

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 16-23

AN ORDINANCE AMENDING CHAPTERS 18.130 (USE CATEGORIES), 18.510 (RESIDENTIAL ZONING DISTRICTS), 18.520 (COMMERCIAL ZONING DISTRICTS), 18.610 (TIGARD DOWNTOWN PLAN DISTRICT), AND 18.620 (TIGARD TRIANGLE PLAN DISTRICT) FOR THE PURPOSE OF ADOPTING AN OMNIBUS AMENDMENT PACKAGE TO CLASSIFY ANIMAL BOARDING AS A PERSONAL SERVICE USE CATEGORY, INCREASE HEIGHT LIMITS IN THE MAIN-CENTER SUB-AREA OF THE TIGARD DOWNTOWN PLAN DISTRICT, AND ALLOW MULTI-FAMILY DWELLINGS IN THE GENERAL COMMERCIAL ZONE WITHIN THE TIGARD TRIANGLE (DCA2016-00003). *as amended.*

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 prohibition of animal boarding in commercial zones, height limits in the Tigard Downtown Plan District, and multi-family dwellings in the Tigard Triangle; 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 October 17, 2016 and recommended by unanimous vote that Council approve the proposed code amendment, as amended by Planning Commission; and

WHEREAS, the Tigard City Council held a public hearing on November 1, 2016 to consider the proposed amendments; 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 amendments are 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 October 10, 2016 and included as "Exhibit A" to this Ordinance.

SECTION 2: Tigard Development Code (Title 18) is amended as shown in "Exhibit B" of the Planning Commission Recommendation to the City Council, except that Chapter 18.620 is amended as provided in "Exhibit B-1" rather than shown in Exhibit B.

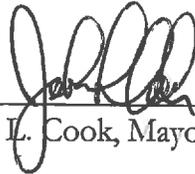
SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 1st day of November, 2016.



Carol Krager, City Recorder

APPROVED: By Tigard City Council this 1st day of November, 2016.



John L. Cook, Mayor

Approved as to form:



City Attorney

11/2/16

Date

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



SECTION I. APPLICATION SUMMARY

CASE NAME: OMNIBUS CODE AMENDMENT PACKAGE

CASE NO.: Development Code Amendment (DCA) DCA2016-00003

PROPOSAL: The proposed legislative amendments to the Tigard Development Code (TDC) would do the following:

1. Amend Chapter 18.130 Use Categories to include animal boarding, when completely enclosed in a building, under the personal services use category; and
2. Amend Chapter 18.610 Tigard Downtown Plan District to increase the height from 45 feet to 80 feet in the Main-Center sub-area; and
3. Amend Chapter 18.620 Tigard Triangle Plan District and Chapter 18.520 Commercial Zoning Districts to allow multi-family dwelling units within the General Commercial (C-G) zone in the Tigard Triangle Plan District.

The proposed text and map amendments for the City Council's review are included in **Attachment 1**, and summarized below in Section IV of this report:

APPLICANT: City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

ZONES: Citywide

LOCATION: Citywide

**APPLICABLE
REVIEW**

CRITERIA: Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning), 9 (Economic Development) and Goal 10 (Housing); Metro's Urban Growth Management Functional Plan, Title 6, Title 7, and Title 8; Comprehensive Plan Goals 1.1.2, 2.1.2, 2.1.3, 2.1.6, 2.1.21, 2.1.23, 9.1.3, 9.1.12, 9.3.1, 10.1.1 10.1.5, 15.1, 15.2.1, 15.2.2, 15.2.6, and 15.2.7 ; and Tigard Development Code Chapters 18.380 and 18.390

SECTION II. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommends approval by ordinance of the proposed development code text amendments (Attachment 1) with any alterations as determined through the public hearing process.

SECTION III. BACKGROUND INFORMATION AND PROJECT SUMMARY

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

1. Amend Chapter 18.130 Use Categories to include animal boarding, when completely enclosed in a building, under the personal services use category ; and
2. Amend Chapter 18.610 Tigard Downtown Plan District to increase the height from 45 feet to 80 feet in the Main-Center sub-area; and
3. Amend Chapter 18.620 Tigard Triangle Plan District and Chapter 18.520 Commercial Zoning Districts to allow multi-family dwelling units within the General Commercial (C-G) zone in the Tigard Triangle Plan District.

DOG BOARDING AS A PERSONAL SERVICE USE

Owners of dog boarding facilities expressed concern to Tigard City Council about the current regulations pertaining to the classification of boarding facilities. According to TDC 18.130.060.B, the boarding of normal household pets is considered an “Animal-Related Commercial” use and is not allowed in the C-N (Neighborhood Commercial), C-C (Community Commercial), C-G (General Commercial), C-P (Professional Commercial), MU-CBD (Mixed-Use Commercial Business District), MUC (Mixed Use Commercial), MUE-1 and 2 (Mixed-Use Employment) and MUR-1 and 2 (Mixed Use Residential) zoning districts. Tigard City Council expressed interest in pursuing this further and asked staff to explore the option of allowing this use in commercial zones provided the impacts could be mitigated. Staff researched several cities to see how animal boarding was being regulated. The comparison of these regulations is listed below:

City	Regulation
Lake Oswego	<ul style="list-style-type: none"> ○ Consider overnight animal boarding to be an “animal boarding facility” <ul style="list-style-type: none"> ▪ Conditionally permitted in industrial zones ▪ Not permitted in commercial zones ○ Consider doggy daycare to be “pet care, daily” <ul style="list-style-type: none"> ▪ Conditionally or outright permitted in commercial zones, depending on the zone and whether or not it’s fully indoors
Beaverton	<ul style="list-style-type: none"> ○ Consider overnight animal boarding with 5 animals or more to be a “animal care, major” <ul style="list-style-type: none"> ▪ Conditionally permitted in all commercial and industrial zones, with the exception of one industrial zone which permits it outright ▪ Not permitted outright in any zone
Hillsboro	<ul style="list-style-type: none"> ○ Consider doggy daycare and overnight animal boarding to be an “animal service facility” <ul style="list-style-type: none"> ▪ Permitted outright, but only indoors in Neighborhood Commercial Zone ▪ Permitted outright, subject to certain restrictions in General Commercial Zone

Portland	<ul style="list-style-type: none"> ○ Consider doggy daycare and overnight animal boarding (with the exception of animal breeding) to be “retail sales and service” <ul style="list-style-type: none"> ▪ Permitted outright or subject to certain limitations in all commercial zones (except the Office Commercial 1 Zone) ▪ Conditionally permitted in all industrial zones
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Based on the research provided above, a majority of the cities classify animal boarding facilities to be some kind of animal related service use with the exception of Portland, which classifies it more generally as service. Lake Oswego prohibits these facilities in all commercial zones, Beaverton allows them only through a conditional use review while Hillsboro and Portland allows them in certain commercial zones.

Staff proposes to classify animal boarding facilities as a “Personal Service” use when all the activities associated with the use, with the exception of parking, are completely enclosed within a building. If classified as a personal service use, animal overnight boarding facilities would be permitted outright in C-N, C-C, C-G, C-P, MU-CBD and MUC commercial zoning districts and permitted subject to certain restrictions in the MUE, MUC-1, MUE-1 and 2 and MUR-1 and 2 commercial districts.

