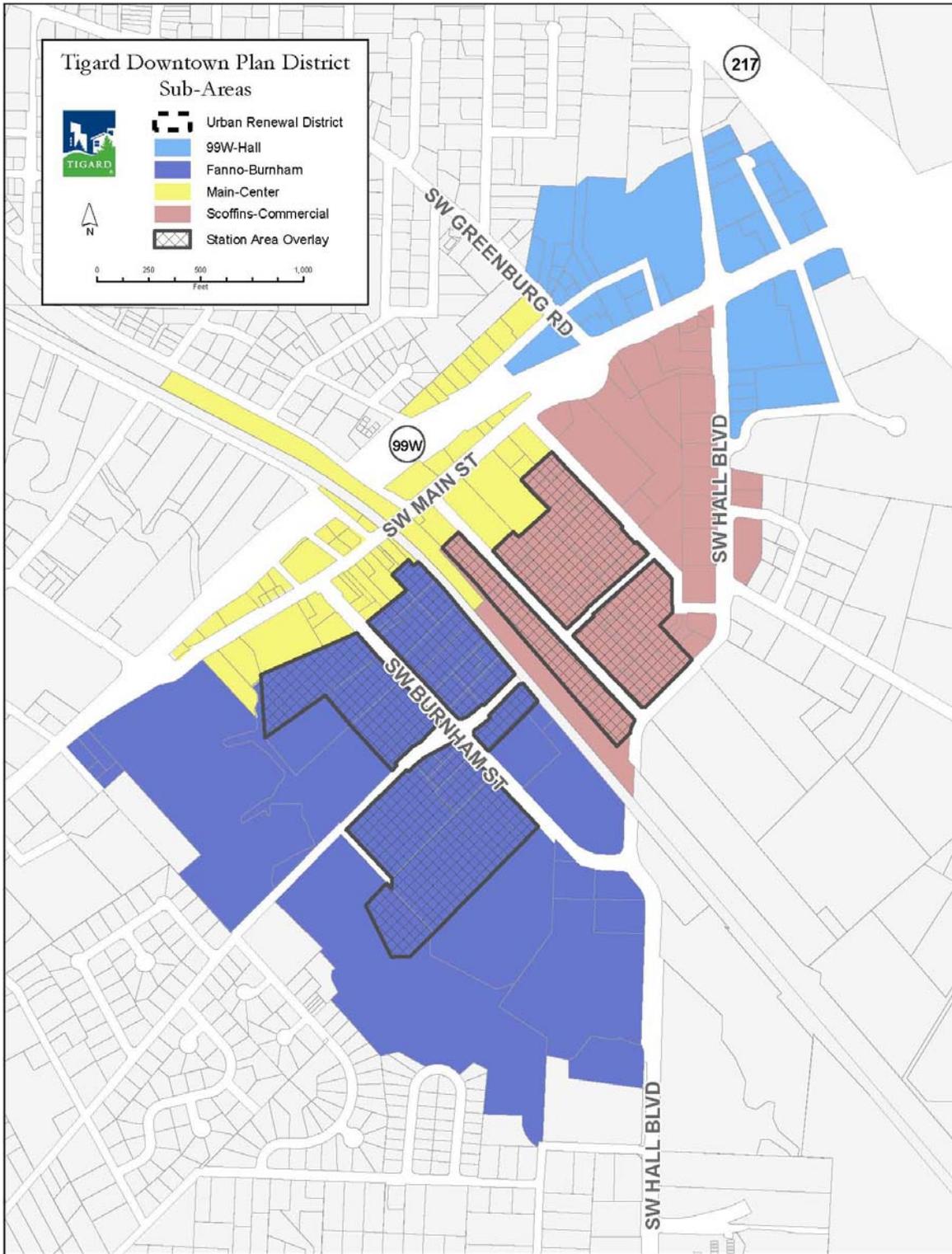
- A. Applicability. Notwithstanding the provisions of Section 18.760.040 (Criteria for Nonconforming Situations), land uses and associated development in the MU-CBD district that were lawfully in existence at the time of adoption of these standards may continue as lawful uses and developments.
1. Land uses and associated development that were in existence at the time of the adoption of the MU-CBD district and Chapter 18.610 may continue on the property. Additions, expansions, or enlargements to such uses or developments, shall be limited to the property area of said use or development lawfully in existence at the time of adoption of this ordinance, January 26, 2010.
 2. If a pre-existing structure or use is destroyed by fire, earthquake or other act of God, or otherwise abandoned then the use will retain its pre-existing status under this provision so long as it is substantially reestablished within one year of the date of the loss. The new structure would have to conform to the code.
- B. Standards for projects involving existing single-family and duplex dwellings.
1. Existing single-family buildings and duplexes used for residential purposes are exempt from the standards.
 2. For projects involving preexisting housing units used for nonresidential uses, the applicable standards are: Section 18.610.020, Building and Site Development Standards, including the applicable sub-area from Map 610.A; Section 18.610.030, Building and Site Design Standards, and Section 18.610.035, Additional Standards.
- C. Existing nonconforming industrial structures. Existing nonconforming industrial structures at the following locations may continue to be utilized for I-P industrial uses after the nonconforming use limit of six months: Map 2S 1 2AA tax lot 4700, Map 2S 1 2AC tax lots 100 and 202, Map 2 1 2AD tax lot 1203, Map 2S 1 2DB tax lot 100, and Map 2S 1 2DA tax lot 300. (Ord. 10-02 §2)

18.610.020 Building and Site Development Standards

- A. Sub-areas. The four sub-areas located on Map 18.610.A and described below have different setback and height limits in order to create a feeling of distinct districts within the larger zone.
1. Highway 99W and Hall Boulevard Corridor. This sub-area is intended to create a “pulse-point” along the Highway 99W corridor. Located at the intersection of 99W and Hall Boulevard, the area has the high traffic and visibility to draw potential retail customers from the region. It will also serve the potential for future high capacity transit in the corridor. The area will accommodate higher levels of vehicular circulation, while maintaining a pedestrian scale at the ground-floor level of buildings. It would allow development of mixed use and retail buildings that could vary in scale from one-story retail-only buildings, to mixed use buildings up to eight stories tall with retail on the ground floor and residential and/or office uses above.
 2. Main Street - Center Street. This sub-area is centered on the city’s historic downtown Main Street. It is intended to be pedestrian oriented with smaller scale development that would function like a “traditional Main Street.” A pedestrian environment would be improved with a continuous building wall broken only intermittently. New buildings in the sub-area must include ground floors with commercial storefront features. Residential and commercial uses are permitted on upper floors.
 3. Scoffins Street - Commercial Street. This sub-area is intended to provide an opportunity for higher density residential as well as an employment base comprised of civic, office and commercial uses in the areas of Commercial Street and Scoffins. Residential-only buildings, office/commercial buildings, and mixed use developments are all permitted.
 4. Fanno - Burnham Street. This sub-area provides an opportunity for medium scale residential or mixed use development. Compatible mixed uses (live-work, convenience retail, office and civic uses) are encouraged on the frontage of Burnham Street. The area in proximity to Fanno Creek Park will be an opportunity to create a high quality residential environment with views and access to the natural amenity of Fanno Creek Park. Building heights will step down to three stories so as not to overwhelm or cast shadows on the park.



Map 18.610.A: Tigard Downtown Plan District Sub-Areas



Note: for standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

B. Development standards. Development standards apply to all new development in the MU-CBD zone, including developments utilizing the Track 3 approval process. Variances or adjustments may be granted if the criteria found in Chapter 18.370 is satisfied.

1. Development standards matrix. See Table 18.610.1 and Map 18.610.A.

Table 18.610.1
MU-CBD Development Standards Matrix^{1, 2, 3}

STANDARD	SUB-AREAS			
	Main Street (MS)	99W/Hall Corridor (99H)	Scoffins/Commercial (SC)	Fanno/Burnham (FB)
Front setback				
Minimum	0 ft.	0/5 ft. (5 ft. for frontage on 99W)	0 ft.	0 ft.
Maximum	10 ft.	25 ft.	20 ft.	20 ft.
Side facing street on corner and through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	10 ft.	N/A	N/A	N/A
Sideyard				
Minimum/maximum	N/A	N/A	N/A	N/A
Rear setback				
Minimum	0 ft.	5 ft.	5 ft.	5 ft.
Maximum	N/A	N/A	N/A	N/A
Building height				
Minimum	20 ft.	20 ft.	20 ft.	20 ft.
Maximum (stories/feet)	3-stories (45 ft.)	3-stories (45 ft.)	6-stories (80 ft.)	6-stories (80 ft.) ⁷
Ground floor height minimum	15 ft.	15 ft.	None	None
Site coverage maximum	100%	90%	90%	80%
Minimum landscaping ⁴	0% ⁵	10%	10%	20%
Minimum building frontage	50%	50%	50%	50%
Residential density (units per acre)				
Minimum ⁸	25	25	25	15
Maximum	50	50	50 ⁶	50 ⁶

¹ This table does not apply to existing development. All new buildings in the district must meet these development standards, including projects using the Track 3 approval process.

² For standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

³ See also Section 18.610.045, Exceptions to Standards.

⁴ In the MU-CBD zone, required landscaping can be provided on roofs or within the right-of-way where the applicant is required to provide landscaping as part of a street improvement in accordance with Section 18.610.025.

⁵ Landscaping/screening requirements for parking lots must be met.

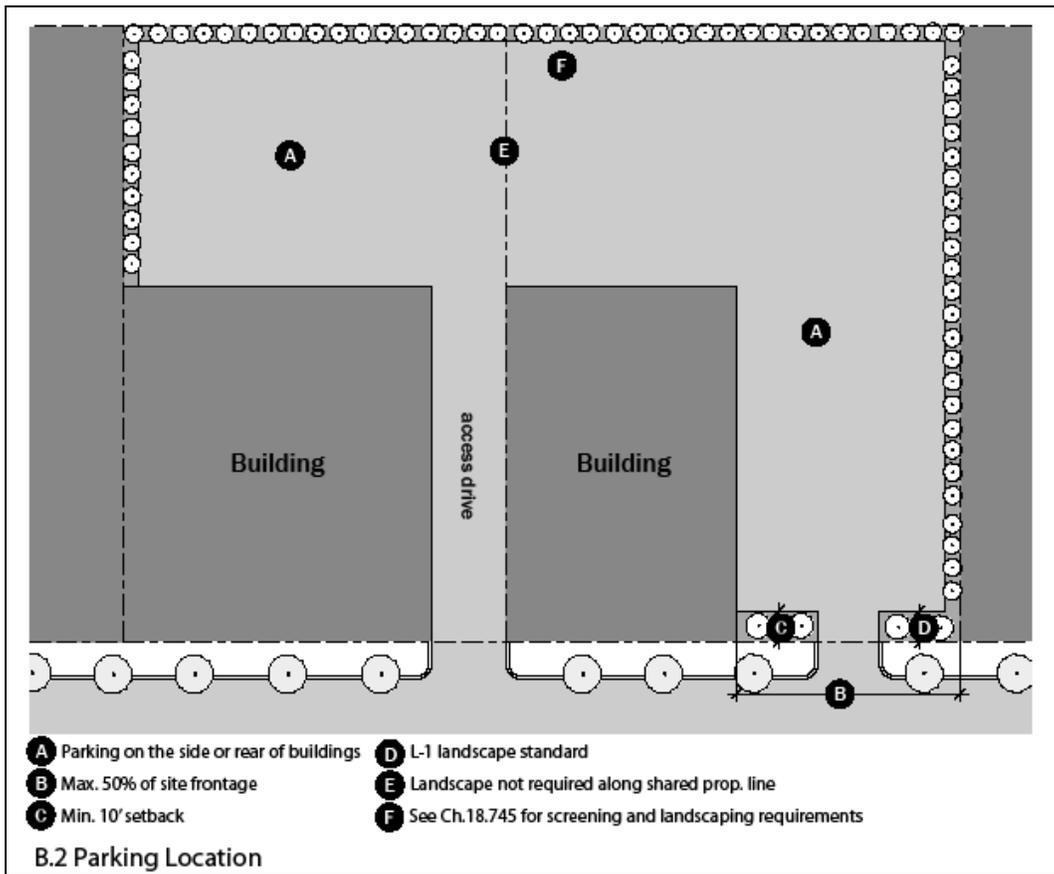
⁶ Station area overlay permits a maximum of 80 units per acre (see Map 18.610A).

