

## CHAPTER 5 - OTHER ISSUES AND PROCEDURES

### 5.000 OTHER PERMIT AND ISSUE DETERMINATIONS

5.010 Residential Accessory Structures. A residential accessory structure is an accessory structure as defined in section 1.020 of this code and includes frame-covered accessory structures. For purposes of these regulations, portable swimming pools less than 24 inches in depth are not considered accessory structures and are not subject to the provisions of this section. Solariums, greenhouses, garages, or other enclosed areas which are attached to the residential structure shall not be considered accessory and shall be subject to the regulatory requirements of the underlying zoning district. The provisions of this section apply only to residential accessory structures.

- A. **Building Permit – When Required.** A building permit is required for any accessory structure over 200 square feet in floor area or over ten feet in height as the term “height” is defined in the Building Code. The building permit application will be evaluated for compliance with the regulatory requirements of this section.
- B. **Development Permit – When Required.** An accessory structure not requiring a building permit shall be required to have a development permit, except as follows:
  - 1. The accessory structure is 120 square feet or smaller in floor area and is eight feet or less in height as measured from the average adjacent grade to the highest point of the wall of the structure and is ten feet or less in height as measured from the average adjacent grade to the highest point of the roof of the structure.
  - 2. The accessory structure is a frame-covered structure that is 200 square feet or smaller in floor area and is eight feet or less in height as measured from the average adjacent grade to the highest point of the wall of the structure and is ten feet or less in height as measured from the average adjacent grade to the highest point of the roof of the structure.
  - 3. The accessory structure is a patio cover that is 200 square feet or smaller in floor area.
  - 4. The accessory structure is an arbor that is ten feet or less in height.
  - 5. The regulatory requirements of subsection C apply even when a development permit is not required.
- C. **Regulatory Requirements.** No accessory structure shall be erected or maintained, and no existing accessory structure shall be structurally altered, converted, enlarged, moved, or maintained unless such accessory structure is located on the lot in conformance with the following:
  - 1. Cargo shipping containers are not permitted as accessory structures on residential lots.

2. No single accessory structure may exceed 1,000 square feet in floor area.
3. The cumulative area of detached accessory structures shall not exceed 25% of the gross lot area, nor 50% of the area of the required rear yard.
4. The maximum height of a detached accessory structure shall be 20 feet, provided the accessory structure meets the side and rear yard setbacks of the underlying zoning district.
5. A detached accessory structure which does not meet the underlying side and rear yard setbacks shall not exceed ten feet in height as measured from the average adjacent grade to the highest point of the roof of the building.
6. Accessory structures shall comply with the setback requirements for the main building except where specifically modified by this section. For purposes of this subsection C, the measurement shall be applied to projecting building features, if any, such as eaves, rain gutters, or other similar features.
7. No accessory structure shall be located in a required front yard setback or between the street and front building plane of the dwelling.
8. No accessory structure shall encroach on an active easement of record. An active easement is an easement containing one or more public utilities.
9. Rear Yard Setback. An accessory structure that is ten feet or less in height as measured from the average adjacent grade to the highest point of the roof of the structure may be constructed as close as three feet to a rear property line, provided that it does not encroach on an active easement.
10. Side Yard Setback. An accessory structure of 120 square feet or smaller in floor area and ten feet or less in height as measured from the average adjacent grade to the highest point of the roof of the structure may be constructed as close as three feet to a side property line provided that it does not encroach on an active easement. An accessory structure greater than 120 square feet in floor area or greater than ten feet in height must comply with the setback of the underlying zoning district.
11. Street Side Yard Setback. An accessory structure on a corner lot shall meet a minimum street side yard setback of ten feet except for private vehicle storage. Accessory structures for private vehicle storage which have an entrance from the street side yard shall have a minimum street side yard setback of 18 feet. Vehicle access from the side street must be approved by the Public Works Director and constructed to City standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 705, ef. 5/10/01; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 770, ef. 2/23/06; Amended by Ord. 806, ef. 5/26/11]

### 5.020 Exceptions to Yard Requirements.

- A. **Established Building Lines.** If a previous building line has been established, the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required setback. Corner lots shall not be included in the averaging.
- B. **Projecting Building Features.** The following building features may project into required yards, as listed below:
  - 1. Architectural appendages including, but not limited to, bay windows, planters, awnings, eaves, or other similar features may project into front and rear yard setbacks no more than five feet, and into side yard setbacks no more than 2½ feet. Architectural appendages may project no more than 18 inches into inactive easements along side and rear property lines, provided required building setbacks standards are met, or a variance to the setback standard has been approved. In no case shall any architectural appendage encroach on an active easement of record. An active easement is an easement containing one or more public utilities. An inactive easement contains no public utilities within it.
  - 2. Unroofed landings and stairs may project into required front and rear yard setbacks no more than five feet.
  - 3. Open fire escapes may project into required front and rear yard setbacks no more than five feet and into side yard setbacks no more than 2½ feet.
  - 4. Chimneys shall not project more than 2½ feet into any required yard. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

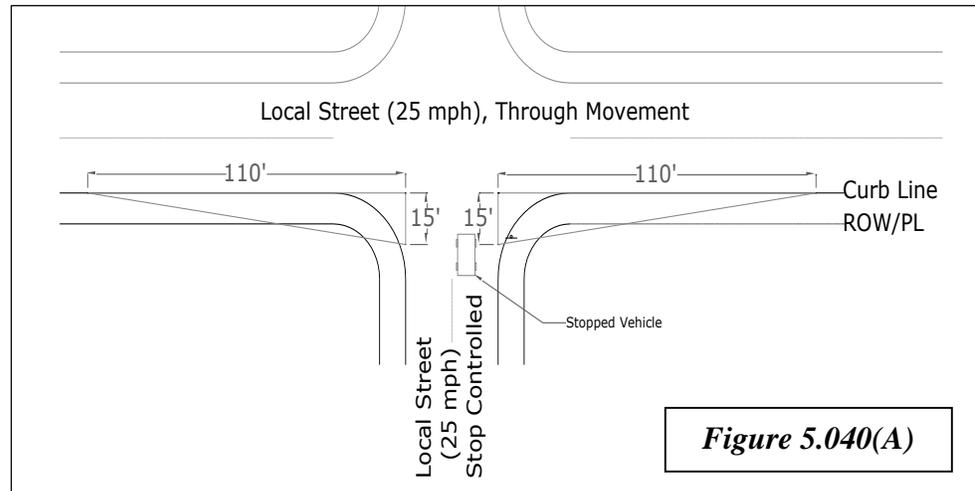
5.030 Vertical Projections. Except as provided in the Airport Landing Field (ALF) district, height limitations shall not apply to projections extending vertically from buildings such as penthouses or roof structures and used for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; fire or parapet walls; skylights; windmills; towers; steeples; flagpoles; chimneys; smokestacks; radio and television antennae; telecommunication towers or poles; water tanks; or similar structures. No penthouse, roof structure, or any space above the height limitation shall be allowed for the purpose of providing additional floor space. Such structures shall be located at least 20 feet from any property line. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

### 5.040 Clear Vision Areas.

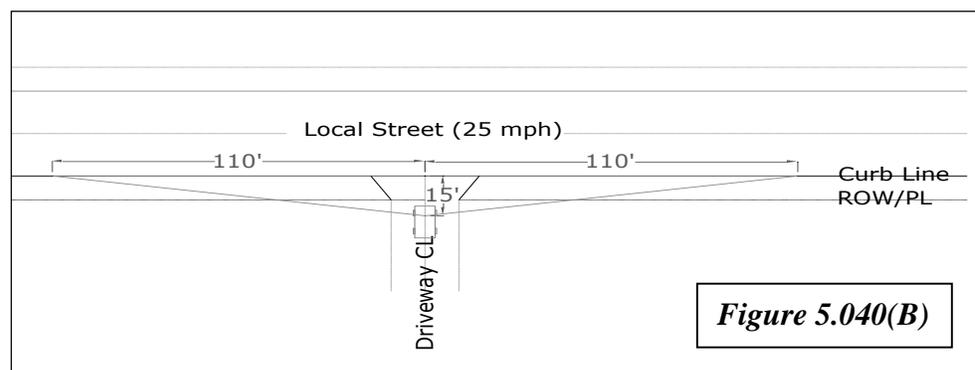
- A. A clear vision area shall be maintained on each corner of property adjacent to the intersection of two streets, a street and a railroad, and on driveways providing vehicular access to a public way, including alleys.