Planning Commission expressed concern that if animal boarding is reclassified as a personal use service use, animal boarding could potentially occur in two residential zones, R-25 and R-40. To address this, Planning Commission revised the proposed amendment to specifically prohibit animal boarding in residential zones. To accomplish this directive, staff added language to footnote 11 in Chapter 18.510 that states “Animal boarding, even if enclosed within a building, is prohibited in residential zones”.

DOWNTOWN TIGARD PLAN DISTRICT HEIGHT LIMITS

In 2010, a new Mixed Use-Central Business District (MU-CBD) zone was instituted. Rather than having a single height limit, the zone was broken down into sub-areas with different building and site development standards including building heights. The Main-Center sub-area centers on Downtown’s historic Main Street. New buildings in the sub-area must include ground floors with commercial storefront features, with residential and commercial uses are permitted on upper floors. □

Much of the rest of the MU-CBD zone retained the 80-foot height limit of the predecessor zone – the Central Business District (CBD). A 45- foot height limit was set in the Main-Center sub-area with the idea that taller buildings might present a visual conflict with the existing one and two story buildings on Main Street.

The 45-foot height limit realistically only allows a 3 story building, due to the requirement that the ground floor in the Main-Center sub-area be 15 feet tall. This reduces the financial feasibility of new construction. Downtown Tigard is a focus area for redevelopment, with an urban renewal district in place. Several redevelopment studies have been undertaken, that have run financial feasibility models for new development. Taller buildings were found to be more financially feasible because more leasable square footage could offset the costs of new construction and the lower rental rates that can be presently achieved in the Downtown.

Returning the 80-foot height limit that was in place for much of the Main-Center sub-area prior to 2010 is in keeping with the area’s designation as a Metro Town Center, a focus area for transit supportive redevelopment.

MULTI-FAMILY DWELLINGS IN THE TIGARD TRIANGLE

The Tigard Triangle Plan District was adopted to develop a mixed-use employment area with a convenient

pedestrian and bikeway system. In addition, the Triangle is within a Metro designated Town Center. Zoning within this district includes both Mixed Use Employment (MUE) and General Commercial (C-G). Multi-family housing is permitted in the MUE zone at 25 units per acre; but is restricted in the C-G zone. The use is permitted only through a Planned Development process; which limits a maximum of 25% of the total gross floor area for multi-family use.

Since the adoption of the Tigard Triangle district, housing development has been limited. However, as demand for housing increases in the Metro region, this is likely to change. In May 2015 the City along with citizens, property owners and businesses developed the Tigard Triangle Strategic Plan, which envisions a vibrant, walkable Triangle with a mix of uses. Plan participants emphasized the importance of providing a variety of housing choices and greater affordability within the Triangle.

Amending the C-G restrictions on multi-family in the Tigard Triangle will encourage housing development that supports the vision for the Triangle and eliminate barriers for providing much needed work-force and affordable housing. The proposed amendment is limited to the C-G zone within the Tigard Triangle; thus multi-family will still be restricted in C-G zones in other areas of the city.

PROPOSED AMENDMENTS

Amend the Tigard Development Code as proposed:

- Text Amendments to Chapter 18.130 (Use Categories) to amend the “Animal-Related Commercial” use category to allow overnight boarding as a “Personal Service” use when all activities, with the exception of parking, are completely enclosed within a building.
- Text Amendments to Chapter 18.510 (Residential Zoning Districts) to amend footnote 11 of Table 18.510.1 with language that states “Animal boarding, even if enclosed within a building, is prohibited in residential zones”.
- Text Amendments to Chapter 18.610 (Tigard Downtown Plan District) to amend 18.610.020.A.1, the sub-area description for Highway 99 and Hall Boulevard Corridor, to correct a typo on line seven by changing “eight stories” to “45 feet” to make the description consistent with the MU-CBD Development Standards Matrix; Table 18.610.1.
- Text Amendments to Chapter 18.610 (Tigard Downtown Plan District) to amend the maximum height standard for the Main-Center sub-area in the MU-CBD Development Standards Matrix; Table 18.610.1, from 45 feet to 80 feet.
- Text Amendments to Chapter 18.520 (Commercial Zoning Districts) to amend footnote 11 of Table 18.520.1 in order to remove the requirement for a Planned Development Review for multi-family housing within the C-G zone within the Tigard Triangle Plan District.
- Text Amendments to Chapter 18.620 (Tigard Triangle Plan District) to add a new Section that would allow multi-family dwelling units in the C-G (General Commercial) zone.

SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

STATEWIDE PLANNING GOALS AND GUIDELINES

State planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with the state land use goals. Because the proposed code amendments have a limited scope and the text amendments address only some of the topics in the Statewide Planning Goals, only applicable statewide goals are addressed below.

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

FINDING: This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390.060 (Type IV Procedures). Notices were sent by US Postal Service on September 28, 2016 to affected government agencies and the latest version of the City's interested parties list. A notice was published in the Tigard Times newspaper prior to the hearing. Project information and documents were published to the City website prior to the public hearing. A minimum of two public hearings will be held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided. This goal is satisfied.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework.

FINDING: The Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process and standards to review changes to the Tigard Development Code in compliance with the Comprehensive Plan and other applicable state requirements. As discussed within this report, the applicable Development Code process and standards have been applied to the proposed amendment. This goal is satisfied.

Statewide Planning Goal 9 – Economic Development:

This goal seeks to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: The Department of Land Conservation and Development has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. Consistency with the City's Comprehensive Plan Economic Development goals and policies is discussed later in this report under Tigard Comprehensive Plan Goal 9.1 and associated policies. This goal is satisfied.

Statewide Planning Goal 10 – Housing:

This goal seeks to provide a variety of needed housing types.

FINDING: The Department of Land Conservation and Development has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. Consistency with the City's Comprehensive Plan Housing goals and policies is discussed later in this report under Tigard Comprehensive Plan Goal 10.1 and associated policies. This goal is satisfied.

CONCLUSION: Based on the findings above and the related findings below, staff finds the proposed code amendments are consistent with applicable Statewide Planning Goals.

METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

State planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with the state land use goals. Because the proposed Code Amendments have a limited scope and the text amendments address only some of the topics in the METRO's Urban Growth Management Functional Plan, only applicable Titles are addressed below.

Title 6: Central City, Regional Centers, Town Centers and Station Communities

Requires local jurisdictions to adopt land use and transportation plans that are consistent with Metro guidelines for designated Town Centers.

FINDING: The Metro 2040 Growth Concept and Framework Plan designates Downtown Tigard as a Town Center. Centers are defined as “compact, mixed-use neighborhoods of high-density housing, employment and retail that are pedestrian-oriented and well served by public transportation and roads.” Downtown Tigard is also a designated Station Community.

Returning the Main Street section of the Main Center sub-area to 80 feet would allow more flexibility in the development of new buildings that will help achieve “compact, mixed-use neighborhoods of high-density housing, employment and retail.” This title is satisfied.

Title 7 – Housing Choice:

This goal ensures that Comprehensive Plans and implementing ordinances provide for a diverse and affordable range of housing.

FINDING: The proposed amendment will permit outright multi-family dwelling units in the C-G zone within the Tigard Triangle Plan District. Currently, the code only allows this type of development through a Planned Development review. The proposed code amendment will make the process for permitting this type of development timelier and less costly.