⁷ ~~3-stories~~/45 feet within 200 feet of Fanno Creek Park boundary (see Map 18.610.A) or within 50 feet of low or medium density residential district.

⁸ Minimum density applies to residential-only development (not mixed use).

2. Parking location.

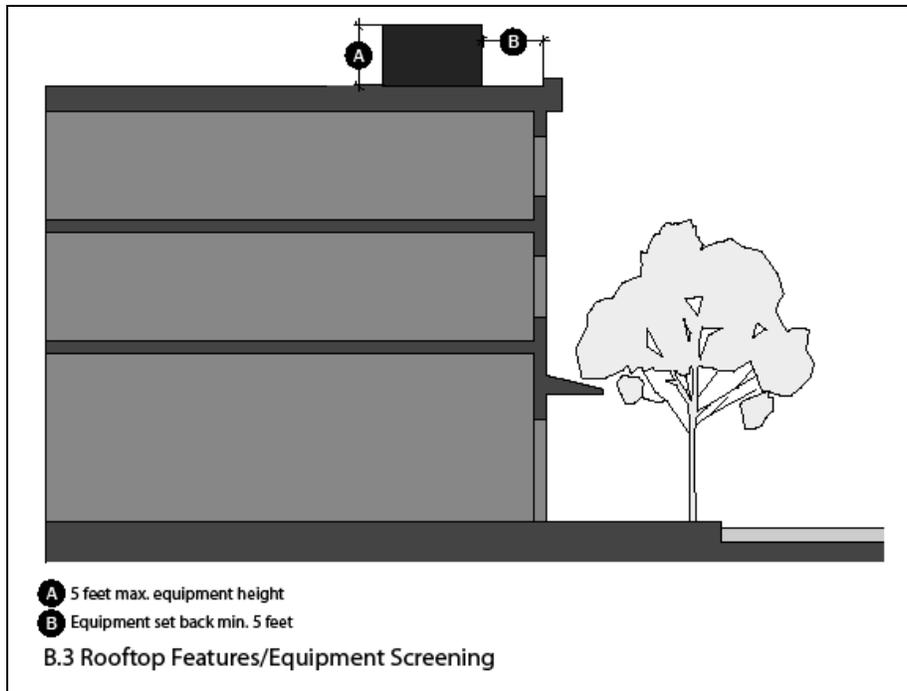
- a. Parking is allowed on the side or rear of newly constructed buildings. If located on the side, the parking area shall not exceed 50% of the total frontage of the site.
- b. Parking is set back a minimum of 10 feet from the front property line.
- c. When abutting a public street, parking areas must be behind a landscaped area constructed to an L-1 standard.
- d. Where a parking lot shares a property line with an adjacent parking lot, the landscape requirement along the shared property line is not required.

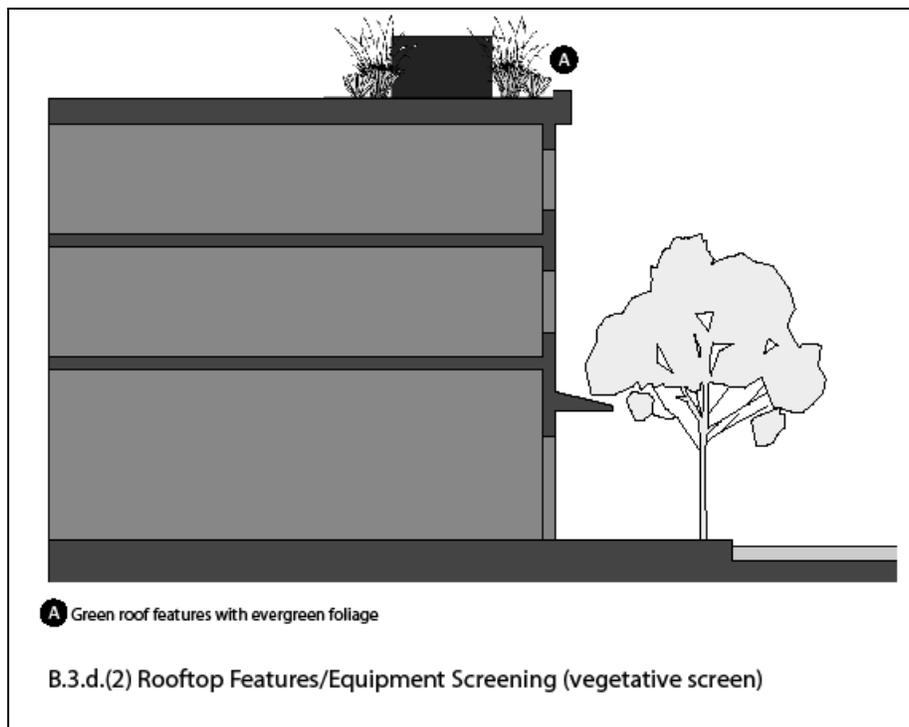
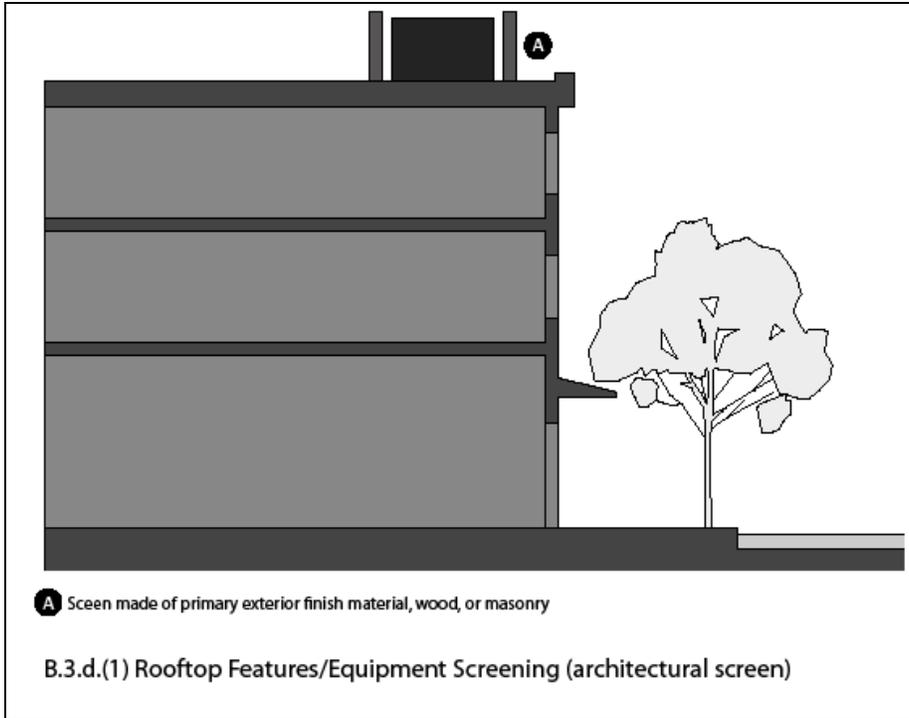


3. Rooftop features/equipment screening.

- a. The following rooftop equipment does not require screening:
 - i. Solar panels, wind generators, and green roof features;
 - ii. Equipment under two feet in height.
- b. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.

- c. Satellite dishes and other communications equipment shall be limited to 10 feet in height, shall be set back a minimum of five feet from the roof edge and screened from public view to the extent possible.
- d. All other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of five feet from the roof edge and screened from public view and from views from adjacent buildings by one of the following methods:
 - i. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or architectural grade wood fencing or masonry;
 - ii. Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.
- e. Required screening shall not be included in the building's maximum height calculation.





4. Other exterior mechanical equipment. Other exterior mechanical equipment on the site (electrical boxes, etc.) shall be screened from view from adjacent ROW, public spaces, and parking areas by one or a combination of the following:
 - a. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or architectural grade wood fencing or masonry; or

- b. Set back from the street-facing elevation so it is not visible from the public ROW; or
- c. Dense evergreen foliage that forms an opaque barrier when planted that will be regularly maintained. (Ord. 13-04 §1; Ord. 12-13 §1; Ord. 10-02 §2)

18.610.025 Connectivity

- A. Purpose statement. The purpose of this section is to implement the City of Tigard 2035 Transportation System Plan which describes a more complete system of streets and pathways to improve multi-modal access to, from and within the downtown mixed use central business district. The standards in this section are intended to execute connectivity improvement projects that will foster creation of smaller block sizes, efficient routes into and within downtown, and new streets to accommodate and encourage downtown development. The standards are also intended to solve some existing connectivity issues, such as access across railroad tracks.
- B. Applicability. The connectivity standards in this section apply only to those properties with designated streets or alleys as shown on Figures 5-14A through 5-14I of the City of Tigard 2035 Transportation System Plan. Development on properties with designated streets or alleys is subject to the connectivity requirements below.
- C. Required new street and alley connections. Required new street and alley connections shall be provided as follows.
 - 1. New development and major redevelopment. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor, the applicant shall comply with subparagraphs a and b of this paragraph 1.
 - a. Dedicate the required right-of-way. The applicant shall dedicate the amount of right-of-way necessary to construct the required street or alley consistent with the designated street cross-section.

As an alternative, the city engineer may approve the dedication of a public easement in lieu of a portion of the public right-of-way in accordance with 18.810.030.C.
 - b. Construct the required improvements. The applicant shall construct the full street or alley improvements as shown in the designated street cross-section.
 - 2. All other projects. For projects other than new development and major redevelopment, the applicant shall comply with subparagraphs a and b of this paragraph 2:
 - a. Preserve the potential for a future connectivity improvement. No new buildings shall be located within the area identified as future street or alley alignment. Surface parking, landscaping, temporary structures, driveways and similar types of development are allowed within the future alignment.
 - b. Sign a non-remonstrance to future Local Improvement District (LID). The property owner shall sign a non-remonstrance agreement for formation of a future LID to pay for the identified street or alley improvement.
- D. Required new pedestrian pathway. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor that is within the

area designated for required multi-use pathway, the applicant shall provide multi-use pathway on public easements or rights-of-way through the block in a manner which ensures that connections through the block are provided at least every 330 feet. The required pathway shall provide direct connection through the block and be subject to the requirements of Section 18.810.110.

- E. Adjustments to the connectivity standards are subject to Section 18.370.020.
- F. Replacement of a pre-existing structure that is destroyed by fire, earthquake or other cause beyond the control of the owner, shall not be considered a major redevelopment for the purposes of subsections C and D of this section. (Ord. 12-13 §1; Ord. 10-02 §2)

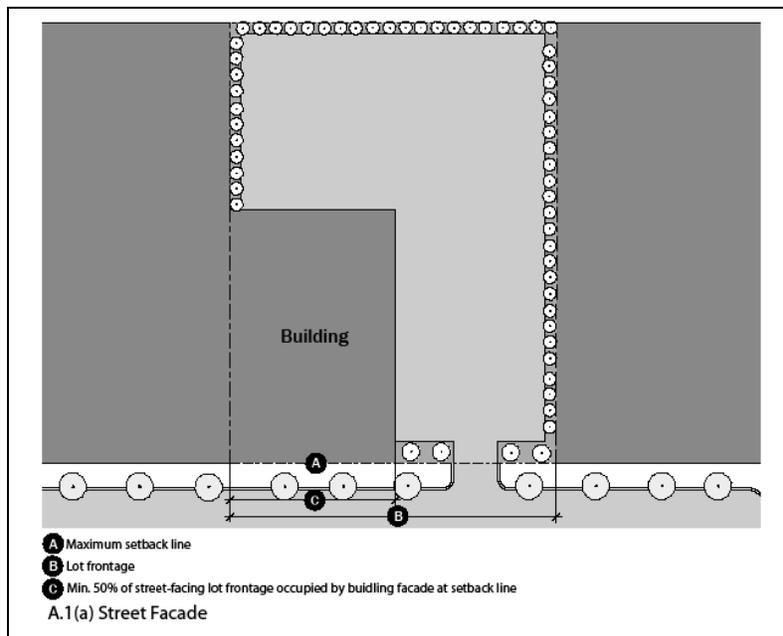
18.610.030 Building and Site Design Standards

- A. Create vibrant ground floors, streetscapes and rights-of-way; provide weather protection; and promote safety and security.