B. The clear vision area is a triangle that is measured according to the following:

1. A clear vision area at intersections of local streets with local streets shall consist of a triangular area, two sides of which are the curb lines extended in a straight line to a point of intersection and so measured as defined and illustrated in Figure 5.040(A), and the third side of which is a line joining the non-intersecting ends of the other two sides. Where no curb exists, the edge of street pavement shall be used in lieu of the curb line.



2. Driveways and alleys intersecting with local public streets shall have and maintain a clear vision triangle with its base measured along the face of curb parallel to the public way for 110 feet in both directions from the center of the driveway, and the other sides extending toward the apex of the triangle in the center of the driveway 15 feet from the street curb line (see Figure 5.040(B)). Where no curb exists, the edge of street pavement shall be used in lieu of the curb line.



3. The clear vision area for local streets, alleys, and driveways intersecting with a county road shall comply with county standards.
4. Alternatively, a clear vision triangle may be established by a site-specific analysis conducted by an Oregon Professional Engineer in accordance with the standards set forth in “A Policy on Geometric Design of Highways and

Streets” published by the American Association of State Highway and Transportation Officials.

- C. Within clear vision areas, no vehicle, fence, wall, hedge, or other planting or structure (temporary or permanent) shall be parked, erected, planted, placed, located, or maintained above three feet in height measured from the top of the curb or, where no curb exists, from the established street centerline grade of the intersecting streets and from the driveway centerline at a driveway intersection, except for occasional tree trunks, mail boxes, street sign posts, or utility poles, so as to impede visibility within the clear vision area as illustrated in Figures 5.040(A) and (B).
- D. Where no yards (setbacks) are required, buildings may be constructed within the clear vision area.
- E. The foregoing provisions shall not apply to the following:
  - 1. A public utility pole, signal pole, light pole, or other utility appurtenances.
  - 2. A tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection.
  - 3. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross-view.
  - 4. A supporting member or appurtenance to a permanent building lawfully existing on the date this document becomes effective.
  - 5. An official warning sign or signal.
  - 6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
  - 7. A sign mounted ten feet or more above the ground with supports that do not obstruct the clear vision area.
  - 8. A signalized intersection.
- F. Buildings and uses in existence at time of passage of this code (December 9, 1986) are considered nonconforming and may continue as specified in chapter 5.300, Nonconforming Uses, of this code.
- G. Any obstruction maintained in violation of this section shall be abated pursuant to Chapter 17, General Provisions, of this code. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 770, ef. 2/23/06]

## 5.050 Fences and Windscreens.

### A. Fences - Residential.

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersection streets, shall not exceed three feet in height within the clear vision area.
2. Fences in a required front yard. The height of a fence or retaining wall in a required front yard shall not exceed 3½ feet.
3. Fences - side and rear yards. The height of a fence or retaining wall, or the combined height of both when a fence is placed upon a retaining wall in a required side street, side or rear yard, shall not exceed six feet.
4. Sight-obscuring hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Trees separated by at least 15 feet apart may grow to any height.
5. Front yard fences for existing dwellings on major arterials. The height of a fence in a required front yard for an existing dwelling (constructed prior to 6/9/87) facing a major arterial shall not exceed a height of six feet outside the clear vision area.
6. Front yard fences for existing dwellings on Crown Point Scenic Highway east of the Sandy River Bridge. The height of a fence in a required front yard for an existing dwelling facing Crown Point Scenic Highway (constructed prior to 6/9/87) shall not exceed a height of six feet outside the clear vision area.

### B. Fences - Commercial/Industrial.

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersection streets, shall not exceed three feet in height within the clear vision area.
2. Fences in a required front yard. The height of a fence or retaining wall in a required front yard shall not exceed 3½ feet.
3. Fences - side and rear yards. The height of a fence or retaining wall in a required side street, side or rear yard, or adjacent to a side or rear property line shall not exceed eight feet.
4. Sight-obscuring hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Trees separated by at least 15 feet apart may grow to any height.

- C. Fence and/or Wall Height. Fence and/or wall height shall be measured from the ground to the top of the fence, retaining wall, or the combination of the two from the property on which the fence and/or retaining wall is located.
- D. Fence Regulations for Recreational Areas. Any recreational court may be enclosed by a wire fence not exceeding 12 feet in height, provided that no part of the court fence is within 20 feet of any street.
- E. Fence Regulations for Swimming Pool/Hot Tub Areas. A swimming pool, hot tub, or other manmade outside body of water, which has a depth greater than 24 inches shall be enclosed with a fence not less than four feet, and not more than six feet in height. The fence shall not have any openings, holes, or gaps larger than three inches square, except for doors or gates. The fence gates shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.
- F. Wire Fences.
  - 1. Barbed wire fencing may be permitted for agricultural, community service, commercial, or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of six feet above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed eight feet.
  - 2. No electrically charged or sharp pointed fencing (other than barbed wire fencing) shall be constructed or maintained within the city limits.
- G. Windscreens. A windscreen, used to reduce the wind velocity at exterior doors, may be constructed on the north or east side of a residential building only. The screen shall not exceed six feet in height nor extend more than eight feet into a required front yard setback area. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 770, ef. 2-23-06]

#### 5.060 Decks.

- A. Decks 12-30 inches in elevation require a development permit to ensure that no encroachment onto easements of record, violation of required setbacks, or violation of other provisions of this code occur.
- B. Decks greater than 30 inches in height require a building permit for structural review and development review to ensure that no encroachment onto easements of record, violation of required setbacks, or violations of other provisions of this code occur. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.070 Temporary Structures. Temporary structures in connection with the building or sale of dwellings and land, construction of industrial or commercial facilities, or as approved by the Director, may be permitted in any zoning district, provided a temporary permit is first obtained under the Type I procedure for a period not to exceed one year. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

- 5.080 Agricultural Use Permitted. Agricultural uses shall be permitted as an interim use under the Type I procedure on parcels one acre in size or larger. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.090 Street Side Sales. Street side sales of products including, but not limited to, flowers, fruits, vegetables, firewood, arts and crafts, seafood, fireworks, and Christmas trees may be permitted within commercial or industrial zoning districts, or on sites with a community service use, subject to the following provisions:
- A. All activity related to street side sales, including signage, must be within the boundaries of the property, and is not permitted on any public right-of-way, including sidewalks.
  - B. Signage shall be limited to one sign per street frontage of the property on which the street side sales is located. Signs shall not exceed 24 square feet in size.
  - C. A business license for street side sales is valid for a period not to exceed 60 days. At the end of the 60-day period, the structure (including any mobile unit) from which the street side sales is conducted, shall be removed from the property.
  - D. Written permission of the property owner must be submitted with the business license application.
  - E. Street side sales are not permitted to have automobile drive-up window service.
  - F. An application for a street side sales business may be denied on the grounds that the nature or location of the business activity would endanger persons or property such that the business activity is a menace to the health, safety, and general welfare of the city.
  - G. Denial of a street side sales business may be appealed in accordance with Chapter 5.04, Business Licenses, of the Troutdale Municipal Code. [Adopted by Ord. 653, ef. 9/12/97]
- 5.095 Transportation Facilities Permitted. Transportation facilities shall be permitted outright in all zoning districts. Transportation facilities shall include construction, operation, and maintenance of travel lanes, bike lanes and facilities, curbs, gutters, drainage facilities, sidewalks, bus stops, landscaping, lighting, signage, signalization and related improvements located within rights-of-ways controlled by a public agency, consistent with the Troutdale Transportation System Plan. When the transportation facilities to be constructed are located entirely within public right-of-way, no land use review is required unless construction occurs within the flood hazard area or the Vegetation Corridor Overlay District. [Adopted by Ord. 819, ef. 4/11/2014]

**5.100 HOME OCCUPATION IN A RESIDENTIAL DISTRICT HO**

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

5.120 General Requirements for All Home Occupations.

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

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

- A. No nonresidential employees or any persons other than members of the family residing within the dwelling shall engage in a home occupation therein except as provided for under sections 5.140 through 5.190 of this chapter.
- B. Customer and client contact shall be primarily by telephone, mail, or in their homes and places of business, and not on the premises of the home occupation. No sale of merchandise shall be made on the premises.
- C. No more than 25% of the gross floor area of the residence shall be used for the home occupation. If a home occupation is conducted within an accessory structure, the home occupation shall not exceed the gross floor area of the residence.
- D. Must comply with all other City, County, and State requirements. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 731, ef. 6/26/03]