Returning the Main Street section of the Main Center sub-area to 80 feet would allow more flexibility in the development of new mixed use buildings with upper floor residential that will help provide for a more diverse and affordable range of housing near the transit center in Downtown Tigard, a Metro designated Town Center where new housing will be focused. This title is satisfied.

Title 8 – Compliance Procedures:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

FINDING: This title has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390.060 (Type IV Procedures). Notices were sent by US Postal Service on September 28, 2016 to affected government agencies and the latest version of the City’s interested parties list. A notice was published in the Tigard Times newspaper prior to the hearing. Project information and documents were published to the City website prior to the public hearing. A minimum of two public hearings will be held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided. This title is satisfied.

CONCLUSION: Based on the findings above, staff finds that the proposed code amendment is consistent with Metro’s Urban Growth Management Functional Plan.

TIGARD COMPREHENSIVE PLAN

State planning regulations require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals and consistent with comprehensive plan goals and policies. Because the development code amendments have a limited scope and the text amendments address only some of the topics in the Tigard Comprehensive Plan, only applicable comprehensive plan goals and associated policies are addressed below.

Comprehensive Plan Goal 1: Citizen Involvement

Policy 1.1.2: The City shall define and publicize an appropriate role for citizens in each phase of the

land use planning process.

FINDING: This policy has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390.060 (Type IV Procedures). Notices were sent by US Postal Service on September 28, 2016 to affected government agencies and the latest version of the City's interested parties list. A notice was published in the Tigard Times newspaper prior to the hearing. Project information and documents were published to the City website prior to the public hearing. A minimum of two public hearings will be held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided. This policy is met.

Comprehensive Plan Goal 2: Land Use Planning

Policy 2.1.2: The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.

FINDING: As demonstrated in this staff report, the proposed amendments to the Tigard Development Code are consistent with the Tigard Comprehensive Plan. This policy is satisfied.

Policy 2.1.3: The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.

FINDING: Copies of the proposed text amendments were sent to affected agencies and were invited to comment on the proposal, as required by Section 18.390.060 (Type IV Procedures) and discussed in Section V of this report. Comments submitted by affected agencies have been incorporated into this report and the proposed amendments. This policy is satisfied.

Policy 2.1.6: The City shall promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community's social and fiscal stability.

FINDING: The proposed text amendments will allow for a variety of uses to be located within the City which will result in more taxable economic activity to occur. The proposal includes allowing animal overnight boarding to be a permitted use in most commercial zone. The increase in heights in the Main Street sub-area will also provide for more diverse land uses that may occur downtown. Eliminating restrictions on affordable housing in the Triangle will encourage development of more housing in the district. This policy is satisfied.

Policy 2.1.21 The City shall require all development to conform to site design/development regulations.

FINDING: The proposed amendments do not change the requirements for developments to comply with site design/development regulations. All development shall continue to conform to all regulations. This policy is satisfied.

Policy 2.1.23 The City shall require new development, including public infrastructure, to minimize conflicts by addressing the need for compatibility between it and adjacent existing and future land uses.

FINDING: The proposed amendments allowing animal overnight boarding to be allowed in most commercial zones when the associated activities, with the exception of parking, is completely enclosed within a building. Impacts such as noise and odor, which can result from this type of business is mitigated by the activities being completely contained within a building. This use would not generate greater impacts than other commercial

uses that are currently permitted in commercial zones. This policy is satisfied.

Comprehensive Plan Goal 9: Economic Development

Policy 9.1.5 The City shall promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands.

The City has taken several actions to focus growth in its Metro designated Town Center (Downtown and the Tigard Triangle) where there is much vacant and underutilized land. The raising of the height limit in the Main-Center sub-area would increase the financial feasibility of redeveloping underutilized properties in the area. This policy is satisfied.

Policy 9.1.3: The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.

FINDING: The proposed amendments will remove the requirement for a Planned Development review for multi-family housing within the Tigard Triangle Plan District, which will enable housing projects to be approved through a timelier and less costly process. This policy is satisfied.

Policy 9.1.12: The City shall assure economic development promotes other community qualities, such as livability and environmental quality that are necessary for a sustainable economy.

FINDING: The raising of the height limit in the Main-Center sub-area would promote livability in the downtown by encouraging new development in an area with good walkability, transit access and proximity to the regional Fanno Creek Trail. This policy is satisfied.

Policy 9.3.1: The City shall focus a significant portion of future employment growth and high-density housing developments in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle.

FINDING: The proposed amendments enable multi-family housing to occur in the Tigard Triangle Plan District in a timelier and less costly manner. Raising the height limit in the Main-Center sub-area of the Downtown will provide for higher density housing near the Tigard Transit Center in a Metro-designated Town Center (Downtown). This policy is satisfied.

Comprehensive Plan Goal 10: Housing

Policy 10.1.1: The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing types that met the needs, preferences and financial capabilities of Tigard's present and future residents.

FINDING: The proposed amendments will permit outright multi-family dwelling units in the C-G zone within the Tigard Triangle Plan District. Currently, the code only allows this type of development through a Planned Development review, which limits multi-family to 25% of the gross floor area. The proposed code amendment will make the process for permitting this type of development timelier and less costly. This amendment would assist in providing affordable housing.

Raising the height limit in the Main-Center sub-area of the MU-CBD zone in the Downtown Plan District will increase the financial feasibility for higher density housing and mixed use development near the Tigard Transit Center in a Metro-designated Town Center (Downtown). This policy is satisfied.

Policy 10.1.5: 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 amendments will permit outright multi-family dwelling units in the C-G zone within the Tigard Triangle Plan District, which is part of the Tigard Town Center. Currently, the code only allows this type of development through a Planned Development review. The Planned Development regulations limit multi-family to 25% of the gross floor area. The proposed code amendment will make the process for permitting this type of development timelier and less costly and encourage more affordable housing development within the Triangle.

Raising the height limit in the Main-Center sub-area of the Downtown will support higher density housing near the Tigard Transit Center in a Metro-designated Town Center (Downtown). This policy is satisfied.

Special Planning Area- Downtown

Goal 15.1 The City will promote the creation of a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enable people to live, work, play, and shop in an environment that is uniquely Tigard.

FINDING: Raising the height limit in the Main-Center sub-area of the MU-CBD zone in the Downtown Plan District will increase the feasibility of redevelopment that will create a vibrant and active urban village. This goal is satisfied.

Policy 15.2.1: New zoning, design standards, and design guidelines shall be developed and used to ensure the quality, attractiveness, and special character of the Downtown as the “heart” of Tigard, while being flexible enough to encourage development.

FINDING: Raising the height limit in the Main-Center sub-area of the MU-CBD zone in the Downtown Plan District will allow more flexibility in development by permitting taller buildings while still ensuring the quality, attractiveness, and special character of the Downtown. This policy is satisfied.

Policy 15.2.2: The downtown’s land use plan shall provide for a mix of complementary land uses such as: A. retail, restaurants, entertainment and personal services; B. medium and high-density residential uses, including rental and ownership housing; C. civic functions (government offices, community services, public plazas, public transit centers, etc); D. professional employment and related office uses; and E. natural resource protection, open spaces and public parks.