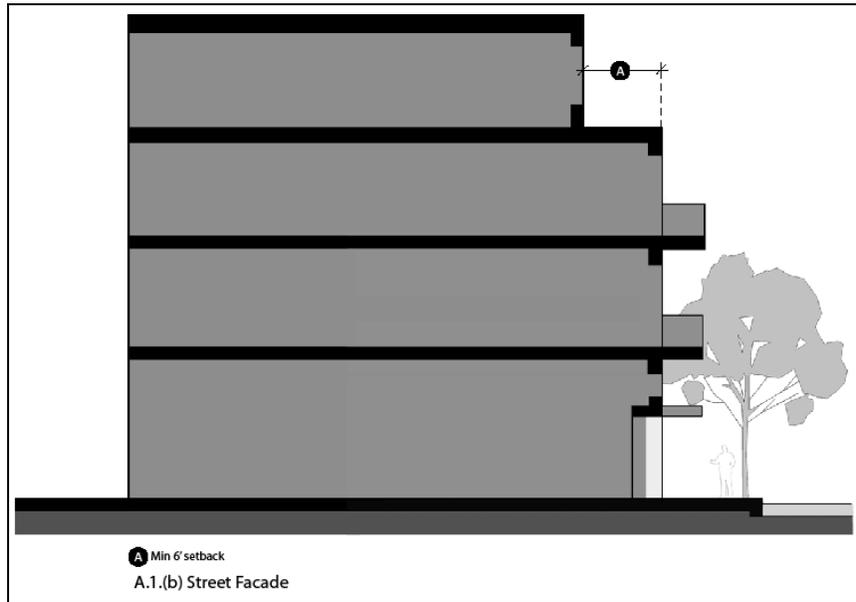
Intent. Design standards in this section are intended to foster vibrant, inviting streetscapes and sidewalk-facing ground floors and entryways. They are also intended to create buildings that are easily accessible to and provide protection from the elements for pedestrians. They also will help ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. Building and site design should also address crime prevention through defensible spaces lighting, and features that allow observation and “eyes on the street.”

1. Street façade.

- a. Street-facing façades shall be built in proximity to the street. This standard is met when at least 50% of the ground floor front building elevation(s) is located no further from the front property line than the maximum front setback standard established in Table 18.610.1; and, where maximum street-facing side setbacks are required within the Main Street sub-area, at least 50% of the ground floor street-facing side building elevation(s) is located no further from the street-facing side property line than the maximum street-facing side setback standard established in Table 18.610.



- b. Buildings more than three stories are required to step back six feet from the building façade at the beginning of the fourth story.



2. Primary entry.

a. For commercial/mixed use buildings:

- i. At least one entry door is required for each business with a ground floor frontage.
- ii. Each entrance shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
- iii. All primary ground-floor common entries shall be oriented to the street or a public space directly facing the street, not to the interior or to a parking lot.

b. For residential buildings:

- i. Entry door. The primary public entrance to each building unit shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
- ii. All primary ground-floor common entries of multifamily buildings and individual unit entries of attached single-family units that front the street shall be oriented to the street or public right-of-way, not to the interior or to a parking lot.

3. Windows.

a. Ground floor windows for nonresidential and mixed use buildings:

- i. 60% minimum ground floor window coverage for street-facing wall (minimum window coverage includes any glazed portions of doors).

- ii. Ground floor window transparency. All buildings with nonresidential ground floor windows must have a visible transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices, which may have tinted windows.
 - b. Ground floor windows for residential buildings: 30% minimum ground floor window coverage for street-facing wall (minimum window coverage includes any glazed portions of doors).
 - c. Upper floor windows/doors for all buildings:
 - i. 30% minimum upper floor window coverage for each floor of the street-facing wall (minimum window coverage includes any glazed portions of doors).
 - ii. The required upper floor window/balcony door percentage does not apply to floors where sloped roofs and dormer windows are used.
 - iii. Upper floor windows shall be vertically oriented (a minimum vertical to horizontal dimension ratio of 1.5:1).
 - d. Window shadowing for all buildings: Windows shall be designed to provide shadowing. This can be accomplished by recessing windows three inches into the façade and/or incorporating trim of a contrasting material or color.
- 4. Weather protection.

For nonresidential and mixed use buildings:

- a. A projecting façade element (awning, canopy, arcade, or marquee) is required on the street-facing façade of the street with the highest functional classification.
- b. Awnings/marquees/canopies may project a minimum of three feet and a maximum of six feet from the façade (a maximum of four feet into the public right-of-way).
- c. The element shall have a minimum 10-foot clearance from the bottom of the element to the sidewalk.
- d. Awnings must match the width of storefronts or window openings.
- e. Internally lit awnings are not permitted.
- f. Awnings must be made of glass, metal, or exterior grade fabric (or a combination of these materials).

A Primary entry doors oriented to street or public space
B Entrance is covered and/or recessed behind facade
C Max 4' balcony/deck projection
D Min 10' clearance
E Min 30% windows
F Upper windows vertically oriented

A.2-4 Residential (Only) Building

A Primary entry door oriented to street or public space
B Entrance is covered and/or recessed behind facade
C Min 3'; Max 6' projection
D Max 4' balcony/deck projection
E Min 10' clearance
F Min 60% windows
G Min 30% windows
H Upper windows vertically oriented

A.2-4 Commercial/Mixed-Use Building

B. Cohesive architectural façade standards.

Intent. Build and expand upon downtown Tigard’s architectural character by incorporating cohesive and repetitive architectural elements into the ground floor of street-facing façades.

1. Architectural bays for nonresidential and mixed use buildings. Divide the street-facing ground floor of commercial/mixed use storefronts into distinct architectural bays that are no more than 30 feet on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.



C. Integrated building façade standards.

Intent. Build upon and improve downtown Tigard’s architecture by creating an attractive and unified building façade that encourages ground floor activities, and creates visually interesting façades and roofs.

1. Nonresidential and mixed use building tri-partite façades. Nonresidential and mixed use buildings two stories and above shall have three clearly defined elements on the street-facing façade(s): a base (extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building); a middle (distinguished from the top and base of the building by use of building elements); and a top (roof form/element at the uppermost portion of the façade that visually terminates the façade). A tri-partite façade creates a unified façade and breaks up vertical mass.



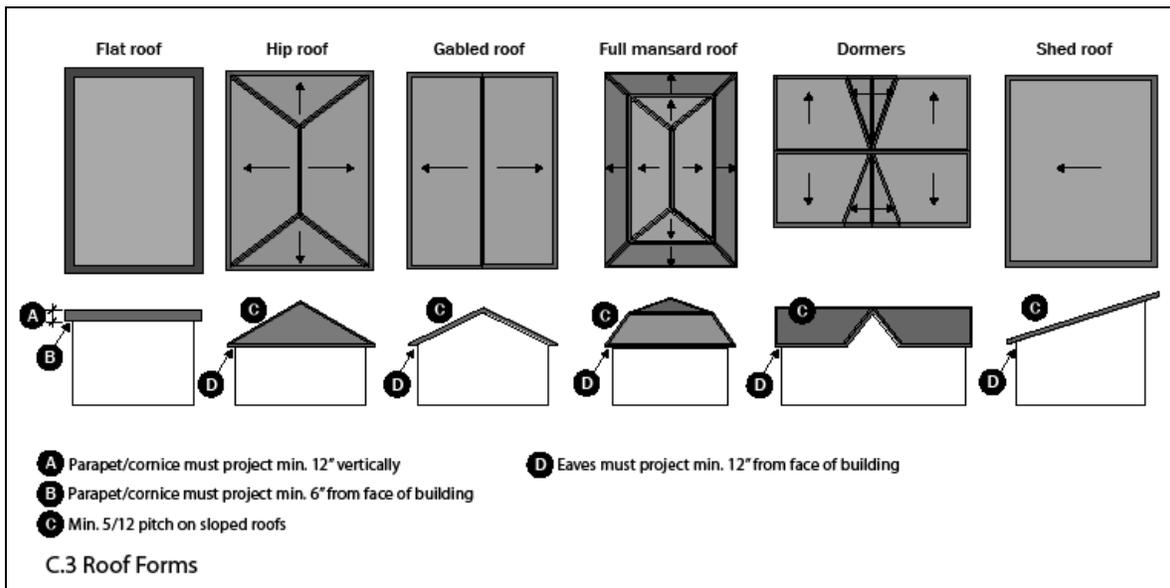
2. Residential building façades.

- a. Unit definition. Each street-facing dwelling unit shall be emphasized by including a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch or balcony that faces the street.
- b. Trim detail. Trim shall be used to mark all building roof lines, porches, windows and doors that are on a primary structure's elevation(s).



3. Roof forms.

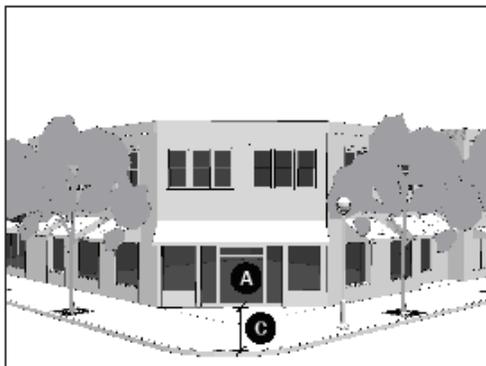
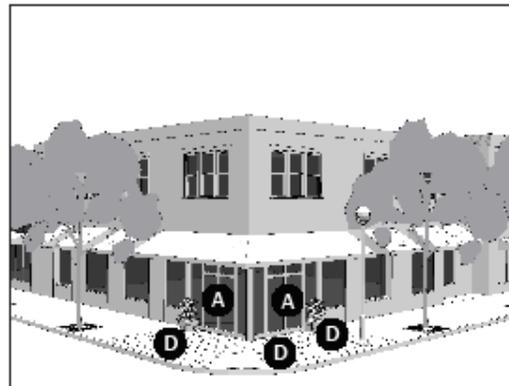
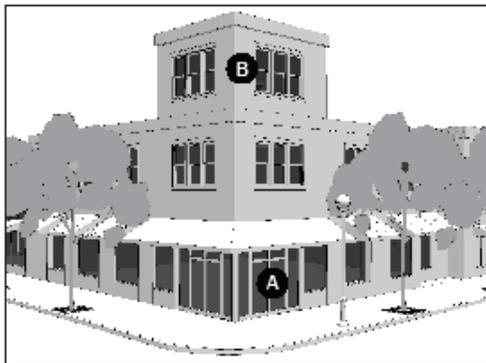
- a. The roof form of a building shall follow one (or a combination) of the following forms:
 - i. Flat roof with parapet or cornice;
 - ii. Hip roof;
 - iii. Gabled roof;
 - iv. Full mansard roof;
 - v. Dormers;
 - vi. Shed roof.
- b. All sloped roofs (other than full mansard roofs) exposed to view from adjacent public or private streets and properties shall have a minimum 5/12 pitch.
- c. Sloped roofs, shall have eaves, exclusive of rain gutters, that must project from the building wall at least 12 inches.
- d. All flat roofs or those with a pitch of less than 5/12 shall be architecturally treated or articulated with a parapet wall that must project vertically above the roof line at least 12 inches and/or a cornice that must project from the building face at least six inches.
- e. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as the existing roof.
- f. Green roof features and/or rooftop gardens are encouraged. As part of the development permit, applicant shall execute a covenant ensuring the maintenance of any green roof. The covenant shall be approved by the director on city-provided forms.



D. Create street corners with strong identity.

Intent. Create a strong architectural statement at street corners. Establish visual landmarks and enhance visual variety.

1. For nonresidential or mixed-use buildings at the corner of two public streets or a street and public area, park or plaza (for the purposes of this standard an alley is not considered a public street) incorporate one of the following features:
 - a. Locate the primary entry to the building at the corner;
 - b. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet of the corner of the building;
 - c. The corner of the building cut at a 45 degree angle, or a similar dimension “rounded” corner;
 - d. A combination of special paving materials, street furnishings and, where appropriate, plantings, in addition to the front door.