- 5.140 Operational Standards - Certified Group Day Care. A certified day care facility (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:
- A. Provide care for no more than 12 children.
  - B. Be located in a building constructed as a single-family dwelling.
  - C. Be licensed by Children's Services Division as a day care provider.
  - D. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.150 Operational Standards - Family Day Care Provider. A family day care facility (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:
- A. Provide care in the provider's home in the family living quarters for six or fewer children full-time, with up to four additional full- or part-time children when school is not in session during the regular school year.
  - B. During the summer when school is not in session, have no more than four additional part-time children of any age in care.
  - C. The four additional children shall be in care no more than four hours per day.
  - D. There shall be no more than ten children at any given time, including the provider's children.
  - E. Comply with all other applicable City, County, and State requirements. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.160 Operational Standards - Licensed Adult Foster Home. An adult foster home (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:
- A. Provide care for five or fewer adults who are not related to the provider by blood or marriage, with exclusions as noted in applicable state law.
  - B. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.170 Operational Standards - Residential Home. A residential home (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide residential care for five or fewer unrelated physically or mentally handicapped persons.
  - B. May include residential space for staff persons who are not related to each other or to any other home resident.
  - C. Comply with all other applicable City, County, and State requirements. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.180 Operational Standards - Residential Facility. A residential facility (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:
- A. Provide care in a residential facility for six to fifteen unrelated physically or mentally handicapped, or elderly, persons.
  - B. Staff members may not exceed two in number. These staff members need not be related to each other or to any other facility resident.
  - C. Be authorized by the Planning Commission through a conditional use permit.
  - D. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.190 Operations Standards - Residential Care Facility. A residential care facility (as defined under applicable state law) may be established in any medium-density residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:
- A. Provide residential care for six or more physically handicapped or socially dependent individuals in one or more buildings on contiguous properties.
  - B. Be authorized by the Planning Commission through a conditional use permit.
  - C. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.200 Establishing and Maintaining a Home Occupation.
- A. Issuance of Business License. A home occupation shall be required to have a business license in order to operate within the City.
  - B. If, in the opinion of the applicant, the Director has acted arbitrarily or capriciously in withholding or revoking a business license for a home occupation, the applicant may request an interpretation of the code by the Planning Commission. In such cases, the dwelling to be used for home occupation shall be open for inspection to the staff or Planning Commission on any day between 8:00 a.m. and 10:00 p.m. during the review of the decision.

C. The City shall not issue a business license until the home occupation is approved by the Director. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.210 Revocation/Expiration. Home occupations are renewed annually in conjunction with business licenses. Business licenses for home occupations may be revoked at any time for noncompliance with the provisions of this code. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

- 5.300 NONCONFORMING USES** **NC**
- 5.310 Use of a Development.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]
- 5.320 Continuation of a Nonconforming Development or Use.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]
- 5.330 Completion of a Nonconforming Development or Use.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]
- 5.340 Termination of a Nonconforming Development or Use.  
[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 687, ef. 6/13/00; Repealed by Ord. 705, ef. 5/10/01]
- 5.305 Purpose and Intent. Within the zoning districts established by this code, or amendments that may later be adopted, there may exist lots, uses, structures, or other developments of the land which were lawful before this code was adopted or amended, but because of the application of this code, they no longer conform to the provisions and standards of the district in which they are located or of this code in general. This chapter provides for the regulation of these legal nonconforming lots, uses, structures, and developments and specifies those circumstances, conditions, and procedures under which such nonconformities shall be permitted to continue and expand. It is the intent of this chapter to permit legal nonconforming lots, uses, structures, or developments to continue until they are removed by economic forces or otherwise. Legal nonconforming lots, uses, structures, or developments may also be expanded or reconstructed as provided in this chapter. [Adopted by Ord. 705, ef. 5/10/01]
- 5.310 Expansion of a Nonconforming Use. A nonconforming use may be expanded by up to 20% in floor area of each structure or, in those cases not involving structures, up to ten percent in land area, provided the Planning Commission approves the expansion pursuant to a Type III procedure. Expansion of a use beyond either of these limitations shall require a zoning map amendment or zoning district text amendment that permits the use. The provisions of this section shall not apply within any overlay district which specifically prohibits the expansion of a nonconforming use. In approving a nonconforming use expansion, the Planning Commission may attach reasonable conditions, restrictions, or safeguards to mitigate potential adverse impacts which may result by reason of the approved nonconforming use expansion. [Adopted by Ord. 705, ef. 5/10/01]
- 5.315 Approval Criteria for Expansion of a Nonconforming Use. The Planning Commission may approve the expansion of a nonconforming use if the following criteria are met:
- A. The expansion will not increase detrimental effects in the surrounding area associated with the existing nonconforming use including, but not limited to, noise, vehicle traffic, vibration, dust, odor, fumes, smoke, or glare;
  - B. The expansion will not result in serious conflicts between the nonconforming use and existing or permitted conforming uses in the area;
  - C. The expansion does not necessitate a variance from any dimensional standard of

this code that is applicable to the development; and

D. The owner will incur practical difficulties or unnecessary hardship if the nonconforming use is not expanded. [Adopted by Ord. 705, ef. 5/10/01]

- 5.320 Reconstruction of a Damaged Nonconforming Use. A nonconforming use, or a structure containing a nonconforming use, that has been damaged by any cause may be reconstructed if the reconstruction costs are less than 75% of the real market value as indicated by the records of the County Assessor. Reconstruction costs shall be based on the cost to restore the use or structure to meet current building code and development code standards, not simply the cost to reconstruct the use or structure to the condition it existed in prior to it being damaged. Reconstruction is subject to review under a Type II procedure. Reconstruction shall begin within 12 months of the date the damage was done and shall be completed within 12 months of the date the reconstruction began. If reconstruction does not occur within these timeframes, the nonconforming use shall be considered terminated and shall not be reestablished. [Adopted by Ord. 705, ef. 5/10/01]
- 5.325 Destruction of a Nonconforming Use. When a nonconforming use, or a structure containing a nonconforming use, is damaged by any cause to an extent the reconstruction costs would equal or exceed 75% of the real market value as indicated by the records of the County Assessor, the nonconforming use or structure containing the nonconforming use shall be considered terminated and shall not be reestablished. Reconstruction costs shall be based on the cost to restore the use or structure to meet current building code and development code standards, not simply the cost to restore the use or structure to the condition it existed in prior to it being destroyed. [Adopted by Ord. 705, ef. 5/10/01]
- 5.330 Discontinuance of a Nonconforming Use. When a nonconforming use or any part thereof is discontinued for a period of at least 12 months, the nonconforming use or part thereof shall be considered terminated and further use of the property upon which the use or part thereof was located shall conform to the regulations of the zoning district in which it is located. Discontinuance of the use shall be determined by information such as termination of any lease or contract under which the nonconforming use has occupied the site; discontinuation of water or electric services; expiration of business license; absence of any outwardly visible activity associated with the nonconforming use; demolition or removal of a structure in which the nonconforming use is located; or similar indications that the use or occupancy has ceased. When a nonconforming use is superseded by a permitted use, the nonconforming use shall not be resumed. [Adopted by Ord. 705, ef. 5/10/01]
- 5.335 Expansion of a Nonconforming Structure or Development. A structure conforming as to use but nonconforming as to height, setback, or similar dimensional standards, or development of property conforming as to use, but nonconforming as to parking, landscaping, architectural features, or similar standards, may be expanded provided the expansion does not increase the degree of nonconformity. A land use permit not otherwise required by this code is not required to expand a nonconforming structure or development if the expansion does not increase the degree of nonconformity. Expansion of a nonconforming structure or development which increases the degree of nonconformity is prohibited unless the Planning Commission approves the expansion pursuant to a Type III procedure. In approving the expansion of a nonconforming structure or development, the Planning Commission may attach reasonable conditions,

restrictions, or safeguards to mitigate potential adverse impacts which may result by reason of the approved nonconforming structure or development. [Adopted by Ord. 705, ef. 5/10/01]

5.340 Approval Criteria for Expansion of a Nonconforming Structure or Development. The Planning Commission may approve the expansion of a nonconforming structure or development if the following criteria are met:

- A. Special circumstances or conditions including, but not limited to, lot size, lot shape, topography, or size or shape of building, applied to the property and nonconforming structure or development, are not typical of the general conditions in the surrounding area;
- B. The expansion of the nonconforming structure or development, if authorized, will not be injurious to adjacent properties or the surrounding neighborhood or otherwise be detrimental to the public welfare;
- C. The expansion of the nonconforming structure or development will be consistent with the general purpose and intent of the provisions which would otherwise prohibit the nonconforming structure or development; and
- D. The amount of the expansion being requested is the minimum amount necessary to relieve a practical difficulty and any resulting unnecessary hardship. [Adopted by Ord. 705, ef. 5/10/01]

5.345 Reconstruction of a Damaged Nonconforming Structure or Development. A structure conforming as to use but nonconforming as to height, setback, or similar dimensional standards, or a development of property conforming as to use, but nonconforming as to parking, landscaping, architectural features, or similar standards, that has been damaged by any cause may be reconstructed if the reconstruction costs are less than 75% of the real market value as indicated by the records of the County Assessor. Reconstruction costs shall be based on the cost to restore the structure or development to meet current building code and development code standards, not simply the cost to reconstruct the structure or development to the condition it existed in prior to it being damaged. Reconstruction is subject to review under a Type II procedure. Reconstruction shall begin within 12 months of the date the damage was done and shall be completed within 12 months of the date the reconstruction began. If reconstruction does not occur within these timeframes, the nonconforming structure or development shall be considered terminated and shall not be reestablished. [Adopted by Ord. 705, ef. 5/10/01]

5.350 Destruction of a Nonconforming Structure or Development. When a structure conforming as to use but nonconforming as to height, setback, or similar dimensional standards, or a development of property conforming as to use, but nonconforming as to parking, landscaping, architectural features, or similar standards, is damaged by any cause to an extent the reconstruction costs would equal or exceed 75% of the real market value as indicated by the records of the County Assessor, the nonconforming structure or development shall be considered terminated and shall not be reestablished without conforming to the regulations of this code. Nonconforming structures or development within the Vegetation Corridor and Slope District or within the Flood Management Area

are subject to the provisions of those chapters in this code that regulate Vegetation Corridors, Slope Districts, and Flood Management Areas. [Adopted by Ord. 705, ef. 5/10/01]

- 5.355 Repairs and Maintenance. Normal repairs and maintenance activities including, but not limited to, replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed on any nonconforming structure or portion of a nonconforming structure, or on any structure or portion thereof that contains a nonconforming use. [Adopted by Ord. 705, ef. 5/10/01]
- 5.360 Sale of Nonconforming Use or Structure. The ownership of property classified as nonconforming may be transferred without affecting the right to continue such nonconformity. [Adopted by Ord. 705, ef. 5/10/01]
- 5.365 Nonconforming Lot. If a lot, or the aggregate of contiguous lots or parcels of land held in a single ownership, has an area or dimension which does not meet size requirements, the lot or aggregate holdings may be developed subject to all other requirements. If there is an area deficiency, residential use shall be limited to a single-family dwelling. [Adopted by Ord. 705, ef. 5/10/01]

**5.400 CONCEPT DEVELOPMENT PLAN AND SPECIFIC SITE PLAN REQUIREMENTS FOR MPMU DESIGNATIONS MPMU**

5.410 Concept Development Plan. A proponent for any development in an MPMU designated area shall submit an application with applicable fees to the Planning Commission for approval in principle. The concept development plan shall include all areas designated as MPMU owned by the applicant. The application shall include 20 copies of all plans, maps, and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description. Approval of the concept development plan shall be processed as a Type IV land use decision. A specific site plan may be submitted for approval as a joint concept development plan/specific site plan through a Type IV process when:

- A. It does not involve a shifting of any zoning district boundaries.
- B. The application meets the more stringent requirements of the specific site plan approval. [Adopted by Ord. 585, ef. 10/22/92]

5.420 Procedures.

- A. The Citizen Advisory Committee (CAC) shall meet to review the concept development plan. The CAC will provide comments pertaining to the proposed development, compatibility with adjacent land uses, and compliance with the City's Comprehensive Land Use Plan. These comments shall be forwarded to the Planning Commission for consideration at a public hearing.
- B. The Planning Commission shall review the concept development plan at a regular meeting and may recommend approval, approval with modifications, or denial of the application. Such recommendation shall be based upon the Comprehensive Land Use Plan, this code, other regulations, and the suitability of the proposed development in relation to the character of the area.
- C. The City Council shall consider the concept development plan at a public hearing and take action based upon the recommendation of the Planning Commission.
- D. Approval of the concept development plan shall be limited to the tentative acceptability of the land uses proposed and their interrelationships, and shall not be construed to endorse precise location of uses nor engineering feasibility.
- E. Concept development plan expiration date. Within two years following the effective date of approval of a tentative plan, the specific site plan and program shall be submitted pursuant to section 2.050, Submission of Application, of this code, and shall incorporate any modification or condition required by approval of the concept development plan. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to six months upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refile of the concept development plan, and after finding that no other development approval would be affected. [Adopted by Ord. 585, ef. 10/22/92]

- 5.430 Submission Materials. The concept development plan need not be a finished drawing, but it should present all relevant graphic data, (generally) drawn on a sheet 18"x24" in size, and at a scale of 1"=100'. The information shall include, but is not limited to, the following:
- A. Proposed land uses and residential densities.
  - B. Building types and locations.
  - C. Means of access, circulation, and parking.
  - D. Parks, playgrounds, paths, and open spaces.
  - E. Site analysis diagram.
  - F. Land division plan if the land is to be divided.
  - G. Proposed ownership pattern.
  - H. An applicant's statement addressing the following issues.
    - 1. Statement of the goals and objectives of the proposed development.
    - 2. Operation and maintenance proposal, i.e., homeowners association, co-op, or other similar organization.
    - 3. Tables showing overall density of any proposed residential development with density of dwelling types and intensity of any commercial, industrial, or other employment-related uses.
    - 4. Applicant's statement of how the proposed development complies with the applicable Comprehensive Land Use Plan policies.
    - 5. Applicant's demonstration of substantial contractual interest in the land.
    - 6. That adequate financing can be demonstrated to be available to the applicant to assure substantial completion of the proposal.
    - 7. That the proposal incorporate a commitment to provide a legal instrument or instruments acceptable to the City, setting forth a plan for the permanent care and maintenance of common space, including streets, greenways, recreational areas, and all community-owned facilities.
    - 8. General timetable of development, including proposed phasing lines and areas to be submitted for specific site plan approved. [Adopted by Ord. 585, ef. 10/22/92]

#### 5.440 General Requirements.

- A. **Compatibility with Neighborhood.** The concept development plan shall present an organized arrangement of buildings, facilities, open spaces, and improvements such as recreation facilities, landscaping, and fencing to insure compatibility with the Comprehensive Land Use Plan and the area in which it is to be located.
- B. **Open Space.**
1. Open space in an MPMU designated area means the land area to be used for scenic, landscaping, or open recreational purposes within the development. It shall not include street right-of-ways, driveways, or open parking areas.
  2. Open space shall be provided for the recreational and leisure use of the residents of the development. These areas shall be designed to enhance the present and future value of the development.
  3. To the maximum extent possible, natural features of the land shall be preserved and landscaping provided.
  4. In order to assure that open space will be permanent, dedication of development rights to the City for other than open space use may be required.
- C. **Residential Density.**
1. In a residential zoning district of an MPMU designated area, the number of allowable units is based on net residential area. The net residential area shall be calculated by taking the total area of the development less streets, commercial, industrial, community service, and other non-residential uses. Recreational trails, streets, open space, etc., shall be included in the net residential area. The number of dwelling units permitted shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts.
  2. Greenways, streams, and steep topography areas will be counted as contributing to the density only to the extent that it can be shown, through a Planning Commission review, that a typical development could be accommodated on the site with realistic street configurations, grades, and standard lot sizes. The number of dwellings yielded from such a tentative subdivision review process shall be used as a base in determining the overall density for the site.
  3. An increase of up to 20% in the number of dwelling units may be permitted upon a finding by the Planning Commission that such increased density will contribute to:
    - a. Satisfaction of the need for additional urban area housing of the type proposed;

- b. The provision of housing which is convenient to commercial, employment, and community services and opportunities;
- c. The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;
- d. The conservation of energy;
- e. The efficient use of transportation facilities;
- f. The effective use of land, and available utilities and facilities; and
- g. The addition of design features and amenities including neo-traditional plan elements. [Adopted by Ord. 585, ef. 10/22/92]

5.450 Specific Site Plan Approved. Upon approval of an overall concept development plan, specific site plans may be submitted for approval. Phases or portions of the overall MPMU designated area may be approved for development as long as they conform to the approved concept development plan for the property. An application shall be filed with appropriate fees and 20 copies of all plans, maps, and diagrams indicating in sufficient detail the specific development proposed. Approval of specific site plans for development shall be processed as a Type III land use decision. [Adopted by Ord. 585, ef. 10/22/92]

5.460 Specific Site Plan Submission Requirements. Specific site plans shall be specific to building locations, land uses, land divisions, and street locations. It should be drawn on a sheet 18"x24" in size, and at a scale no smaller than 1"=100'. An application for specific site plan approval shall address the following when applicable:

- A. The specific site plan shall be in conformance with the approved concept development plan for the property.
- B. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.
- C. Location, width, and names of all existing or platted streets or other public ways, railroad, and utility right-of-ways, parks, or other public open spaces and land uses within 500 feet of the boundaries of the development.
- D. Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
- E. Proposed sewers or other disposal facilities, water mains, and other underground utilities.
- F. A tentative subdivision plan if the property is proposed to be divided.
- G. A land use plan indicating the uses planned for the development.