FINDING: Raising the height limit in the Main-Center sub-area of the MU-CBD zone in the Downtown Plan District will facilitate the development of a mix of complementary land uses, by making such development more financially feasible. This policy is satisfied.

Policy 15.2.6: New housing in the downtown shall provide for a range of housing types, including ownership, workforce, and affordable housing in a high quality living environment.

FINDING: Raising the height limit in the Main-Center sub-area of the MU-CBD zone in the Downtown Plan District will improve the financial feasibility of mixed use buildings with upper floor residential and so provide for a range of housing types in the downtown. This policy is satisfied.

Policy 15.2.7: New zoning and design guidelines on Main Street will emphasize a “traditional Main

Street” character.

FINDING: Many communities in Oregon have traditional Main Streets that allow buildings taller than 45 feet. Design standards including window coverage, traditional storefront appearance will remain in place and will ensure that new buildings to provide a “traditional Main Street character.” This policy is satisfied.

CONCLUSION: Based on the findings above, staff concludes that the proposed code text amendment is consistent with applicable provisions of the Tigard Comprehensive Plan.

APPLICABLE PROVISIONS OF THE TIGARD DEVELOPMENT CODE

Section 18.380: Zoning Map and Text Amendments

18.380.020 Legislative Amendments to this Title and Map

Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

FINDING: The proposed amendments are legislative in nature. Therefore, the amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council. This standard is satisfied.

Section 18.380: Decision Making Procedures

18.390.060 Type IV Procedure

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 are provided in this section for the applicable listed factors on which the recommendation by the Commission and the decision by the Council shall be based. This standard is satisfied.

CONCLUSION: Based on the findings above, staff concludes that the proposed code text amendments are consistent with applicable provisions of the Tigard Development Code.

SUMMARY

CONCLUSION: As shown in the findings above, staff concludes that the proposed amendments are consistent with the applicable Statewide Planning Goals; METRO’s Urban Growth Management Functional Plan; applicable Tigard Comprehensive Plan goals and policies, and the applicable provisions of the City’s implementing ordinances.

SECTION V. AGENCY COMMENTS

City of Portland, City of Beaverton, City of Durham, City of Lake Oswego, City of Tualatin, City of King City, Washington County, METRO, DOGAMI, ODOT, DLCD, DEQ, ODFW, CWS, and Tri-Met were notified of the proposed code text amendment but provided no comment.

ODOT provided comments stating they would like to review the City's Transportation Planning Rule (TPR) 0060 findings. Staff stated that they will provide the findings as soon as they are received from the consultant.

Tualatin Valley Fire and Rescue provided comments stating that they reviewed the proposal

SECTION VI. PUBLIC COMMENTS

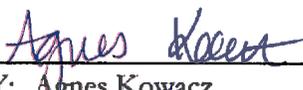
The City received two phone calls inquiring more details on the code amendments and how the regulations were proposed to change. Staff provided additional information and invited them to attend the public hearings.

The Planning Commission heard testimony from four citizens at the public hearing on August 15, 2016. Two citizens spoke in favor of the amendments, one was neutral and the fourth was against the change to the Tigard Triangle Plan District. The testimony was considered by the Planning Commission as they formed their recommendation to Council to approve the proposed amendments. The Commission also decided to make amend Issue 1 as proposed by staff. The Commission directed staff to add language that prohibits overnight dog boarding in residential zones. The Planning Commission Minutes are included as Attachment 2.

ATTACHMENTS:

Attachments:

1. Draft Text Amendments
 - a. 18.130 Use Categories and 18.510 Residential Zoning Districts
 - b. 18.610 Tigard Downtown Plan District
 - c. 18.520 Commercial Zoning Districts and 18.620 Tigard Triangle Plan District
2. Draft October 17, 2016 Planning Commission Minutes



PREPARED BY: Agnes Kowacz
Associate Planner

October 19, 2016
DATE



APPROVED BY: Tom McGuire
Assistant Community Development Director

October 19, 2016
DATE

DCA2016-00003
2016 OMNIBUS CODE AMENDMENT PACKAGE

Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ – Text to be deleted

[Bold, Underline and Italic] – Text to be added

Except from Chapter 18.130 USE CATEGORIES

18.130.060 Commercial Use Categories

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.
 - e. Overnight boarding facilities for household pets when these facilities and all their activities, with the exception of parking, are completely enclosed within a building, shall be considered Personal Service.**

Except from Chapter 18.510 RESIDENTIAL ZONING DISTRICTS

TABLE 18.510.1
 USE TABLE: RESIDENTIAL ZONES

Personal Service is restricted (R) in the R-25 and R-40 zone and is subject to Footnote 11 as follows:

[11] Limited to ground-floor level of multi-family projects, not to exceed 10% of total gross square feet of the building. *Animal boarding, even if enclosed within a building, is prohibited in residential zones.*

**DCA2016-00003
2016 OMNIBUS CODE AMENDMENT PACKAGE**

Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ – Text to be deleted

[Bold, Underline and Italic] – Text to be added

**Chapter 18.610
TIGARD DOWNTOWN PLAN DISTRICT**

Sections:

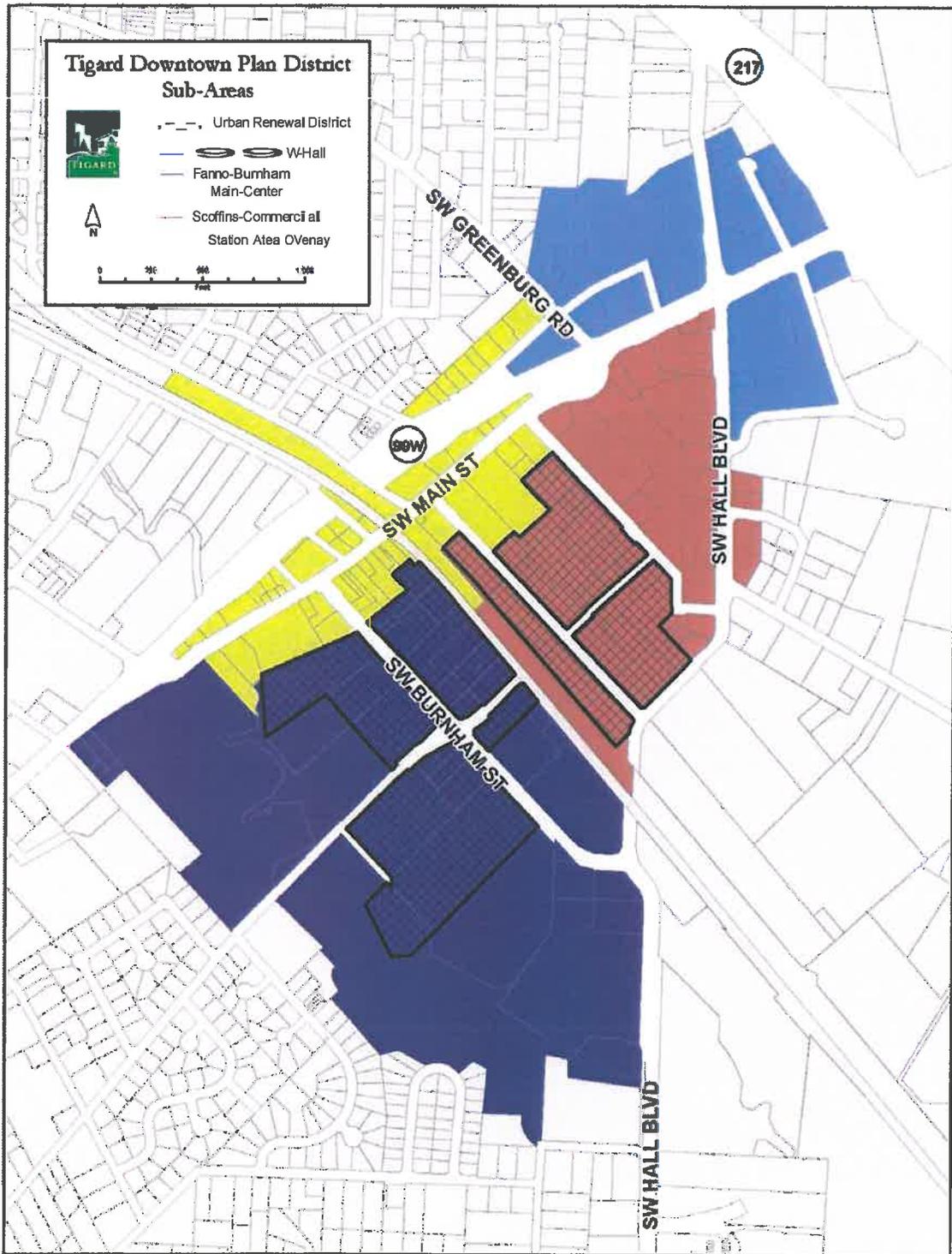
18.610.010	Purpose and Procedures
18.610.015	Pre-Existing Uses and Developments within the Downtown District
18.610.020	Building and Site Development Standards
18.610.025	Connectivity
18.610.030	Building and Site Design Standards
18.610.035	Additional Standards
18.610.040	Special Requirements for Development 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