- A Primary entry door to the building located at corner
- B Prominent architectural element within 20' of the corner of the building
- C Corner min 10' from street corner and cut at 45 degree angle
- D Special paving patterns, street furnishings, and plantings near front door

A.2-4 Commercial/Mixed-Use Building

E. Assure building quality, permanence and durability.

Intent. Use building materials that evoke a sense of permanence and are compatible with Downtown Tigard and the surrounding built and natural environment.

1. Building materials.
 - a. The following exterior building materials or finishes are prohibited:

- i. Vinyl siding;
- ii. T-111 or similar sheet materials;
- iii. Plain concrete block (not including split faced, colored, or other block designs that mimic stone, brick, or other masonry); foundation material may be skim-coated concrete block where the foundation material is not revealed for more than two feet;
- iv. Mirrored glass.

F. Open space/public plaza.

Intent: Assure adequate public, private and shared outdoor space.

1. Mixed use and commercial developments greater than 60,000 square feet.
 - a. Development projects with site areas greater than 60,000 square feet shall include at least one public space with a minimum size of 600 square feet.
 - b. Public spaces shall be abutted on at least two sides by retail shops, restaurants or services with windows entrances fronting on the space.
2. Mixed use buildings with residential units and residential only multifamily developments.
 - a. Private outdoor space. For all residential-only buildings and mixed-use buildings with more than four residential units, private open space, such as a private porch, a deck, a balcony, a patio, an atrium, or other outdoor private area, shall be provided.
 - i. Total required private open space shall be based on an average of 28 square feet per unit in a development.
 - ii. In order to be counted into the open space average, the private open space provided to a unit shall have a minimum of 32 square feet with a minimum depth of four feet.
 - iii. The private open space provided shall be contiguous with the unit.
 - iv. Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
 - v. Balconies may project up to a maximum of four feet into the public right-of-way.
 - b. Shared outdoor space for mixed use buildings with residential units and multifamily buildings. In addition to the required private outdoor space, multifamily buildings and mixed use buildings with more than four residential units shall provide shared open space (e.g., courtyards, roof decks or garden, play areas, outdoor recreation facilities, indoor recreation room, and/or similar space) that is equal to or greater than 10% of the development site, except as follows:
 - i. Credit for private open space. Up to 50% of the shared open space standard may be met by providing additional private open space, such as balconies, porches and patios (above what is required in 18.610.030.F.2).

- ii. Credit for proximity to a park. A shared open space credit of 50% may be granted when a multiple-family development is directly adjacent to an improved public park.
 - iii. Credit for up to 100% of the shared open space standard may be met by paying a fee-in-lieu. The fee will fund parks and/or plazas within the downtown urban renewal district.
 - iv. Shared outdoor recreation space shall be readily observable to promote crime prevention and safety.
3. Private open space for single-family attached dwelling units. A minimum of 100 square feet of private open space per unit such as a private porch, yard, a deck, a balcony, a patio, or other outdoor private area is required.

G. Additional requirements for single-family attached dwelling units. Garage entry garages and carports shall be accessed from alleys, or otherwise recessed behind the front building elevation (i.e., living area or covered front porch) a distance of seven feet or less or 18 feet or greater. (Ord. 10-02 §2)

18.610.035 Additional Standards

Applications must conform to all applicable standards in the following chapters:

- A. Access Egress and Circulation (see Chapter 18.705).
- B. Environmental Performance Standards (see Chapter 18.725).
- C. Exceptions to Development Standards (see Chapter 18.730).
- D. Landscaping and Screening (see Chapter 18.745).
- E. Mixed Solid Waste and Recyclable Storage (see Chapter 18.755).
- F. Off-Street Parking and Loading Requirements (see Chapter 18.765).
- G. Sensitive Lands (see Chapter 18.775).
- H. Signs (see Chapter 18.780).
- I. Urban Forestry Plan (see Chapter 18.790).
- J. Visual Clearance (see Chapter 18.795).
- K. Wireless Communication Facilities (see Chapter 18.798).
- L. Street and Utility Improvement Standards (see Chapter 18.810). (Ord. 12-09 §1; Ord. 10-02 §2)

18.610.040 Special Requirements for Development Bordering Urban Plaza

The urban plaza is listed as a catalyst project in the Tigard Downtown Improvement Plan and Urban Renewal Plan. Developments on the parcels that directly abut the location of the new plaza will be expected to be in keeping with the character of the plaza. New development that is built concurrently or

subsequent to the construction of the plaza will need to conform to the following standards (in addition to the other applicable standards in this code):

- A. The building must be a minimum of two stories and a maximum of four stories.
- B. No parking lot may abut the plaza.
- C. The buildings shall follow the building and site design and development standards for commercial and mixed use buildings in the Main Street sub-area. (Ord. 10-02 §2)

18.610.045 Exceptions to Standards

- A. Exceptions to setback requirements. The director may grant an exception to the yard setback requirements in the applicable zone based on findings that the approval will result in the following:
 - 1. An exception which is not greater than 20% of the required setback;
 - 2. No adverse effect to adjoining properties in terms of light, noise levels and fire hazard;
 - 3. Safe vehicular and pedestrian access to the site and on-site;
 - 4. A more efficient use of the site which would result in more landscaping; and
 - 5. The preservation of natural features which have been incorporated into the overall design of the project.
- B. Exceptions to parking requirements. The director may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:
 - 1. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., senior citizen housing, and which has a demonstrated low demand for off-street parking;
 - 2. There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or
 - 3. There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses, therefore the public interest is not adversely affected by the granting of the exception.
- C. Exceptions for private or shared outdoor area. The director may grant an exception or deduction to the private outdoor area and shared outdoor recreation areas requirements, provided the application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, senior citizen housing) and which can demonstrate a reduced demand for a private outdoor recreational area based on any one or more of the following findings:
 - 1. The development operates a motor vehicle which is available on a regular basis to transport residents of the development to public open space or recreation areas; or

2. The required square footage of either the private outdoor area or the shared outdoor recreation area may be reduced if together the two areas equal or exceed the combined standard for both.

D. Exceptions to landscaping requirements. The director may grant an exception to the landscaping requirements of this code, Chapter 18.745, upon finding that the overall landscape plan provides for at least 20% of the gross site to be landscaped. (Ord. 10-02 §2)

18.610.050 Building and Site Design Objectives (To Be Used With Track 3 Approval Process)

A. Applicability. All development using the Track 3 approval process must demonstrate compliance with the design objectives listed in subsection C of this section. The development must also meet the development standards of Table 18.610.1.

B. Approval criteria.

1. Applicants are required to identify how their proposed site/building plan meets the intent statements of the design objectives, through architectural drawings and a narrative.
2. The design review body will make findings that the intent of the design objective has been met.
3. Applications using the Track 3 process must also show compliance with the development standards set forth in Section 18.610.020 and Table 18.610.1.
4. Concurrently or after design review board approval, the application will be reviewed for compliance with the other relevant chapter sections, as listed in Section 18.610.035.

C. Design objectives. Each design objective has an intent statement followed by photographs of development exemplifying the objective.

1. Create vibrant streetscapes and rights-of-way; provide weather protection; and promote safety and security.

Intent. Foster vibrant, inviting streetscapes and sidewalk-facing ground floors and entry ways. Create buildings that are easily accessible to and provide protection from the elements for pedestrians. Ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. Building and site design should also address crime prevention through defensible spaces, lighting, and features that allow observation and “eyes on the street.”

Examples:



2. Create cohesive architectural façades.

Intent. Build and expand upon downtown Tigard’s architectural character by incorporating cohesive and repetitive architectural elements into the ground floor of street-facing façades. Relate to the horizontal façade articulation and massing of surrounding development and/or utilize building and site design elements that connect Fanno Creek Park or extend natural elements to the downtown.

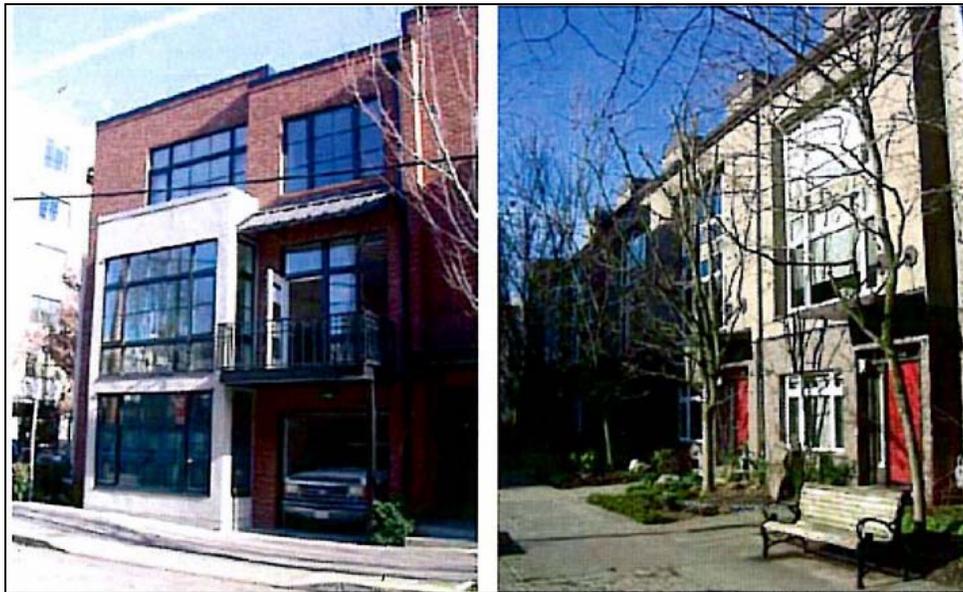
Examples:



3. Design buildings with integrated façades.

Intent. Build upon and improve downtown Tigard's architecture by creating an attractive and unified building façade that encourages ground floor activities and creates visually interesting façades and roofs.

Examples:



4. Create street corners with strong identity.

Intent. Create a strong architectural statement at street corners to create a strong identity and opportunities for activity. Establish visual landmarks and enhance visual variety.

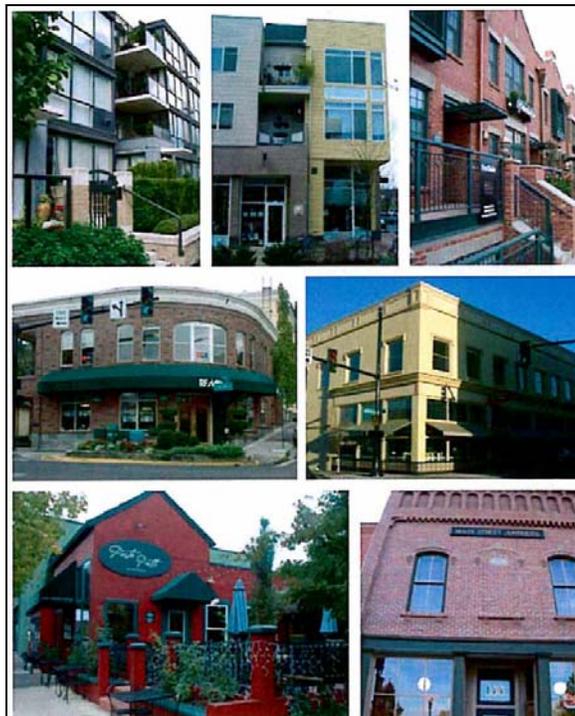
Examples:



5. Assure building quality, permanence and durability.

Intent. Use building materials that evoke a sense of permanence and durability and are compatible with downtown Tigard and the surrounding built environment. Windows, doors, roofs, and weather protection shall appear to be an integral part of the building design.