- H. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, schools sites, public buildings, or other uses dedicated or reserved to the public, if any.
- I. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
- J. A traffic flow map showing the circulation pattern within, and adjacent to, the proposed development.
- K. Location and dimensions of pedestrian walkways, malls, trails, or easements.
- L. Location, arrangement, number, and dimensions of automobile garages and parking spaces, width of aisles, bays, and angle of parking, if any.
- M. Location, arrangement, and dimensions of truck loading and unloading spaces, and docks, if any.
- N. Tentative architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance, and number of dwelling units, if applicable. (Not applicable to single-family uses.)
- O. A tentative tree planting and landscaping plan, including areas of groundcover and approximate finished grades, slopes, banks, and ditches. All existing trees over six inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
- P. The approximate location, height, and materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included.
- Q. The stages, if any, of the development construction. Such stages shall be clearly marked on the specific site plan.
- R. Narrative statement of the goals and objectives of the proposed development.
- S. A completed market analysis, if required by the Planning Commission.
- T. Evidence of resources available to develop the project.
- U. Tables showing the total number of acres, the distribution of area by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools, and open spaces as shown on the proposed development plan.
- V. Tables showing the overall density of the proposed residential development, and showing density by dwelling types and any proposals for the limitation of density.
- W. Drafts of appropriate restrictive covenants, and drafts of documents providing for the maintenance of any common open space, required dedications or reservations

of public open spaces, and any dedications of development rights. [Adopted by Ord. 585, ef. 10/22/92]

- 5.470 Approval of Specific Site Plan and Program. The Planning Commission may approve a specific site plan, with or without modifications, after conducting a public hearing. [Adopted by Ord. 585, ef. 10/22/92]
- 5.480 Expiration. If substantial construction or development, as determined by the Director, has not taken place within four years from the date of approval of a specific site plan, the Planning Commission shall review the specific site plan at a public hearing to determine whether or not its continuation, in whole or in part, is in the public interest, and if found not to be, shall rescind the approval of the specific site plan. [Adopted by Ord. 585, ef. 10/22/92]
- 5.485 Construction Plans. Following approval of a specific site plan by the Planning Commission, the applicant shall prepare a final plan which shall be submitted to the Planning Division to check for compliance with the approved specific site plan.
- A. If the final plan is found to be in compliance, it shall be so certified by the Planning Division. The final plat with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the final plan, shall be recorded at Multnomah County Deed Records.
  - B. Land division regulations shall be met if the property is to be divided or streets are to be dedicated.
  - C. All public site dedications, development rights to open spaces, or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.
  - D. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Division prior to the issuance of any building permit. [Adopted by Ord. 585, ef. 10/22/92]
- 5.490 Changes and Modifications.
- A. Major Changes. Major changes in a specific site plan after adoption shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this section.
  - B. Minor Changes. Minor changes in the specific site plan may be approved by the Director, provided that such changes:
    - 1. Do not increase the residential densities.
    - 2. Do not change boundaries.
    - 3. Do not change any use.
    - 4. Do not change the location or amount of land devoted to specific land uses.

C. Such changes may include minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks, public open spaces, or other features of the plan. [Adopted by Ord. 585, ef. 10/22/92]

5.495 Application of Development Standards. In cases of conflict between standards of the underlying district and the approved site plan, the standards of the approved specific site plan shall apply. [Adopted by Ord. 585, ef. 10/22/92]

**5.500 SOLAR ACCESS – NEW DEVELOPMENT**

**SA**

5.510 – 5.516

[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 653, ef. 9/12/97]

**5.500 BED AND BREAKFAST INN****B & B**

- 5.510 Purpose. The purpose of this section is to provide standards for the establishment of a bed and breakfast inn. This section is intended to enable homeowners to open their homes to the traveling public by providing rooms for rent on a daily basis to overnight guests. [Adopted by Ord. 653, ef. 9/12/97]
- 5.520 Zoning Districts. The establishment of a bed and breakfast inn is a permitted use within the following zoning districts:
- A. R-20 - Single-Family Residential.
  - B. R-10 - Single-Family Residential.
  - C. R-7 - Single-Family Residential.
  - D. R-5 - Single-Family Residential.
  - E. R-4 - Attached Residential.
  - F. A-2 - Apartment Residential.
  - G. CBD - Central Business District. [Adopted by Ord. 653, ef. 9/12/97; Amended by Ord. 658, ef. 3/12/98; Repealed and reamended by Ord. 661, ef. 7/23/98]
- 5.530 Review Procedures. Bed and breakfast inns shall be processed through a Type II site and design review procedure. [Adopted by Ord. 653, ef. 9/12/97]
- 5.540 Standards for Bed and Breakfast. Bed and breakfast inns are not subject to the home occupation operational standards provided in section 5.130, Operational Standards – Businesses, of this chapter but shall comply with the following standards:
- A. Bed and breakfast inns shall comply with the requirements of the underlying zone and overlay zone, if applicable.
  - B. Bed and breakfast inns must be an accessory use to the primary single-family residence.
  - C. Bed and breakfast inns shall be owner-occupied and shall maintain the characteristics of a single-family dwelling. No separate structures shall be allowed.
  - D. Bed and breakfast inns shall be operated so as not to give the appearance of being a business.
  - E. Bed and breakfast inns may have a maximum of two non-resident employees.
  - F. A maximum of four bedrooms shall be used as part of the bed and breakfast accommodations. Only rooms designed as bedrooms shall be used as guestrooms.

The number of guestrooms shall not be increased through any exterior additions or modifications to the structure.

- G. The duration of each guest's stay at the bed and breakfast inn shall not exceed 15 consecutive days.
- H. In addition to the provisions of Chapter 9, Off-Street Parking and Loading, of this code pertaining to parking standards for single-family dwellings, one additional off-street parking space shall be provided for each guestroom. Required off-street parking shall not be located in a required front or side yard setback area abutting a public street unless located in front of a garage.
- I. One non-illuminated or exteriorly illuminated on-premise sign identifying the name of the bed and breakfast inn and/or operator shall be permitted. The sign shall not exceed six square feet in area. Freestanding signs shall not exceed three feet in height. All signage shall be in keeping with the residential character of the neighborhood. Sign details shall be included with the site and design application for the bed and breakfast use.
- J. The bed and breakfast inn shall obtain and maintain a City Business License and is subject to City Transient Lodging Tax. In addition, bed and breakfast inns shall obtain and maintain all applicable state licenses and permits.
- K. The bed and breakfast inn shall meet all applicable health, fire safety, and building codes. [Adopted by Ord. 653, ef. 9/12/97]

**5.520 SOLAR BALANCE POINT (INFILL) STANDARDS**

5.521 – 5.530 [Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 653, ef. 9/12/97]

**5.600 FLOOD HAZARD**

**FH**

5.610 – 5.632 [Adopted by Ord. 550, ef. 9/15/90; Renumbered to Chapter 4.600 by Ord. 607, ef. 8/11/94]

**5.600 EROSION CONTROL AND WATER QUALITY STANDARDS EC**

5.610 Purpose. The purpose of these standards is to:

- A. Prevent erosion and restrict the discharge of sediments and other contaminants from entering protected water features, public streets, and the sanitary sewer system during construction.
- B. Require permanent erosion prevention measures including, but not limited to, restoration or enhancement of vegetation corridors (pursuant to sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this code) between the development and the protected water feature. [Adopted by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00]