18.610.020 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~~ **45 feet** 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	45 80 ft.	45 ft.	80 ft.	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.

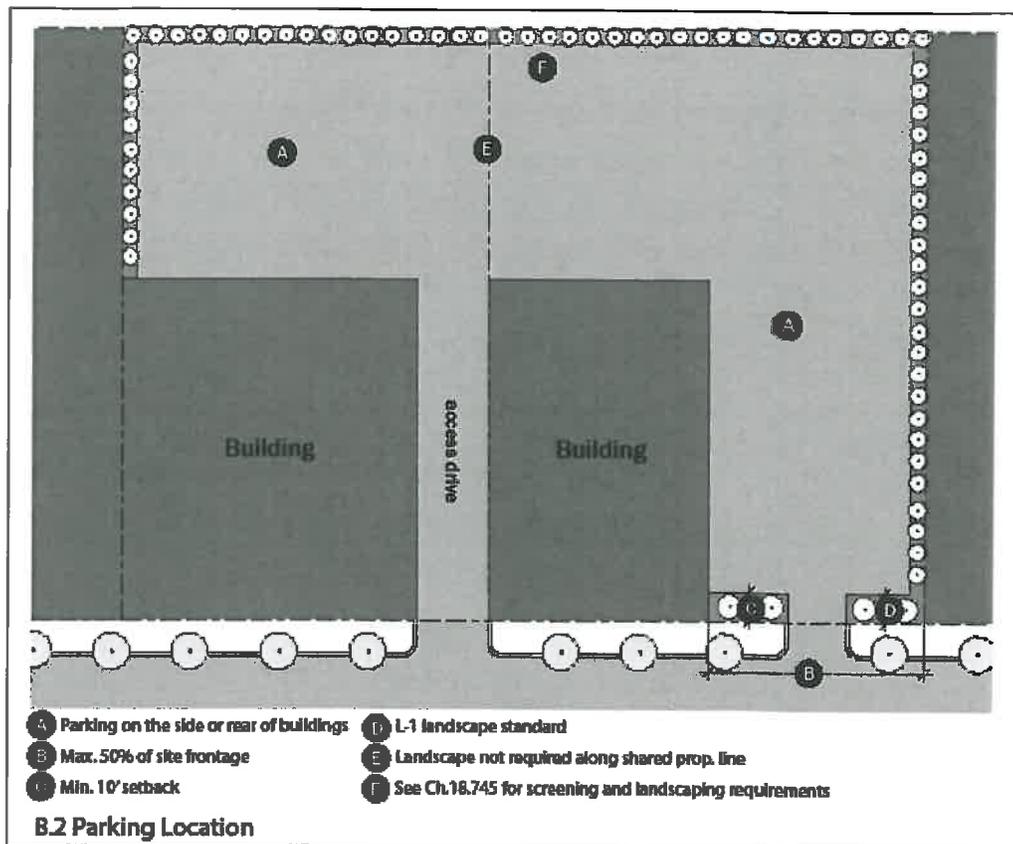
⁶ Station area overlay permits a maximum of 80 units per acre (see Map 18.610A).

⁷ 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.

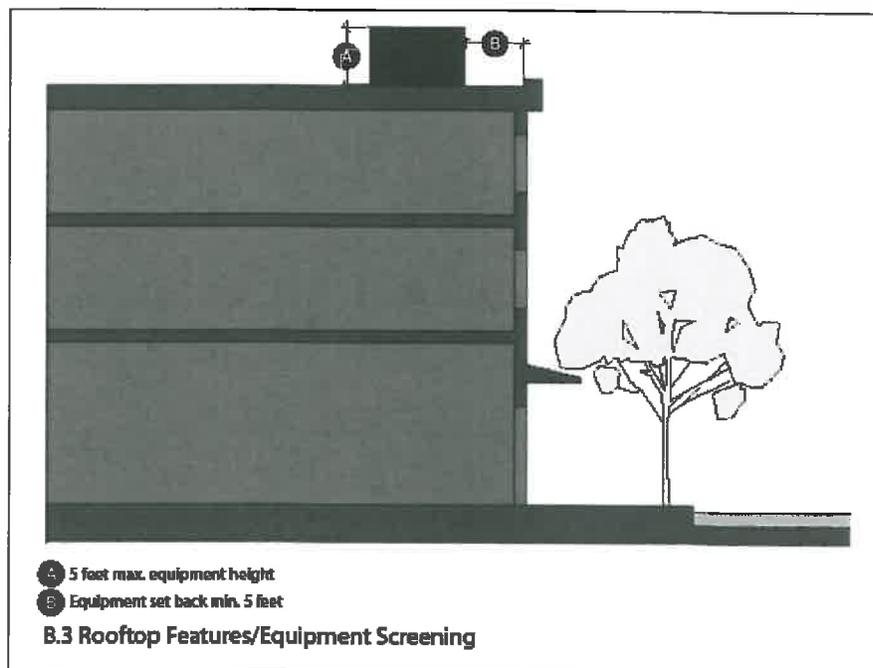
- a. Parking is allowed on the side or rear of newly constructed buildings. If located on the side, the parking area shall not exceed 50% of the total frontage of the site.
- b. Parking is set back a minimum of 10 feet from the front property line.
- c. When abutting a public street, parking areas must 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.