Examples:



6. Provide adequate outdoor spaces.

Intent. Assure new residential units have adequate private and shared outdoor space. (Ord. 10-02 §2)

18.610.055 Signs

- A. Sign standards. In addition to the requirements of Chapter 18.780 of the development code, the following standards shall be met:

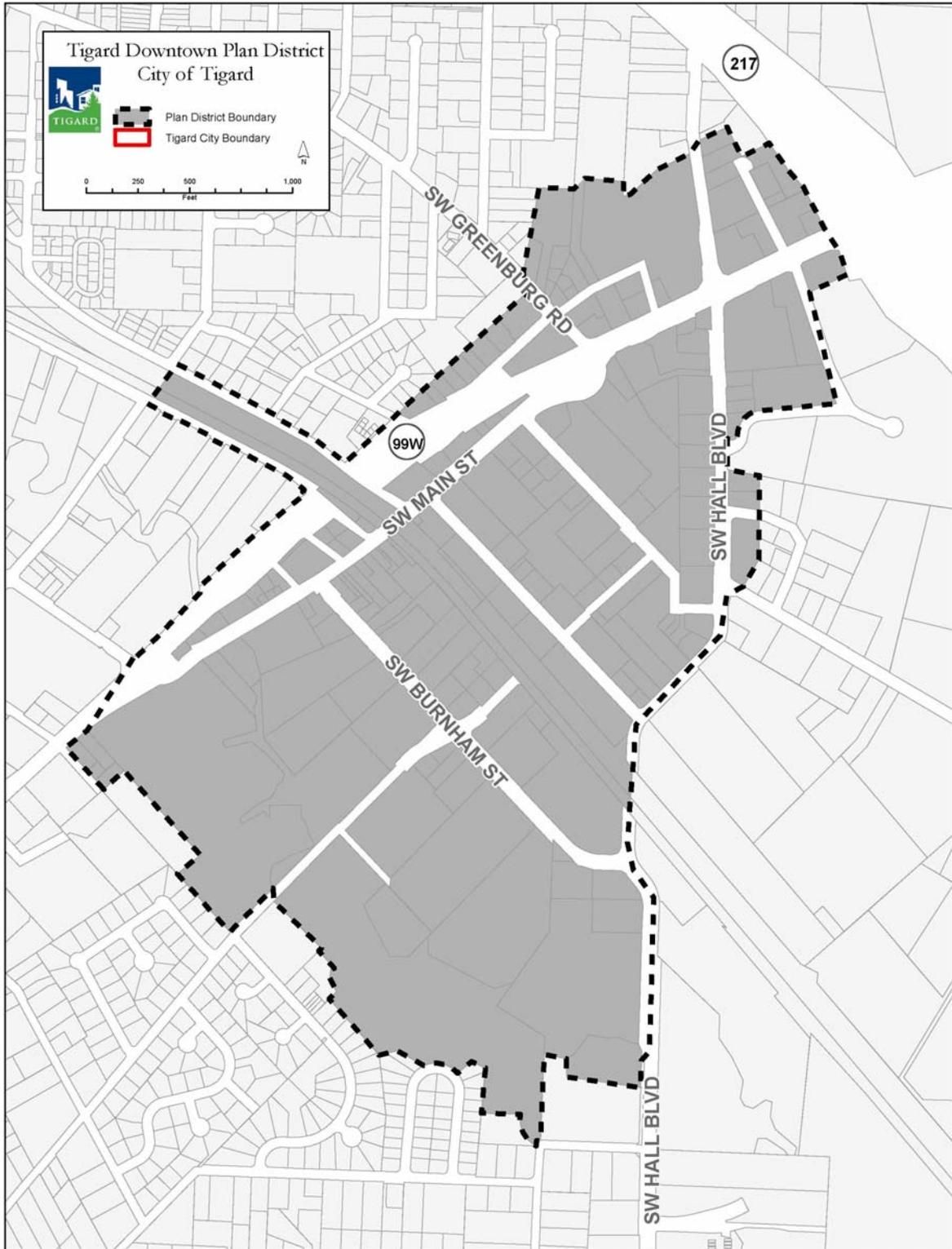
1. Zoning district regulations. Residential-only developments within the MU-CBD zone shall meet the sign requirements for the R-40 zone, 18.780.130.B; nonresidential developments within the MU-CBD zone shall meet the sign requirements for the commercial zones, 18.780.130.C, and the additional requirements below.
2. Sign area limits. The maximum sign area limits are:
 - a. Freestanding signs: 70 square feet per sign face or a total of 140 square feet for all sign faces.
 - b. Wall signs shall not exceed in gross area 15% of any building face on which the sign is mounted.
 - c. All other signs area requirements shall follow Section 18.780.130.C.
3. Height limits. The maximum height limit for all signs except wall signs shall be 20 feet.
4. Sign location. Freestanding signs within the MU-CBD zone shall not be permitted within required L-1 landscape areas.
5. Blade signs are permitted.
 - a. One blade sign (above the walkway and under weather protecting awnings, marquees, and parapets) placed at each entrance to a building is allowed.
 - b. Vertical dimension of a blade sign shall not exceed 1.5 feet and the width may not exceed 90% of the width of the weather protection, for a maximum sign area per sign of 4.5 square feet.
 - c. Height of sign. The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.
 - d. Illumination. The blade sign may be indirectly illuminated.
6. Projecting signs are permitted. A projecting sign not greater than 32 square feet per face or a total of 64 square feet for all sign faces can project up to four feet into the public right-of-way with a 10-foot clearance of the right-of-way.
7. Pedestrian-oriented roof/awning signs are permitted.
 - a. Buildings with a height of 20 feet or less are permitted to have one roof sign which extends above the upper surface of the awning structure or the roof line.

- b. The sign may not exceed two feet above the roof line and may not extend below the roofline.
- c. The maximum sign area is 45 square feet.
- d. The sign must be oriented to the entrance of the building.
- e. The sign may be internally or externally illuminated.
- f. One pedestrian oriented roof/awning sign shall be permitted per tax parcel. (Ord. 10-02 §2)

18.610.060 Off-Street Parking and Loading Requirements

- A. Parking standards. New development in the downtown must conform to the requirements of Chapter 18.765 with the following exceptions.
- 1. Multifamily units. In the MU-CBD zone the minimum parking requirement for all multifamily units shall be 1.0/DU. Adequate provisions for barrier-free parking shall be as required by the state building code. Visitor parking spaces are not required. Bicycle parking requirements shall not be reduced.
 - 2. All other uses. For all other uses the minimum off-street vehicle parking requirements shall be 75% of the total computed from Table 18.765.2. Bicycle parking requirements shall not be reduced.
 - 3. Main Street-Center sub-area. New commercial development up to 20,000 square feet in the Main Street-Center sub-area (shown on Map 18.610.A) shall have no minimum vehicle parking requirements, except that any multifamily units shall have a minimum of 1.0/DU.
 - 4. Fractional space requirements. In the MU-CBD zone, when calculating the total minimum number of vehicle parking spaces required in Table 18.765.2, fractional space requirements shall not be counted as a whole space.
 - 5. Motorcycle/scooter parking may substitute for up to five spaces or five percent of required automobile parking, whichever is less. For every four motorcycle/scooter parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least four feet wide and eight feet deep. Existing parking may be converted to take advantage of this provision.
 - 6. Further adjustments. As provided for in 18.765.070.F, further adjustments to parking standards can be applied for. (Ord. 10-02 §2)

Map 18.610.B: Tigard Downtown Plan District Boundaries



(Ord. 13-04 §1) ■

Chapter 18.780
SIGNS

Sections:

18.780.010	Purpose
18.780.012	Effective Date of this Chapter
18.780.015	Definitions
18.780.020	Permits Required
18.780.030	Permit Approval Process
18.780.040	Expiration of Approval: Standards for Extension of Time
18.780.050	Inspections
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18.780.070	Certain Signs Prohibited
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18.780.100	Temporary Signs
18.780.110	Nonconforming Signs
18.780.120	Sign Removal Provisions: Nonconforming and Abandoned Signs
18.780.130	Zoning District Regulations
18.780.140	Sign Code Adjustments

18.780.010 Purpose

A. General purposes. The purposes of this chapter are:

1. To protect the health, safety, property and welfare of the public;
2. To promote the neat, clean, orderly and attractive appearance of the community;
3. To accommodate the need of sign users while avoiding nuisances to nearby properties;
4. To insure for safe construction, location, erection and maintenance of signs;
5. To prevent proliferation of signs and sign clutter; and
6. To minimize distractions for motorists on public highways and streets.
7. To regulate solely on the basis of time, place and manner of a sign, not on its content.

B. Sign quality. In addition, it is the purpose of this chapter to regulate the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs visible from public property or from public rights-of-way.

C. Compliance with other laws and regulations. It is not the purpose of this chapter to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other ordinance, or state or federal law. (Ord. 04-03)

18.780.012 Effective Date of this Chapter

All references made in this chapter to the effective date of this chapter shall mean November 9, 1983, unless otherwise specifically stated in an ordinance revision.

18.780.015 Definitions

A. Definitions. As used in this title, unless the context requires otherwise, the following words and phrases shall have the meanings set forth in this chapter. The definitions to be used in this chapter are in addition to Chapter 18.110, Definitions, and are as follows:

1. “‘A’-frame sign” means any double face temporary rigid sign.
2. “Abandoned sign” means a structure not containing a sign for 90 continuous days or a sign not in use for 90 continuous days.
3. “Area” - see Section 18.780.085 for definition of sign area.
4. “Awning sign” means a wall sign incorporated into or attached to an awning.
5. “Balloon” - see “Temporary sign.”
6. “Banner” - see “Temporary sign.”
7. “Bench sign” means a bench designed to seat people with a sign painted or affixed on the surface.
8. “Billboard” means a freestanding sign in excess of the maximum size allowed, with adjustments, in the locations where it is located or proposed to be located. Billboards are prohibited by Tigard Municipal Code 18.780.070.M, Certain Signs Prohibited.
9. “Building official” means officer or designee of the city empowered to enforce the Uniform Building Code.
10. “Business” means all of the activities carried on by the same legal entity on the same premises and includes charitable, fraternal, religious, educational or social organizations. “Legal entity” includes, but is not limited to, individual proprietorships, partnerships, corporations, nonprofit corporations, associations or joint stock companies.
11. “Construct” means every type of display in the form of letters, figures, characters and/or representations.
12. “Cultural institution auxiliary sign” means a sign placed and maintained by, or on behalf of, a subordinate commercial use in a cultural institution.
13. “Cutout” means every type of display in the form of letters, figures, characters and/or representations in cutout or irregular form attached to or superimposed upon a sign.
14. “Development review” means the site development review process set forth in Chapter 18.360.
15. “Directional sign” means a permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

16. “Display surface” means the area made available by the sign structure for the purpose of displaying the advertising or identification message.
17. “Electrical sign” means any sign utilizing electrical wiring.
18. “Electronic information sign” means signs, displays, devices or portions thereof with lighted messages that change at intermittent intervals, each lasting more than two seconds, by electronic process or remote control. Electronic information signs are not identified as rotating, revolving or moving signs. Also known as an automatic changeable copy sign or electronic variable message center.
19. “Entryway sign” means a sign placed by the city at an entry to the city.
20. “Face of a building” means all windows and wall areas of a building in one or more parallel planes.
21. “Flashing sign” means any sign which is illuminated by an intermittent or sequential flashing light source whose interval is two seconds or less in duration, or which is in any other way animated so as to create the illusion of movement without actual physical movement or the illusion of a flashing or intermittent light or light source.
22. “Flush pitched roof sign” means a sign attached to a mansard or similar type of vertically aligned roof.
23. “Freestanding sign” means a sign erected and mounted on a freestanding frame, mast or pole and not attached to any building.
24. “Freeway interchange” means any intersection of an exit off-ramp of Interstate Highway 5 or State Highway 217 with a surface street.
25. “Freeway-oriented sign” means a sign primarily designed to be read by a motorist traveling on a highway designated by the Oregon State Highway Department as a freeway or expressway; specifically, these shall be Interstate 5 and Oregon State Highway 217, and shall not include Highway 99W.
26. “Frontage” means the length of the property line of any one premises along a public roadway.
27. “Housing complex” means a grouping of one or more single-family attached residential units or one or more multifamily residential units.
28. “Immediate or serious danger” means:
 - a. Whenever any portion of the structure is damaged by fire, earthquake, wind, flood or other cause, and any member or appurtenance is likely to fail, become detached or dislodged, or to collapse and thereby injure persons or damage property;
 - b. Whenever any portion of the structure is not of sufficient strength or stability or is not so anchored, attached or fastened in place as to be capable of resisting a wind pressure of one-half of that specified in the Uniform Building Code for this type structure or similar structure, and will not exceed the working stresses permitted in the Uniform Building Code for such structures; and

- c. Whenever the location of the sign structure obstructs the view of motorists traveling on the public streets or private property, and thus causes damage to property or thereby injures persons.
29. “Industrial park” means a parcel of land which complies with the requirements set forth in Chapter 18.530.
30. “Lawn sign” - see “Temporary sign.”
31. “Lighting methods” means:
- a. Direct - exposed lighting or neon tubes on the sign face;
 - b. Flashing - lights which blink on and off randomly or in sequence;
 - c. Indirect or external - the light source is separate from the sign face or cabinet and is directed so as to shine on the sign; and
 - d. Internal - the light source is concealed within the sign.
32. “Maintenance” means normal care needed to keep a sign functional such as cleaning, oiling, changing and repair of light bulbs and sign faces. Does not include structural alteration.
33. “Nonconforming sign” means a sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site.
34. “Non-structural trim” means the moldings, battens, caps, nailing strips and latticing, letters and walkways which are attached to a sign structure.
35. “Painted wall decorations” means displays painted directly on a wall, designed and intended as a decorative or ornamental feature. Decorations may also include lighting.
36. “Painted wall highlights” means painted areas which highlight a building’s architectural or structural features.
37. “Painted wall sign” means a sign applied to a building wall with paint and which has no sign structure.
38. “Person” means individuals, corporations, associations, firms, partnerships and joint stock companies.
39. “Premises” means one or more lots on which are constructed or on which are to be constructed a building or a group of buildings designed as a unit.
40. “Projecting sign” means a sign attached to a building other than a wall sign in which the sign face is not parallel to the wall. Such sign shall not project above the wall of the building to which it is attached, except where there is an existing parapet.
41. “Projection” means the distance by which a projecting sign extends from a building.