5.611 Applicability. An erosion control and mitigation plan shall be required and approved by the Director, or the Director's representative, under any of the following circumstances:

- A. Prior to final plat approval for any subdivision, in accordance with section 7.100, Final Plat Submission, of this code.
- B. Prior to site orientation and design review, in accordance with Chapter 8, Site Orientation and Design Standards, of this code.
- C. Prior to any activity listed herein, or approval of any building permit, site development application, flood hazard permit, grading permit, or fill permit.
  1. Prior to disturbance of any vegetation, mining, dredging, paving, filling, or grading that disturbs an area of 1,000 square feet or greater outside of the vegetation corridor and slope district or flood hazard area.
  2. Prior to any vegetation removal, mining, dredging, paving, filling, or grading on sites within the vegetation corridor and slope district or flood district areas.
- D. Upon a finding that visible or measurable erosion has entered, or is likely to enter, the public storm and surface water system.
- E. Exemptions:
  1. Farming activities as defined in ORS 30.930 and farm uses defined in ORS 215.203, except construction or reconstruction of buildings on the site associated with farm practices, are exempt from the provisions of this chapter, provided that the specific land area has been cultivated within the last three years.
  2. Construction of residential accessory structures that do not require a building permit that are outside of the vegetation corridor and slope district and the flood hazard area. [Adopted by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00]

5.612 Approval Standards.

[Adopted by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]

5.612 Reference Authority. The current edition of the *Technical Guidance Handbook, Erosion Prevention and Sediment Control Plans*, published by the City of Portland Bureau of Environmental Services and the Unified Sewerage Agency of Washington County (hereinafter called “The Handbook”) shall be the primary guide for the City in establishing and reviewing erosion control techniques, methods, and requirements. [Adopted by Ord. 702, ef. 11/24/00]

5.613 Erosion and Sediment Control Plan Submission Requirements.

- A. A site development permit application shall be completed and submitted with the erosion and sediment control plan, and with other applicable land use application forms or building permit forms prior to the start of construction.
- B. Schedule of Installation. A schedule of planned erosion control and revegetation measures shall be provided which sets forth the progress of construction activities and mitigating erosion control measures. The developer shall call for an inspection to certify that erosion control measures are installed in accordance with the approved erosion control plan. [Adopted by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00]

5.614 Approval Standards for Erosion Control.

- A. Plans shall show compliance with the standards of “The Handbook” and applicable standards of this code.
- B. Responsibility and Records.
  - 1. The applicant shall be the responsible person, or shall designate a specific person, herein identified as the developer, to be responsible for carrying out the erosion and sediment control plan.
  - 2. The City shall maintain records of erosion and sediment control plans in the Community Development Department.
- C. The duration of exposure of soils shall be kept to a minimum during construction. Exposed soils shall be covered by mulch, use of erosion blankets, sheeting, temporary seeding, or other suitable material following grading or construction, until soils are stabilized and new vegetation has been established. During the rainy season (November 1 through April 30), soils shall not be exposed for more than seven consecutive days. All disturbed land areas which will remain unworked for 21 days or more during construction shall be mulched, seeded, or tarped.
- D. Control Runoff. Ensure that where erosion cannot be completely avoided, the sediment control measures will be adequate to prevent erosion from entering onto public right-of-ways, or into the public stormwater system, surface water system, or protected water feature.

1. During construction, runoff from the site shall be controlled and sediment resulting from soil disturbance shall be retained onsite. Temporary diversions, sediment basins, barriers, check dams, or other methods shall be provided as necessary to hold sediment and runoff.
  2. All such temporary diversions that are in a protected water feature shall be approved by the Oregon Division of State Lands, U.S. Army Corps of Engineers, and/or the Oregon Department of Fish and Wildlife prior to submission of the plan to the City for approval, as applicable.
- E. Limit the Rate of Discharge. In no case shall soil erosion and sediment transported from the site exceed the rate of one ton per acre per year, nor result in more than ten percent cumulative increase in natural stream turbidity, as measured relative to a control point immediately upstream of the turbidity causing activity. However, limited duration activities necessary to address an emergency or to accommodate essential dredging, construction, or other legitimate activities, and that cause the standard to be exceeded, may be authorized, provided all practicable turbidity control techniques have been applied.
- F. Keep Site Clean.
1. No mud, dirt, rock, or other debris shall be deposited upon a public street or any part of a private or public stormwater system or surface water system. Eroded sediment shall be removed immediately from pavement surfaces, offsite areas, and from the surface water management system, including storm drainage inlets, ditches, and culverts. In the event that sediment is inadvertently deposited in a wetland or stream, the developer shall immediately contact the Oregon Division of State Lands and Oregon Department of Fish and Wildlife to implement remedial actions. The developer shall send the Community Development Director copies of correspondence between the Oregon Division of State Lands, the Oregon Department of Fish and Wildlife, and the developer.
  2. The removal of all sediments which are carried into the streets or onto adjacent property are the responsibility of the developer. The developer shall be responsible for cleaning and repairing streets, catch basins, and adjacent properties where such properties are affected by sediments or mud. In no case shall sediments be washed into storm drains, ditches, drainageways, streams, or wetlands. (See also chapter 12.09, Erosion Control, of the Troutdale Municipal Code, related to public facilities.)
- G. Filter Water. Water containing sediment shall not be flushed into the surface water management system, wetlands, or streams without first passing through an approved sediment filtering facility or device.
1. Pollutants such as fuels, lubricants, bitumens, raw sewage, and other harmful materials shall not be discharged into or near rivers, streams, or impoundments, and shall be properly stored and disposed.

2. Direct discharge of storm and/or construction waters into a protected water feature, including known streams, wetlands, or rivers, is prohibited unless approval is obtained from the Oregon Division of State Lands, U.S. Army Corps of Engineers, and Oregon Department of Fish and Wildlife.
  3. All sediment-laden water from construction operations shall be routed through stilling basins, filtered, or otherwise treated, to reduce the sediment load in the receiving water body.
- H. Control Dust. Troutdale is especially susceptible to wind erosion. Therefore, the Director may require that additional dust control measures be included in the erosion and sediment control plan. Such control measures may include, but are not limited to, the following, and will be enforced depending upon the conditions of the site and weather conditions during construction:
1. Sprinkle with water or apply dust palliatives to access and haul roads and other exposed dust producing areas with water.
  2. Establish a temporary vegetation cover or use mulch as approved by the City.
  3. Hydrate cut and fill surface areas.
  4. Cover the materials in the haul equipment.
- I. Storage. All erodible or toxic materials delivered to the job site shall be covered and protected from the weather and stored according to appropriate health and safety guidelines.
1. Such materials shall not be exposed during storage.
  2. Waste material, rinsing fluids, and other such material shall be disposed of in such manner that pollution of groundwater, surface water, or air does not occur.
  3. In no case shall toxic materials be dumped into drainageways or onto land.
- J. Site Enhancement. In addition to compliance with native vegetation removal and enhancement provisions of chapters 4.300, Vegetation Corridor and Slope District, and 4.600, Flood Management Area, of this code, the developer shall be responsible for enhancement of the vegetation corridor adjacent to protected water features, on slopes of 25% or greater, public and private open spaces, utility easements, and on developed or undeveloped right-of-ways adjacent to and/or affected by the development. Submit a landscape plan showing compliance with the standards of “The Handbook”, and the following:
1. If the vegetation existing prior to site development is non-native or invasive, it shall be replaced with native or non-invasive plant species from the Metro Native Plant List.

2. Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation. Establish a root protection zone around all existing trees that will be preserved on the construction site, through the use of construction fencing, or equivalent, that clearly marks the protection zone on the site.
3. Trees shall not be used as anchors for stabilizing working equipment.
4. During clearing operations, trees and vegetation shall not be permitted to fall or be placed outside the work area.
5. In areas designated for selective cutting or clearing, care in falling and removing trees and brush shall be taken to avoid injuring trees and shrubs to be left in place.
6. Stockpiling of soil, or soil mixed with vegetation, shall not be permitted on a permanent basis. Topsoil removal for development shall be stockpiled and reused onsite to the degree necessary to restore disturbed areas to their original or enhanced condition, or to assure a minimum of six inches of stable topsoil for revegetation. Additional soil shall be provided, if necessary, to support revegetation. [Adopted by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00]

5.615 Plan Implementation Requirements.

[Adopted by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]

5.615 Duration of Maintenance. Continuous maintenance of the erosion and sediment control devices approved with the site development permit application, after development, including revegetation of all graded areas, shall be the responsibility of the developer, subsequent developers, or property owners.