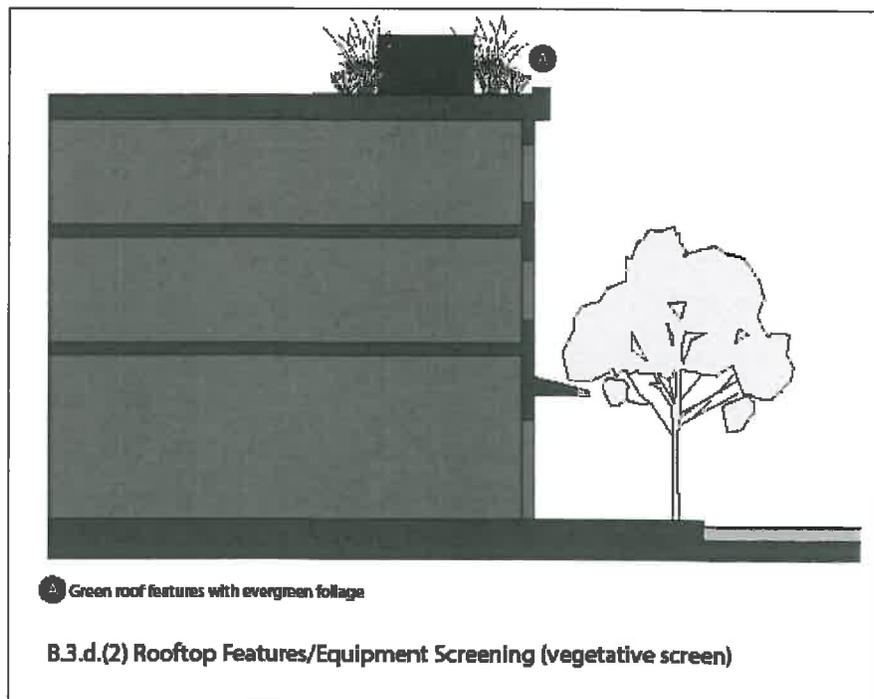
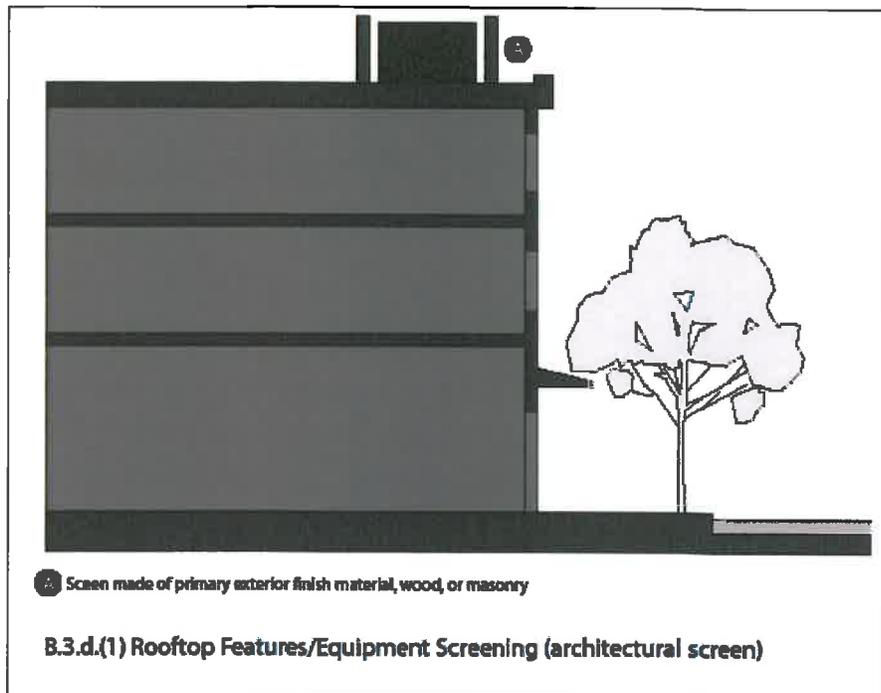


3. Rooftop features/equipment screening.

- 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. 15-05 §2; Ord. 13-04 §1; Ord. 12-13 §1; Ord. 10-02 §2)

**DCA2016-00003
2016 OMNIBUS CODE AMENDMENT PACKAGE**

Explanation of Formatting

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~~Strikethrough~~ – Text to be deleted

[Bold, Underline and Italic] – Text to be added

**Chapter 18.520
COMMERCIAL ZONING DISTRICTS**

TABLE 18.520.1
USE TABLE: COMMERCIAL ZONES

Household Living in the C-G zone is restricted (R) and subject to Footnote 11 as follows:

[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, *unless located within the Tigard Triangle Plan District, where it is permitted outright.*

**Chapter 18.620
TIGARD TRIANGLE PLAN DISTRICT**

Sections:

- 18.620.010 Purpose and Applicability
- 18.620.015 Where These Regulations Apply
- 18.620.018 Additional Allowed Use
- 18.620.020 Street Connectivity
- 18.620.030 Site Design Standards
- 18.620.040 Building Design Standards
- 18.620.050 Signs
- 18.620.060 Entry Portals
- 18.620.070 Landscaping and Screening
- 18.620.080 Street and Accessway Standards
- 18.620.090 Design Evaluation

18.620.018 Additional Allowed Use

In addition to the uses permitted by Chapter 18.520 Commercial Zoning Districts, multifamily dwelling units are permitted in the C-G zone. Minimum and maximum density requirements do not apply to these developments.

Except from Chapter 18.130 USE CATEGORIES**18.130.060 Commercial Use Categories****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.
 - e. Overnight boarding facilities for household pets when these facilities and all their activities, with the exception of parking, are completely enclosed within a building, shall be considered Personal Service.

Excerpt from 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

18.510.030 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							
Transportation/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, storm, sanitary sewers, and other underground infrastructure facilities, 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. Animal boarding, even if enclosed within a building, is prohibited in residential zones.

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. 15-05 §2; Ord. 10-15 §1; Ord. 07-12; Ord. 07-05)