42. “Reader-board sign” means any sign with changeable copy or a message, except electronic information signs.
43. “Roof line” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.
44. “Roof sign” means a sign erected fully upon or directly above a roof line or parapet of a building or structure. Exceptions: include approved temporary balloons, signs attached to existing architectural features and flush mounted “roof” signs.
45. “Rotating, revolving or moving sign” means any sign, or portion of a sign, which moves in any manner.
46. “Shopping center” means developments of not less than eight business units.
47. “Shopping plaza” means developments of between two and seven business units.
48. “Sign” means materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, another property or from the air.
49. “Sign structure” means any structure which supports or is capable of supporting any sign as described in the Uniform Building Code. A sign structure may be a single pole and may or may not be an integral part of a building.
50. “Structural alteration” means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.
51. “Surface street” means a street which does not have limited access and which is not a freeway or expressway.
52. “Temporary sign” means any sign, banner, lawn sign or balloon which is not permanently erected or permanently affixed to any sign structure, sign tower, the ground or a building:
 - a. Balloon - an inflatable, stationary temporary sign anchored by some means to a structure or the ground. Includes simple children’s balloons, hot and cold air balloons, blimps and other dirigibles;
 - b. Banner - a sign made of fabric or other nonrigid material with no enclosing framework;
 - c. Lawn sign - temporary signs placed on private property supported by one stick, post, rod, or A-frame in or on the ground. A lawn sign in residential zones is exempt from sign permit requirements provided the size requirements in Section 18.780.060 can be met. A lawn sign in commercial or industrial zones is subject to temporary permit requirements as provided for in Section 18.780.100.
53. “Tenant sign” means a sign placed in control of a current tenant or property owner.
54. “Uniform building code” means the most recent structural and specialty Oregon Uniform Building Code as adopted by the Oregon Department of Commerce, and which Uniform Building

Code, by this reference, is incorporated in this title to the extent of specific citations thereof in this title.

55. “Wall sign” means any sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

B. General rule. For the purpose of this chapter, words used in the present tense include the future, the singular number includes the plural, “shall” is mandatory and not directory, and “building” includes “structures” except “sign structures.” (Ord. 09-13; Ord. 06-13, Ord. 06-09, Ord. 04-03, Ord. 04-02)

18.780.020 Permits Required

A. Compliance with regulations. No sign or sign structure shall hereafter be erected, re-erected, constructed, structurally altered or relocated within the city limits except as provided by this title, and a permit for the same sign or sign structure has been issued by the director.

B. Separate permits for each sign. A separate permit shall be required for each sign or signs for each business entity and a separate permit shall be required for each group of signs on a single supporting structure.

C. Compliance with state building code. Separate structural permits under the state building code shall also apply.

D. Electrical permit required. An electrical permit shall be obtained for all illuminated signs, from the enforcing agency subject to the provisions of the state electrical code.

E. Retroactive sign permits. The director may require application for sign permits for all signage at a given address if no existing permits previously had been approved or documented. (Ord. 09-13)

18.780.030 Permit Approval Process

A. Permits for existing signs. Permits for modification of existing signs, or to legalize signs for which a permit was not obtained when it was constructed, will be processed by means of a Type I procedure, as governed by Section 18.390.030, using the requirements of this chapter as approval criteria.

B. Permits for new signs. Permits for new signs will be processed by means of a Type I procedure, as governed by Section 18.390.030, using the requirements of this chapter as approval criteria.

C. Site plan. The applicant shall submit a proposed sign site plan. The director shall provide the applicant with detailed information about this submission requirement.

18.780.040 Expiration of Approval—Standards for Extension of Time

A. Expiration of approval. Sign permit approval shall be effective for a period of 90 days from the date of approval.

B. Reasons for lapsing. The sign permit approval shall lapse if:

1. Substantial construction of the approved plan has not begun within the 90-day period; or
2. Construction on the site is a departure from the approved plan.

- C. Extension of approval. The director shall, upon written request by the applicant, grant an extension of the approval period not to exceed 90 days provided that:
1. No changes are made on the original sign permit plan as approved;
 2. The applicant can show intent of initiating construction of the sign within the 90-day extension period; and
 3. There have been no changes in the applicable policies and ordinance provisions and state building code provisions on which the approval was based.

18.780.050 Inspections

- A. Construction inspection. General requirements for the inspection of signs during and following construction:
1. All construction work for which a permit is required shall be subject to an inspection by the building official in accordance with the state building code and this title:
 - a. A survey of the lot or proposed location for sign erection may be required by the building official to verify compliance of the structure with approved plans; and
 - b. Neither the building official nor the jurisdiction shall be liable for expense or other obligations entailed in the removal or replacement of any material required to allow inspection.
- B. Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired.
- C. Required interim inspections.
1. Reinforcing steel or structural framework of any part of the proposed structure shall not be covered or concealed without first obtaining approval of the building official;
 2. Foundation inspections shall be made after all required excavations, form work and bolt settings are completed and ready to receive concrete;
 3. All anchorages shall be left exposed for inspection;
 4. Electrical inspection shall be made by the agency issuing electrical permits.
- D. Final inspections. Final inspection shall be called for by the applicant when all work is completed. This inspection shall cover all items required by the building official under state law or city ordinances such as the locations, landscaping if required, and general compliance with the approved plans and requirements of this title.
- E. Director's inspection. The director is authorized and directed to enforce all of the provisions of this chapter:
1. All signs for which permits are required shall be inspected by the director; and

2. Upon presentation of proper credentials, the director may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon the position by this chapter.

18.780.060 Permit Exemptions

A. Exemptions from permit requirements. The following signs and operations shall not require a sign permit but shall conform to all other applicable regulations of this chapter and the provisions of Subsection B of this section:

1. Lawn signs which do not exceed the maximum allowable area on one premises regardless of the number of signs as follows:
 - a. A total of 24 square feet in residential zones;
 - b. A-frame signs shall be no greater than six square feet per face in any residential zone. Lawn signs shall not exceed 12 square feet per face in the R-1, R-2, R-3.5, R-4.5, and R-7 zones. Lawn signs shall be placed on private property and not within the public right-of-way nor shall such signs obstruct the clear vision area described in Chapter 18.795. A-frame signs are permitted only between the hours of 8 a.m. and 6 p.m.;
2. Signs not oriented or intended to be legible from a right-of-way, other property or from the air;
3. Signs inside a building, except for strobe lights visible from a right-of-way, other property or from the air;
4. Painted wall decorations;
5. Painted wall highlights;
6. Signs affected by stipulated judgments to which the city is a party, entered by courts of competent jurisdiction;
7. Directional signs;
8. Interior window signs;
9. Nothing in this title shall prevent the erection, location or construction of directional signs on private property when such signs are solely designed to direct pedestrians or vehicular traffic while on the parcel of real property on which the signs are located. No sign permit or fee shall be required for such signs; and
10. Nothing in this title shall prevent the erection, location or construction of signs on private property where such erection, construction or location is required by any law or ordinance, nor shall any public agency or utility be prohibited from erecting signs on private property when otherwise permitted. No sign permit or fee shall be required for such signs.

B. Requirements for exempted signs. All signs exempt from permit requirements under Subsection A above shall meet the following requirements:

1. The sign shall be erected on private property with the consent of the lawful possessor of the property and shall not be placed on utility poles or in the public right-of-way; and

2. At least one sign shall be permitted per parcel of land; additional signs on such parcel shall be spaced at least 50 feet apart in residential zoning districts and 30 feet apart in nonresidential zoning districts.

C. Exceptions. The sign permit provisions of this section shall not apply to repair, maintenance or change of copy on the same sign (including, but not limited to the changing of a message on a sign specifically designed and permitted for the use of changeable copy), or unlawfully erected or maintained signs. (Ord. 04-02)

18.780.070 Certain Signs Prohibited

A. Prohibited display of flags and banners. It is a violation of this chapter to erect or maintain strings of pennants, banners or streamers, festoons of lights, clusters of flags, strings of twirlers or propellers, flashing or blinking lights, flares, balloons and similar devices of carnival character. Exceptions include:

1. National, state and institutional flags properly displayed;
2. Signs and banners approved as temporary signs; and
3. Balloons as allowed in 18.780.090.C.

B. Unsafe signs or improperly maintained signs. No sign shall be constructed, erected or maintained unless the sign and sign structure is so constructed, erected and maintained as to be able to withstand the wind, seismic and other requirements as specified in the state building code or this title.

C. Signs at intersections. No sign shall be erected at intersections of any streets in such a manner as to materially obstruct free and clear vision. All signs shall be consistent with Chapter 18.795 of this title:

1. No sign shall be erected at any location where, by reason of the position, shape or color, that interferes with, obstructs the view of, or could be confused with any authorized traffic signal or device; and
2. No sign shall be erected which makes use of the word “stop,” “look,” “danger,” or any other similar word, phrase, symbol, or character in such manner as is reasonably likely to interfere with, mislead or confuse motorists.

D. Obscenity. No sign shall bear or contain statements, words or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is utterly without redeeming social value.

E. Traffic obstructing signs. No sign or sign structure shall be constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

F. Bare light bulbs. Strings of bare lights shall not be constructed, erected, or maintained within view of any private or public street or right-of-way except if designed as part of a structure’s architectural design. This subsection shall not apply to lighting displays as described in subsection A.2 of this

section.

- G. Roof signs. Roof signs of any kind are prohibited, including temporary signs with the sole exception of approved temporary balloons.
- H. Revolving signs. Revolving, rotating or moving signs of any kind are prohibited.
- I. Flashing signs. A sign which displays flashing or intermittent or sequential light, or lights of changing degrees or intensity, with each interval in the cycle lasting two seconds or less. Exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights, or similar devices shall be prohibited.
- J. Temporary signs with illumination or changeable copy. A sign not permanently erected or affixed to any sign structure, sign tower or building which is an electrical or internally illuminated sign or a sign with changeable message characteristics.
- K. Right-of-way. Signs in the public right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency.
- L. Signs on a vehicle. Any sign placed on or painted on a motor vehicle or trailer, as defined by ORS Chapter 801, with the primary purpose of providing a sign not otherwise allowed for by this chapter.
- M. Billboards. Billboards are prohibited. (Ord. 09-13)

18.780.080 Sign Illumination

- A. Surface brightness. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliamperes fluorescent light sources spaced not closer than eight inches, center on center.
- B. No exposed incandescent lamps. Any exposed incandescent lamp which exceeds 25 watts shall not 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 with the exception of electronic information signs.