- A. Inspect Erosion Control Measures. During active construction, the developer shall inspect erosion control measures daily during rainy periods. Spot checks will be conducted by the City during construction. In all cases, the developer shall be responsible for maintenance, adjustment, repair, and replacement or erosion control measures to ensure that they are functioning properly without interruption.
- B. Written Records. When required by the Director, the developer shall maintain written records of all site inspections of erosion control measures which shall be provided to the Director upon request.
- C. Call for Inspection. The developer shall call for City inspection, prior to the foundation inspection for any building, to certify that erosion control measures are installed in accordance with the erosion control plan.
- D. Erosion control measures shall be maintained during construction and for one year after development is completed. The Director may, upon a finding that soils are completely stabilized, reduce this period. [Adopted by Ord. 702, ef. 11/24/00]

5.616 Special Water Quality Treatment Facilities.

[Adopted by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]

- 5.616 Correction of Ineffective Measures. If the facilities and techniques approved in the erosion control plan are not effective or sufficient to meet the purpose of this chapter based on an onsite inspection, the Director may require a revised plan.
- A. Upon receiving notice, the developer shall immediately install interim erosion and sediment control measures as specified in “The Handbook” and call within 24 hours for a reinspection.
  - B. The revised erosion control plan shall be provided within five working days if written notification by the Director was required.
  - C. The developer shall implement fully the revised plan within five working days of approval by the Director. [Adopted by Ord. 702, ef. 11/24/00]
- 5.617 Penalties. In addition to those penalties available under section 17.110, Abatement and Penalty, of this code, the Director may enforce the following additional penalties to this chapter:
- A. Issue a stop work order where erosion control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect.
  - B. Refuse to accept any further permit applications until erosion control measures have been installed properly and maintained in accordance with this chapter.
  - C. The owner of the property from which the erosion occurs, together with any person or parties who cause such erosion, shall be responsible for mitigating the impacts of the erosion and for preventing future erosion.
  - D. The City Attorney may institute appropriate action in any court to enjoin development of a site or building project which is in violation of this chapter, or to require conformance with this chapter. [Adopted by Ord. 607, ef. 8/11/94; Renumbered from 5.618 and amended by Ord. 702, ef. 11/24/00]
- 5.618 Security. Except as provided for in subsection (B) of this section, after an erosion control plan is approved by the Director, and prior to the issuance of a grading or building permit, the applicant shall provide a performance bond or other financial guarantee in the amount of 120% of the value of the erosion control measures necessary to stabilize the site and maintain water quality.
- A. Duration. The performance bond shall be in effect for a period of at least one year after the erosion control measures are installed. The performance bond or other financial guarantee shall be released when the Director determines that the erosion control measures are operating adequately. All, or a portion, of the performance bond or financial guarantee may be withheld by the City for a period of up to five years beyond the one year maintenance period, if it has been determined by the Director that the erosion control measures are not operating adequately.

- B. Exemptions. Single-family and two-family residential residences on individual lots shall be exempt from posting a performance bond or other financial guarantee.
- C. Conflict. Due to the immediate threat to water quality posed by failure to comply with the strict provisions of the erosion control measures required under this chapter, the provisions of this section shall supersede the more general provisions of sections 17.050, Bond or Cash Deposit, 17.060, Noncompliance with Provisions Under Obligation, and 17.070, Adjusting Bond or Deposit for Future Obligation, of this code, where conflicts exist. [Adopted by Ord. 607, ef. 8/11/94; Renumbered from 5.617 and amended by Ord. 702, ef. 11/24/00]

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**5.700 MANUFACTURED HOME SUBDIVISIONS  
AND MH PLANNED DEVELOPMENTS**

**MH**

5.710 - 5.714 [Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 716, ef. 5/9/02]

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**5.800 STORMWATER MANAGEMENT****STMA**

5.810 Purpose. The purpose of the stormwater management standards is to protect water quality by providing adequate facilities for the management of stormwater or floodwater runoff, and to prevent the degradation of, and promote the enhancement of, primary or secondary protected water features, floodplains, wetlands, and groundwater. [Adopted by Ord. 702, ef. 11/24/00; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 792, ef. 9/25/08]

5.820 Reference Authority.

- A. The current edition of the Stormwater Management Manual, City of Portland Environmental Services and addendums adopted by the Troutdale Public Works Department, is adopted into this code by reference and shall be the guide for requirements and design standards for the water quality facilities. Where conflict exists between this code and any of these documents, the more restrictive shall apply.
- B. The current edition of the City of Troutdale Construction Standards for Public Works Facilities is adopted into this code by reference. Where conflict exists between this code and any of these documents, the more restrictive shall apply.
- C. Other publications or maps adopted by reference to implement the standards of this chapter are the Metro Title 3 Water Quality and Flood Management Area Map, the Federal Emergency Management Agency's Flood Insurance Rate Maps and Flood Insurance Studies published for the City and the City's Urban Planning Areas, and the National Wetlands Inventory Map.
- D. Wetland determinations made by the Oregon Department of State Lands record in the Community Development Department.
- E. The current edition of the City of Troutdale's "North Troutdale Storm Drainage Master Plan."
- F. The current edition of the City of Troutdale's "South Troutdale Storm Drainage Master Plan."

[Adopted by Ord. 702, ef. 11/24/00; Amended by Ord. 792, ef. 9/25/08]

5.830 Applicability. No land use action shall be approved which does not make adequate provisions for stormwater or floodwater runoff. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Water quality treatment for stormwater is required under any of the following:

- A. The site contains vegetation corridor established in Chapter 4.300, Vegetation Corridor and Slope District, of this code; is next to or drains directly to a protected water feature(s) as defined by this code; or the site drains to or is within the Flood Management Area established in chapter 4.600 of this code.
- B. The development occurs on natural slopes of 25% or greater.

- C. The development involves fuel storage or dispensing areas, vehicle wash areas, or vehicle maintenance dismantling areas.
- D. There is 2,000 square feet or more of uncovered impervious parking area and/or streets.
- E. Other development characteristics exist that may degrade water quality.

[Adopted by Ord. 702, ef. 11/24/00; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 792, ef. 9/25/08]

5.840 Design Standards. Water quality facilities for stormwater management, when required, shall be designed, constructed, and sited on the site by the developer to ensure that stormwater runoff is treated onsite prior to discharge into the public storm system, dry-well, street gutters, or any protected water feature. The design shall comply with the standards adopted by the Troutdale Public Works Department.

- A. The water quality facility shall be designed as follows.
  - 1. Water quality facilities shall be located on land with slopes of 15% or less.
  - 2. Vegetated stormwater quality facilities may be located within the vegetation corridor as defined by this code provided only native vegetation is used.
  - 3. The water quality facility may be constructed within the 100-year flood plain provided that:
    - a. The Base Flood Elevation is established for areas of Special Flood Hazard Area Zone A.
    - b. It is outside the area covered by the 25-year flood event.
    - c. The water quality is not within a defined floodway area.
    - d. It utilizes native plant species.
    - e. The design complies with applicable federal standards pertaining to the National Flood Insurance Program.
    - f. It is outside of wetlands.
- B. Where it is determined by the Troutdale Public Works Department that a more efficient and effective regional site exists within the sub-basin, the water quality facility may be constructed offsite to accommodate anticipated development at the intensity and density of the underlying zoning districts within that sub-basin.
- C. A professional engineer, licensed in Oregon, shall certify that the design of the water quality facility meets or exceeds the standards adopted by the Public Works Department.