**Chapter 18.610
TIGARD DOWNTOWN PLAN DISTRICT**

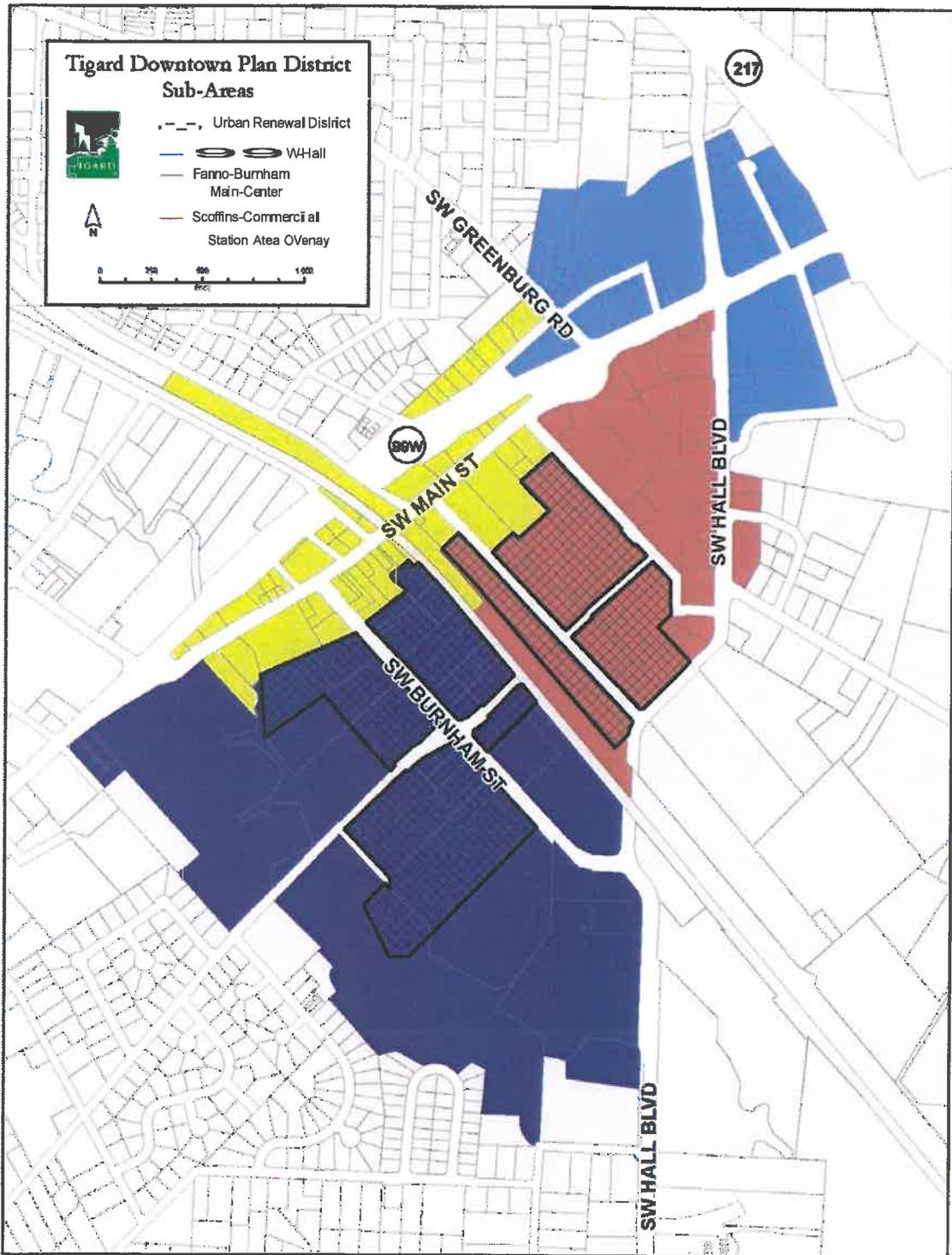
Sections:

18.610.010	Purpose and Procedures
18.610.015	Pre-Existing Uses and Developments within the Downtown District
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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

18.610.020 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 45 feet 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	80 ft.	45 ft.	80 ft.	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.

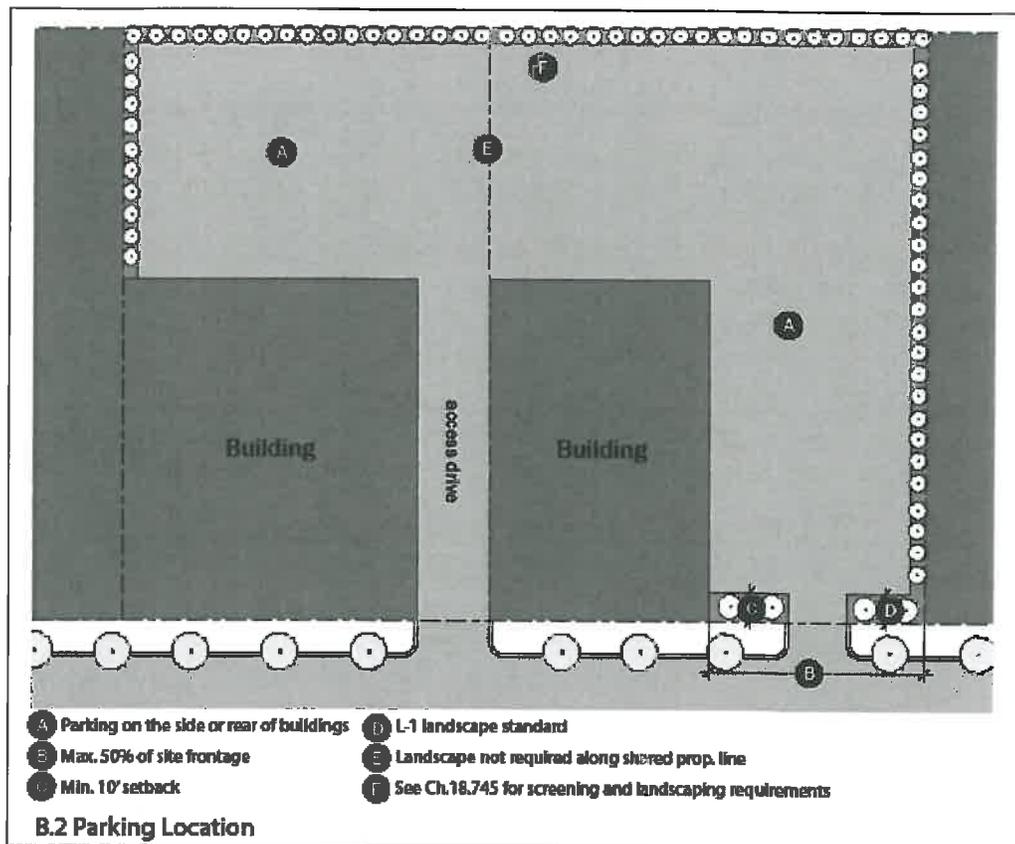
⁶ Station area overlay permits a maximum of 80 units per acre (see Map 18.610A).

⁷ 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.

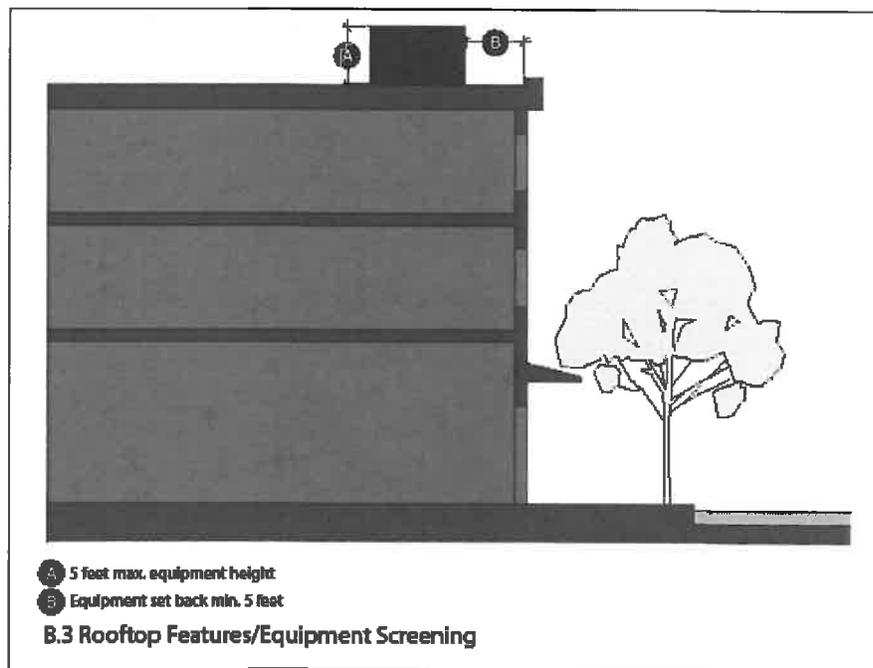
- a. Parking is allowed on the side or rear of newly constructed buildings. If located on the side, the parking area shall not exceed 50% of the total frontage of the site.
- b. Parking is set back a minimum of 10 feet from the front property line.
- c. When abutting a public street, parking areas must 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.