18.780.085 Sign Measurement

- A. Projecting and freestanding signs.
 - 1. The area of a freestanding or projecting sign shall include all sign faces counted in calculating its area. Regardless of the number of sign cabinets or sign faces, the total allowable area shall not be exceeded.
 - 2. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets or sides:
 - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing and decorative roofing, provided there is no written advertising copy, symbols or logos on such embellishments;
 - b. If the sign is composed of more than two sign cabinets, sign facia or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous

geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of the sign measurement if they do not bear written advertising copy, symbols or logos; and

- c. The overall height of a freestanding sign or sign structure is measured from the grade directly below the sign to the highest point of the sign or sign structure and shall include architectural and structural embellishments.

B. Wall signs.

1. The area of the sign shall be measured as follows:

- a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing and decorative roofing, provided there is no written advertising copy, symbols or logos on such embellishments;
- b. If the sign is composed of individual letters or symbols using the wall as the background with or without added decoration, the total sign area shall be calculated by measuring the area within the perimeter of all symbols and letters or other decoration including logos;
- c. Measurement of the wall area pertaining to flush pitched “roof” signs shall be calculated as if the sign were mounted directly on the wall face immediately below the sign; and
- d. Measurement of the wall area pertaining to awning or canopy signs shall be calculated to include the vertical surface of the awning or canopy on which the sign is to be mounted and the wall surface of the structure to which it is attached.

18.780.090 Special Condition Signs

- A. Applicability. Special-condition signs shall have special or unique dimensional, locational, illumination, maximum number or other requirements imposed upon them in addition to the regulations contained in this chapter.

B. Bench signs.

1. Bench signs shall only be permitted at designated transit stops in commercial, industrial and the R-12, R-25 and R-40 zones where no bus shelter exists:
 - a. There shall be no more than one bench sign per allowable transit stop;
 - b. Placement of the bench sign shall not interfere with pedestrian traffic or be located within a vision clearance area or a public right-of-way unless otherwise determined to be permissible by the city engineer;
 - c. Application for a bench sign shall include the signature of the affected property owner, proof of liability insurance and any required permits from the state highway division or Washington County, where applicable; and
 - d. The sign area shall be limited to a total of 14 square feet.

C. Balloons.

1. One inflatable, stationary balloon or one cluster of children's balloons firmly secured shall be allowed only if all of the following conditions are satisfied:
 - a. A City of Tigard sign permit is obtained for each single or cluster of balloons;
 - b. Each owner or legal occupant of property or a building shall be allowed one balloon per year;
 - c. A balloon sign shall be allowed to remain up for a period of no longer than 10 days per year;
 - d. A permit issued for a balloon will serve as one of the three sign permits allowed per business in a calendar year;
 - e. Balloons may be permitted as roof signs with a city sign permit;
 - f. The size of a balloon shall not exceed 25 feet in height; and
 - g. The balloon shall be secured to a structure on the ground and shall not be allowed to float in the air higher than 25 feet above the nearest building roof line.

D. Electronic message centers.

1. Electronic message center (variable message) sign regulations shall ~~be as follows~~ subject to all of the following restrictions:
 - a. Electronic message center signs shall be permitted only in the C-G, MUC, and MU-CBD zones, and at schools that front an arterial street where the sign is not less than 200 feet from an abutting residential use and is oriented to the arterial street~~;~~
 - b. The maximum height and area of an electronic message center sign shall be that which is stipulated in Section 18.780.130~~;~~ and any other applicable standards of this title;
 - ~~c.~~ Electronic message centers may not be substituted for a nonconforming sign or mounted upon a nonconforming sign or sign structure, unless the sign and sign structure are brought into compliance with all of the provisions of this title;
 - ~~e- d~~ An electronic message center shall be allowed to substitute for one freestanding sign or one wall sign- ~~except in the MUC zone where an electronic message center may only be substituted for one freestanding sign and no other sign type.~~ Electronic message centers shall not be substituted for any other sign types set forth in this title, and shall not be allowed to replace or supplement a billboard, freeway oriented sign, or any other sign types other than those specifically allowed above;
 - ~~d- e~~ One electronic message center sign, ~~shall be either freestanding or wall mounted,~~, shall be allowed per premises~~;~~ and
 - ~~e- f~~ With regard to light patterns:
 - i. Traveling light patterns (“chaser effect”) shall be prohibited;

- ii. Messages and animation shall be displayed at intervals of greater than two seconds in duration.

E. Freestanding freeway-oriented signs.

1. For signs requiring a permit under the Oregon Motorist Information Act, the city will determine pursuant to a Type 1 process whether the sign meets all applicable city standards and provide that determination to any applicant for a state permit consistent with ORS 377.723.
2. Freeway-oriented signs shall be permitted only in the C-G, I-P, I-L and I-H zoning districts.
3. Freeway-oriented signs shall be permitted to be located within 200 feet of Highway 217 and/or Interstate Freeway No. 5 rights-of-way as shown in the freeway-oriented sign (FOS) overlay zone maps in Figure 1. (Figure 1 is on file in the city recorder's office.)
4. One freestanding freeway-oriented sign shall be allowed per premises.
5. The maximum height of a freeway-oriented sign shall not exceed 35 feet from the ground level at its base.
6. For freestanding signs a total maximum sign area of 160 square feet per face (320 square feet total) shall be allowed.
7. Freeway-oriented signs shall be oriented to be viewed from the freeway.
8. In addition to a freeway-oriented sign, each parcel, development complex or premises shall be allowed one freestanding sign provided all other provisions of this chapter can be met and both signs are located on separate frontages with different orientations.
9. Freeway-oriented signs are not permitted as roof, tenant, temporary, balloon, wall and awning signs.

F. Awning signs.

1. Awning signs shall be permitted in all zoning districts;
2. The copy on awning signs may not extend above the upper surfaces of the awning structure. They may be hung below the awning if the sign clears the sidewalk by at least 8-1/2 feet;
3. Awning signs may be internally or externally illuminated; and
4. Awning signs may extend into the public right-of-way 6-1/2 feet or 2/3 of the distance to the roadway, whichever is less. However, no sign may extend within two feet of the roadway. State highway division approval shall be necessary for awning signs on state highways.

G. Flush pitched "roof" sign.

1. Flush pitched roof signs shall be allowed in all zoning districts except residential;
2. The face of flush pitched roof signs may not extend more than six inches above the roof line;

3. Flush pitched roof signs shall be parallel to the building face. They may not extend beyond the building wall. Such surfaces shall be considered part of a wall surface in the calculation of total wall area;
 4. Such signs shall be attached to a mansard or other near vertical roof where the roof angle is greater than 45° from horizontal; and
 5. All code provisions applicable to wall signs shall also be applicable to this type of sign.
- H. Painted wall signs. Wall signs, including symbols or logos, which are painted directly onto the wall surface shall not exceed in gross wall area that percentage normally allowed for a wall sign in that zoning district; however, the vertical dimension of the sign cannot exceed 20% of the height of the wall.
- I. Entryway signs. Entryway signs shall be permitted in all districts.
- J. Cultural institution auxiliary signs.
1. Cultural institution auxiliary signs shall be permitted in all zoning districts.
 2. Cultural institution auxiliary signs are limited to one sign and must be either within the same sign structure as another freestanding sign on the property where the cultural institution is located or on a wall of the primary building of the cultural institution. A wall sign must be consistent in structure and materials with any existing wall sign on the cultural institution. The sign area of a cultural institution auxiliary sign shall not exceed four square feet per face. (Ord. 10-04 §1; Ord. 06-13, Ord. 06-09, Ord. 04-03)

18.780.100 Temporary Signs

- A. Authorization. The director shall be empowered to authorize temporary signs not exempted by Section 18.780.060 by means of a Type I procedure, as governed by Chapter 18.390, using approval criteria contained in Chapter 18.385. The director shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this title.
- B. Expiration.
1. A temporary sign permit shall terminate within 30 days from the date of issuance; and
 2. No permit shall be issued for a period longer than 30 days, but a permit may be reissued by the director for two additional permit periods of 30 days each per calendar year.
- C. Types and locations. Types and locations of temporary signs shall be as follows:
1. The total number of temporary signs issued by permit shall not exceed one for any use at any one period of time; such signs are not permitted for single-family and duplex dwellings. Exempted lawn signs in residential zones are not governed by this provision;
 2. The total area of a temporary sign shall not exceed 24 square feet and no more than 12 square feet per face; such signs are not permitted for single-family and duplex dwellings. The permitted area

for a banner shall be no more than 24 square feet per face with the total sign area not to exceed 24 square feet;

3. See 18.780.015.A.52 for the types of temporary signs which may be approved;
 4. Special event banners to be hung across public right-of-ways may be permitted by the city Manager's designee;
 5. A balloon as provided in 18.780.090.C.
- D. Location. The location of a temporary sign requiring a permit shall be as approved by the director. Exempted lawn signs shall be placed only on private property, outside of the public right-of-way, and may not obstruct the clear vision area.
- E. Attachment. Temporary signs may not be permanently attached to the ground, buildings or other structures. (Ord. 04-02)

18.780.110 Nonconforming Signs

- A. Applicability. For the purposes of this chapter, non-conforming signs will be defined as follows:
1. Except as provided in this chapter, signs in existence on March 20, 1978, in accordance with Ordinance Nos. 77-89 and 78-16, which do not conform to the provisions of this chapter, but which were constructed, erected or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs which may be continued until March 20, 1988.
 2. Signs in existence on January 11, 1971, which do not conform to the provisions of this chapter, but which were constructed, erected or maintained in compliance with all previous regulations, were regarded as nonconforming signs and could be continued for a period of 10 years from January 11, 1971. All such signs which were not brought into compliance with the standards in Ordinance Nos. 77-89 and 78-16 and the extensions granted, are now in violation of this chapter.
 3. Signs located on premises annexed into the city after January 11, 1971, which do not comply with the provisions of this chapter, shall be brought into compliance with this chapter within a period of ten years after the effective date of the annexation.
 4. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter, except the repairing and restoration of a sign on site or away from the site to a safe condition. Any part of a sign or sign structure for normal maintenance shall be permitted without loss of nonconforming status.
- B. Restrictions. For purposes of this title, a sign face or message change shall be subject to the following provisions:
1. A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have been abandoned for greater than 90 days;
 2. A sign face or message change shall be allowed as an alteration only for existing conforming signs and for nonconforming signs prior to their amortization expiration date; and
 3. No sign permit shall be required for allowable sign face or message changes.

- C. Reconstruction. Should a nonconforming sign or sign structure or nonconforming portion of structure be destroyed or repaired by any means to an extent of more than 50% of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this title.
- D. Requirements for conformance. Signs in existence on the effective date of this chapter which do not comply with provisions regulating flashing signs; use of par spotlights or rotating beacons; rotating and revolving signs; flags, banners, streamers, or strings of lights, or temporary or incidental signs; shall be made to conform within 90 days from the effective date of this chapter. (Ord. 04-03)

18.780.120 Sign Removal Provisions—Nonconforming and Abandoned Signs

- A. Conformance required. All signs erected after the effective date of this title, which are in violation of any provisions of this chapter, shall be removed or brought into conformance upon written notice by the director.
- B. Removal. All signs which do not comply with this chapter, but were erected prior to the effective date of the ordinance codified in this chapter, shall be removed or brought into conformance within 60 days from written notice by certified mail given by the director.
- C. Enforcement. If the owner of sign, building, structure or premises fails to comply with the written order, the director may then cite the owner into court subject to Chapter 18.230, Enforcement. The following exceptions apply:
 - 1. Section 18.780.110, Nonconforming Signs, provides for certain time limits and other conditions for certain signs as described therein.
 - 2. Any sign that by its condition or location presents an immediate or serious danger to the public, by order of the building official, shall be removed or repaired within the time the building official may specify. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the building official shall then have the dangerous sign removed and the owner cited for noncompliance and recovery of any damage or expense.
 - 3. All temporary signs shall be removed as provided in 18.780.100.B.1, or in the case of temporary balloons as provided in 18.780.090.C.1.
- D. Responsible party for removal. Any person who owns or leases a nonconforming or abandoned sign or sign structure shall remove such sign and sign structure when the expiration of the amortization period for the sign(s) as provided in Section 18.780.110 has occurred or the sign has been abandoned:
 - 1. If the person who owns or leases such sign fails to remove it as provided in this section, the director shall give the owner of the building, structure or premises upon which such sign is located, 60 days written notice to remove it;
 - 2. If the sign has not been removed at the expiration of the 60 days notice, the director may remove such sign at cost to the owner of the building, structure or premises;
 - 3. Signs which are in full compliance with city sign regulations, which the successor to a person's business agrees to maintain as provided in this chapter, need not be removed in accordance with this section; and