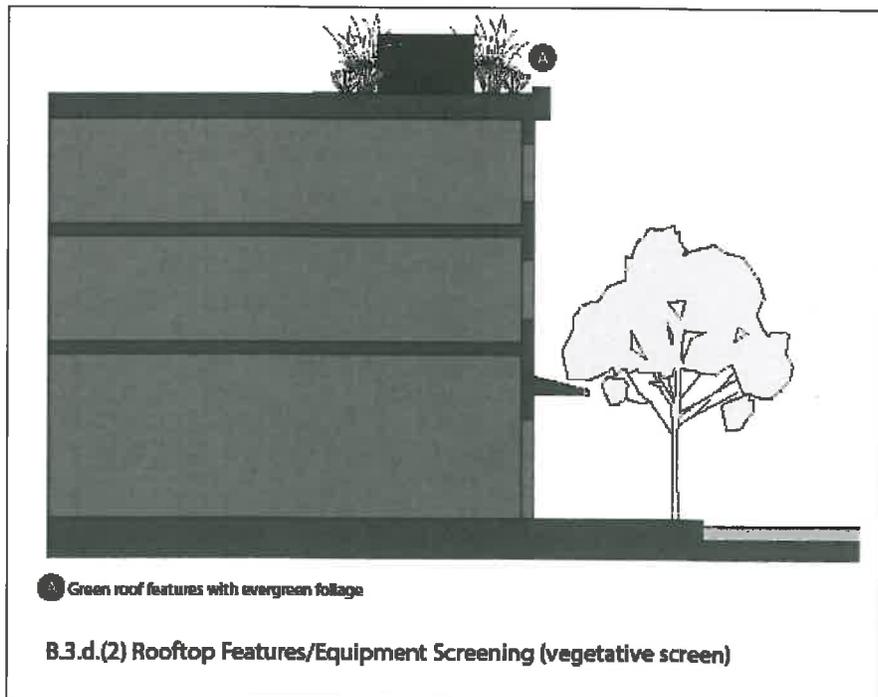
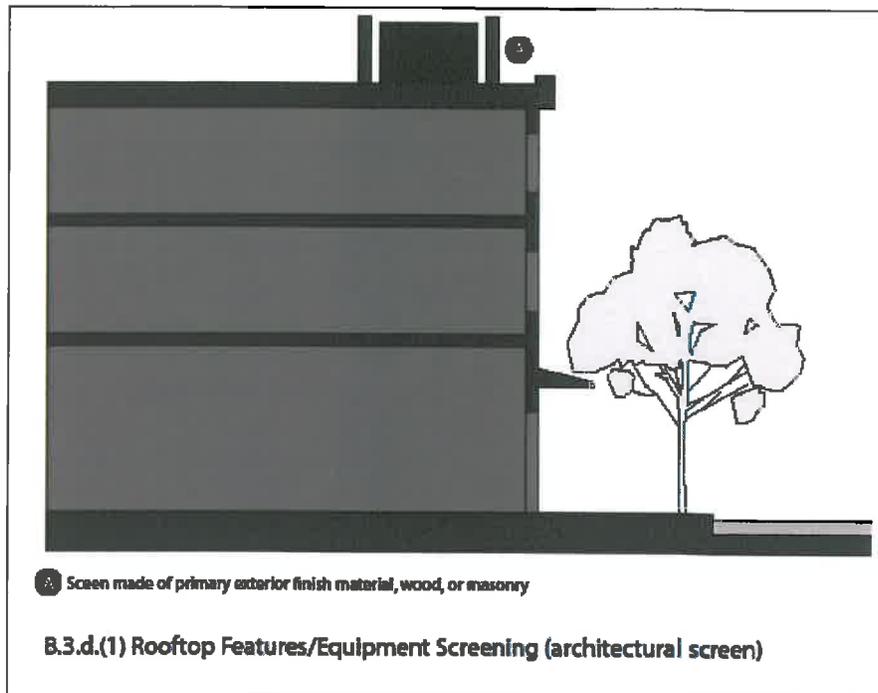


3. Rooftop features/equipment screening.

- 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

Excerpt from 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

18.520.030 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]

EXHIBIT B

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]
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	N	N	N
Cemeteries	N	N	N	N	N	N	N	N	N	N
Detention Facilities	N	N	C	N	C	N	N	N	N	N
Heliports	N	N	C	C	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N	N	N

EXHIBIT B

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⁾
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⁾			
Transportation/Utility Corridors	P	P	P	P	P	P	P	P	P	P

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, unless located within the Tigard Triangle Plan District, where it is permitted outright.
- [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, sanitary sewers, and other underground infrastructure facilities, 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.

(Ord. 15-05 §2; Ord. 10-15 §1; Ord. 10-02 §2; Ord. 09-13; Ord. 02-32

Excerpt from Chapter 18.620 TIGARD TRIANGLE PLAN DISTRICT

*Amended,
See B-1*

Sections:

- 18.620.010 Purpose and Applicability**
- 18.620.015 Where These Regulations Apply**
- 18.620.018 Additional Allowed Use**
- 18.620.020 Street Connectivity**
- 18.620.030 Site Design Standards**
- 18.620.040 Building Design Standards**
- 18.620.050 Signs**
- 18.620.060 Entry Portals**
- 18.620.070 Landscaping and Screening**
- 18.620.080 Street and Accessway Standards**
- 18.620.090 Design Evaluation**

18.620.018 Additional Allowed Use

In addition to the uses permitted by Chapter 18.520 Commercial Zoning Districts, multifamily dwelling units are permitted in the C-G zone through a Planned Development review. Minimum and maximum density requirements do not apply to these developments. The floor area limit on multi-family development provided for in 18.350.040.C.2. shall not apply.

Excerpt from Chapter 18.620 TIGARD TRIANGLE PLAN DISTRICT

Sections:

- 18.620.010 Purpose and Applicability**
- 18.620.015 Where These Regulations Apply**
- 18.620.018 Additional Allowed Use**
- 18.620.020 Street Connectivity**
- 18.620.030 Site Design Standards**
- 18.620.040 Building Design Standards**
- 18.620.050 Signs**
- 18.620.060 Entry Portals**
- 18.620.070 Landscaping and Screening**
- 18.620.080 Street and Accessway Standards**
- 18.620.090 Design Evaluation**

18.620.018 Additional Allowed Use

In addition to the uses permitted by Chapter 18.520 Commercial Zoning Districts, multifamily dwelling units are permitted in the C-G zone through a Planned Development review. Minimum and maximum density requirements do not apply to these developments. The floor area limit on multi-family development provided for in 18.350.040.C.2. shall not apply.