4. Costs incurred by the city due to removal, may be made a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city.

18.780.130 Zoning District Regulations

- A. In the R-7, R-4.5, R-3.5, R-2 and R-1 zones. No sign of any character shall be permitted in an R-7, R-4.5, R-3.5, R-2 or R-1 zone except the following:
1. Wall sign(s) may not exceed a combined total area of four square feet;
 2. Every housing complex shall be allowed one permanent freestanding sign at each entry point to the housing complex from the public right-of-way, with the site properly landscaped, and not exceeding 32 square feet per face in area. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the director considering the purpose of the zone;
 3. Every platted subdivision shall be allowed one permanent, freestanding sign at each entry point to the subdivision from the public right-of-way, with the site properly landscaped and not exceeding 32 square feet per face in area. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the director considering the purpose of the zone;
 4. For nonresidential uses, one illuminated or non-illuminated freestanding sign not exceeding six feet in height and 32 square feet in area per sign face for uses approved under the site development review or conditional use process will be permitted. Wall signs may not exceed five percent of the gross area of the wall face on which the sign is mounted;
 5. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets will be permitted. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 6. The signs specified in 18.780.060.A shall be allowed, subject to any restrictions imposed by this title;
 7. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
 8. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
 9. Special condition signs in accordance with Section 18.780.090; and
 10. Additional permitted sign include awning sign(s) and painted wall sign(s).
- B. In the R-12, R-25 and R-40 zones. No sign shall be permitted in the R-12, R-25 or R-40 zone except for the following:
1. Wall sign(s) may not exceed a combined total area of one square foot per dwelling unit and may not project from the wall face;
 2. Every housing complex shall be allowed one permanent freestanding sign at each entry point to the housing complex from the public right-of-way, with the site properly landscaped and not exceeding 32 square feet in area per sign face. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the director considering the purpose of the zone;

3. Every platted subdivision shall be allowed one permanent freestanding sign at each entry point to the subdivision from the public right-of-way, with the site properly landscaped, and not exceeding 32 square feet in area per sign face. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the director considering the purpose of the zone;
 4. For nonresidential uses, one illuminated or non-illuminated freestanding sign not exceeding six feet in height and 32 square feet in area per sign face for uses approved under the site development review or conditional use process will be permitted. Wall signs may not exceed five percent of the gross area of the wall face on which the sign is mounted;
 5. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets will be permitted. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 6. The signs specified in 18.780.060.A shall be allowed, subject to any restrictions imposed by this title;
 7. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
 8. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
 9. Special condition signs in accordance with Section 18.780.090; and
 10. Additional permitted sign including awning sign(s) and painted wall sign(s).
- C. In the C-G and MU-CBD zones. No sign shall be permitted in the C-G and MU-CBD zones except for the following:
1. Freestanding signs shall have certain limitations and conditions when permitted on properties in commercial zones:
 - a. One multi-faced, freestanding sign shall be permitted subject to conditions and limitations as stated herein,
 - b. A reader-board assembly may be an integral part of the freestanding sign,
 - c. The maximum square footage of signs shall be 70 square feet per face or a total of 140 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space,
 - d. The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved, the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 90 square feet per face or a total of 180 square feet for all faces, and
 - e. Freestanding signs located next to the public right-of-way shall not exceed 20 feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line

or a point 15 feet from the edge of pavement, whichever is less, to a maximum of 22 feet in height;

2. Wall signs.
 - a. Wall signs, including illuminated reader-boards, may be erected or maintained but shall not exceed in gross area 15% of any building face on which the sign is to be mounted,
 - b. Wall signs may not project more than 18 inches from the wall or extend above the wall to which they are attached, and
 - c. If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos, and letters;
3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
4. Electronic message centers per 18.780.090.D shall be permitted;
5. The signs specified in 18.780.060.A shall be allowed, subject to any restrictions imposed by this title;
6. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
7. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
8. Special condition signs in accordance with Section 18.780.090; and
9. Additional permitted sign including awning sign(s), flush pitched "roof" sign(s), freeway-oriented sign(s), tenant sign(s), projecting sign(s), and painted wall sign(s).

D. In the C-P zone. No sign shall be permitted in the C-P zone except for the following:

1. Freestanding signs shall have certain limitations and conditions when permitted on properties zoned C-P including:
 - a. One multifaced, freestanding sign per premises shall be permitted, subject to conditions and limitations as stated herein,
 - b. A reader-board assembly may be an integral part of the freestanding sign,
 - c. The maximum square footage of freestanding signs shall be 32 square feet per face or a total of 64 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space,
 - d. The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved the

measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 52 square feet per face or a total of 104 square feet for all faces, and

- e. Freestanding signs located next to the public right-of-way shall not exceed eight feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement whichever is less to a maximum of 10 feet in height;
2. Wall signs shall have certain limitations and conditions when permitted on properties zoned C-P including:
 - a. Wall signs, including illuminated readerboards, may be erected or maintained but shall not exceed five percent in gross area of any wall face on which the sign is to be mounted,
 - b. Wall signs shall be parallel to the face of the building upon which the sign is located, and
 - c. If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos and letters;
 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 4. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
 5. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
 6. Special condition signs in accordance with Section 18.780.090; and
 7. Additional permitted sign including awning sign(s), flush pitched "roof" sign(s) and painted wall sign(s).
- E. In the C-N and C-C zones. No sign shall be permitted in the C-N and C-C zones except for the following:
1. Freestanding signs shall have certain limitations and conditions when permitted on properties zoned C-N or C-C:
 - a. One multifaced, freestanding sign per premises shall be permitted subject to conditions and limitations as stated herein,
 - b. A reader-board assembly may be an integral part of the freestanding sign,
 - c. The maximum square footage of freestanding signs shall be 32 square feet per face or a total of 64 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space,

- d. The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 52 square feet per face or a total of 104 square feet for all faces, and
 - e. Freestanding signs located next to the public right-of-way shall not exceed 20 feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement whichever is less to a maximum of 22 feet in height;
2. Wall signs shall have certain limitations and conditions when permitted on properties zoned C-N or C-C:
 - a. Wall signs, including illuminated reader-boards, may be erected or maintained but shall not exceed in gross area 10% of any building face on which the sign is to be mounted,
 - b. Wall signs shall be parallel to the face of the building upon which the sign is located, and
 - c. If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos and letters;
 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 4. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
 5. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
 6. Special condition signs in accordance with Section 18.780.090; and
 7. Additional permitted sign including awning sign(s), tenant sign(s), flush pitched "roof" sign(s) and painted wall sign(s).
- F. In industrial zones. No signs shall be permitted in an I-P, I-L or I-H zone except for the following:
1. Freestanding signs shall have certain limitations and conditions when permitted on properties in industrial zones;
 - a. One multifaced, freestanding sign shall be permitted subject to conditions and limitations as stated herein,
 - b. A reader-board assembly may be an integral part of the freestanding sign,
 - c. The maximum square footage of signs shall be 70 square feet per face or a total of 140 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space,

- d. The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved, the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 90 square feet per face or a total of 180 square feet for all faces, and
 - e. Freestanding signs located next to the public right-of-way shall not exceed 20 feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement, whichever is less, to a maximum of 22 feet in height;
2. Wall signs shall have certain limitations and conditions when permitted on properties in industrial zones:
 - a. Wall signs, including illuminated readerboards, may be erected or maintained but shall not exceed in gross area 15% of any building face on which the sign is to be mounted,
 - b. Wall signs may not project more than 18 inches from the wall or extend above the wall to which they are attached, and
 - c. If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos and letters;
 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 4. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
 5. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
 6. Special condition signs in accordance with Section 18.780.090; and
 7. Additional permitted sign including awning sign(s), tenant sign(s), freeway-oriented sign(s), projecting sign(s), flush pitched "roof" sign(s), and painted wall sign(s).
- G. Additional requirements in commercial and industrial zones. If it is determined under the site development review process that the sign's visual appeal and overall design quality would be served while maintaining the intent and purpose of this chapter, an additional 50% of the allowable sign area and 25% of sign height may be permitted. No copy will be permitted in the additional area or height. For purposes of this subsection the word "copy" includes symbols, logos and figures, as well as letters.
1. Each freestanding sign shall be surrounded by an area set aside to protect the sign from vehicles negotiating in the parking area of the business and the area set aside shall be landscaped.

- a. The size and shape of the area set aside and the landscaping shall be represented on the plot plan required by permit and shall be subject to the review and control of the director, under the site development review process; and
 - b. On existing sites where a landscape island is not feasible, the minimum clearance between the lowest portion of a freestanding sign and the ground shall be 14 feet in any vehicle maneuvering area.
2. No freestanding sign, nor any portion of any freestanding sign, shall be located or project over any portion of a street, sidewalk or other public right-of-way or property unless an exception has been granted.
3. When a premises contains more than a single tenant but is not defined as a shopping center, the provisions of a freestanding sign shall take into consideration the need for providing a signing system which is harmonious in appearance and legible:
 - a. The building owner shall provide, at his own expense, a common support for all tenant signage; and
 - b. Up to an additional 50% of sign copy area may be permitted under the site development review process so as to adequately identify the separate tenants when determined that the increased sign area will not be inconsistent with the purpose of this chapter.
4. Shopping centers or industrial parks shall establish a single signing format:
 - a. Up to an additional 50% of sign area may be permitted under the development review process to adequately identify the complex when it can be determined that the increased sign area will not be inconsistent with the purposes of this chapter;
 - b. This increase should be judged according to unique identification needs and circumstances which necessitate additional area to make the sign sufficiently legible; and
 - c. When a shopping center or industrial park has more than one main entrance on separate frontages, a second freestanding sign may be allowed under the site development review process. The two allowable signs shall face separate frontages and are not intended to be viewed simultaneously.
5. Legal owners or occupants of properties or buildings which are in shopping plazas and which are directly located or are proposed to be located on a commercially- and industrially-zoned corner property(ies) (one or more contiguous tax lots located at the intersection of two or more public streets), shall be allowed to have one freestanding sign along each street frontage when all of the following are met:
 - a. A sign permit shall be required for each sign prior to its erection;
 - b. The total combined height of two freestanding signs on the premises shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district;
 - c. Neither of the signs shall exceed the sign height normally allowed in the zoning district in which the signs are located (See Section 18.780.030);

- d. No more than two freestanding signs shall be permitted;
 - e. The two allowable signs shall face separate frontages and are not intended to be viewed simultaneously; and
 - f. All other provisions of this chapter shall apply.
6. Shopping centers in the C-G zoning district shall be entitled to freestanding signage according to the following optional standards:
- a. A maximum of two freestanding signs shall be permitted per roadway frontage provided they can meet both sign area and sign height requirements as set forth in this subsection;
 - b. The combined height of two signs shall not exceed 150% of the sign height normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;
 - c. Total combined sign area for both signs shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the area normally allowed in the same zoning district;
 - d. Neither sign shall pose a vision clearance problem or shall project into the public right-of-way;
 - e. A sign permit shall be required prior to erection of any freestanding sign referred to in this subsection. (Ord. 10-02 §2; Ord. 09-13)

18.780.140 Sign Code Adjustments

- A. Adjustments. The director may grant an adjustment to the requirements of this chapter by means of a Type I or Type II procedure, as governed by Chapter 18.390, using approval criteria in 18.370.020.C.8.
- B. If an adjustment is granted, the rights thereby given to the applicant shall continue to exist and to belong to the applicant or any other owner of the land for a period of 1-1/2 years from the date of final approval:
 - 1. If, at the expiration of 1-1/2 years from the date of approval, construction of the structure or initiation of the use giving rise to the need for the adjustment has not begun, the rights given by the adjustment approval shall terminate without further action by the city; and
 - 2. Said rights shall also terminate at or after the expiration of 1-1/2 years from approval if, though commenced within 1-1/2 years, construction ceases and is not resumed within 60 days. (Ord. 09-13) ■