- D. The design shall specifically consider source control of pollution, runoff treatment, stream bank erosion control, wetland impacts, impacts on water quality sensitive areas, and offsite analysis and mitigation.
- E. An operation and maintenance plan shall be required. This plan shall satisfy the requirements in the guidelines adopted by the Public Works Department.
- F. If the water quality facility is dedicated to the City, all deficiencies of workmanship and materials shall be the responsibility of the developer for two years following acceptance by the City. If the facility is not dedicated to the City, then it shall be the continuing responsibility of the owner.
- G. Runoff from impervious areas used for repair, cleaning, refueling, storing, or servicing of vehicles and machinery shall be treated onsite to remove oil, grease, TSS, and metals, and any other pollutants identified by the Public Works Department.
- H. Detention facilities for control of stormwater and floodwater runoff shall be designed and constructed in accordance with the Construction Standards for Public Works Facilities.
- I. Accommodation of upstream drainage areas. Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the upstream drainage area, whether inside or outside of the development, that drains to the subject property. The Director of Public Works shall approve the size of public facilities, based on provisions of the construction standards and specification, assuming conditions of maximum potential watershed development permitted by this code.
- J. Effect on downstream drainage. The applicant may be required to perform a downstream analysis to determine where runoff incidental to the development will overload an existing drainage facility. Where additional runoff incidental to the development will overload an existing drainage facility, approval of the land use action may be withheld until provisions have been made for improvement of said potential condition.
- K. Drainage easement. A drainage easement shall be required when:
  - 1. Topography or other conditions make it infeasible to include public drainage facilities within existing or proposed public right-of-ways. The easement must provide an area at least 15 feet in width and include vehicular access to the easement area from a public street. The terms and conditions of the easement must be approved by the city; or
  - 2. Surface water from the development discharges onto or across private property, unless the post-development rate of discharge does not exceed the pre-development rate and the location of discharge onto the private property remains unchanged. If the easement contains drainage facilities that are to become public, the terms and conditions of the easement must be approved by the city.

3. Required by the Sandy Drainage Improvement Company for a drainage way under its jurisdiction on the subject site, and for a drainage way to which the stormwater runoff is conveyed.

[Adopted by Ord. 702, ef. 11/24/00; Amended by Ord. 770, ef. 2/23/06; Amended by Ord. 792, ef. 9/25/08; Amended by Ord 814, ef. 7/12/2012]

5.850 Security.

[Adopted by Ord. 702, ef. 11/24/00; Repealed by Ord. 770, ef. 2/23/06]

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

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

[Adopted by Ord. 702, ef. 11/24/00; Amended by Ord. 731, ef. 6/26/03]

**5.900 MANUFACTURED HOME PARKS****MHP**

- 5.910 Purpose. A single-family residential manufactured home park is intended for manufactured homes on separate spaces within a manufactured home park. The purpose of these provisions is to extend the opportunity for low and moderately priced single-family homes, to ensure a high-quality living environment within manufactured home parks, to ensure that manufactured homes in manufactured home parks are safe and durable, and to protect property values within and adjacent to manufactured home parks.
- 5.920 Establishment of a Manufactured Home Park. A manufactured home park may be established as a permitted use in the R-5 and R-4 residential districts.
- 5.930 Locational Criteria. Access to manufactured home parks shall be from abutting public streets. No manufactured home space shall have direct vehicular access to a street bordering the park.
- 5.940 Density, Minimum Site Size, and Dimensions of Park. All manufactured home parks shall meet the following minimum requirements:
- A. The minimum size of a manufactured home park shall be one acre.
  - B. The number of permitted units allowed in a manufactured home park shall not exceed the density permitted in the underlying zone.
  - C. Minimum park street frontage - 100 feet.
  - D. Minimum park depth - 150 feet.
- 5.950 Standards and Criteria. Manufactured home parks must comply with the following standards and criteria:
- A. Perimeter setback and buffer area.
    - 1. A perimeter setback and buffer area of at least 20 feet shall be provided. This area shall remain unoccupied by any structure, street, parking, or driveway area, except that private street entrances may cross the perimeter buffer where necessary to provide access to the park.
    - 2. Within that portion of the perimeter setback and buffer area which abuts a public street right-of-way, screening shall be achieved through one of the following:
      - a. A three-foot high earthen berm with 75% of the area planted with evergreen and deciduous trees, shrubs, and groundcover arranged so as to achieve an effective sight and sound buffer of at least six feet in height to screen the park at the time of completion.
      - b. A six-foot high decorative masonry wall, wooden fence, and a combination of evergreen and deciduous trees, shrubs, and groundcover

arranged so as to achieve an effective sight and sound buffer to screen the park at time of completion.

3. Within that portion of the perimeter setback and buffer area which abuts adjacent parcels, a sight-obscuring wooden fence or a decorative masonry wall at least six feet in height shall be installed to screen the park from adjacent properties.
- B. Dimensional standards - per space.
1. Front yard - 10 feet.
  2. Rear yard - 20 feet, if not abutting a perimeter strip.
  3. Side yard - 7.5 feet.
  4. Minimum distance between dwellings - 15 feet.
  5. Lot coverage - Not to exceed 75%.
- C. Minimum dwelling requirements.
1. All manufactured homes shall have a gross floor area of at least 600 square feet.
  2. Any manufactured home established under this code shall have been manufactured after June 15, 1976 and bear the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with construction standards promulgated by the U.S. Department of Housing and Urban Development.
  3. Any manufactured home built before June 15, 1976 may be permitted if the owner obtains certification from the Oregon Department of Commerce that the home conforms with the U.S. Department of Housing and Urban Development construction standards.
- D. Landscaping/open space/recreation areas. All required landscaped areas shall comply with the general landscaping and vision clearance standards of this code and the City's Development Standards.
1. A minimum of 20% of the manufactured home park area shall be reserved for open space.
  2. Such open space may include the perimeter setback and buffer area, and improved outdoor recreation facilities.
  3. Ten percent of the manufactured home park area shall be reserved and developed for common recreation space or structure.

4. Streets, access drives, parking lots, and unoccupied portions of manufactured home spaces shall not be considered open space.
- E. Public facilities and services.
1. All developments are subject to the applicable requirements of the Development Standards and Public Facilities Standards.
  2. If a manufactured home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants within 500 feet of such space or structure. Each fire hydrant shall be located along a vehicular way.
- F. Mail delivery. Each manufactured home space shall be provided with a mailbox located on each manufactured home space or in a central mail station designed as an integral part of the manufactured home park, or in a stand containing clustered (four or more) mailboxes located near the dwellings being served.
- G. Accessory structures. Each manufactured home space shall be provided with an accessory storage building with 100 square feet of enclosed floor area. All such storage buildings within the park shall be of uniform design and constructed of the same materials. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.
- H. Sidewalks/pedestrian pathways. A system of sidewalks or pathways shall be installed linking all manufactured home spaces, recreation areas, parking lots, and common buildings. This system may consist of conventional sidewalks paralleling the street, or an independent network of pathways. The system shall be linked with the sidewalks along perimeter streets bordering the manufactured home park. Pedestrian pathways and sidewalks shall be paved with a durable all-weather surface no less than four feet in width.
- I. Internal circulation system/parking. Internal roads and driveways shall be designed to provide safe and convenient access to manufactured home spaces and other facilities in the manufactured home park for service and emergency vehicles, but shall not be designed to encourage outside traffic to traverse the development.
1. All interior roadways shall be designed and constructed in accordance with the standards established by OAR 814-28-060(8) for manufactured home park roads and streets.
  2. Pavement width. All interior streets shall have a minimum pavement width of 24 feet, exclusive of any pedestrian circulation systems.
  3. Curbs shall be installed on both sides of interior streets if built with a raised crown. If streets are built with an inverted crown, curbs are not required.
  4. Dead-end (cul-de-sac) streets shall serve no more than 18 manufactured home sites and have a minimum turning radius of 40 feet.

5. On-street parking shall be prohibited. Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 9 of this code.
  6. Required resident off-street parking spaces may be provided either on the manufactured home space or in an off-street parking bay within 100 feet from the dwelling served.
  7. Guest parking shall be provided in off-street parking bays in close proximity to the dwelling units served.
  8. Off-street parking shall be provided for all non-residential uses within the manufactured home park at the rate provided for in the City's off-street parking standards. These parking spaces shall be provided within 100 feet of the non-residential use.
  9. Recreational vehicles such as camping trailers, boats, campers, motor homes, and other such vehicles shall be parked or stored within an area specifically designated for such use and enclosed by a six-foot high sight-obscuring wooden fence or decorative masonry wall with a gate.
  10. Off-street loading bays and maneuvering areas shall be provided for all uses receiving delivery vehicles on a regular basis in conformance with City standards.
- K. Signs. Park identification signs shall comply with the City sign regulations. In addition, the following standards apply:
1. Each manufactured home park shall provide one sign immediately inside the main entrance identifying the location of all interior streets and drives, visitor parking areas, storage areas, all manufactured home sites by number, and all other buildings and structures within the park, provided that the face of the sign does not exceed City standards, and is either backlighted or indirectly lighted.
  2. Each manufactured home site shall have a sign not larger than one square foot identifying the number of each manufactured home site.
  3. Traffic control signs shall be installed as required by the City or other governmental agency.
  4. Lighting, utility system, decks, play areas, park sanitation, and maintenance. Requirements not specified within this section shall be those specified in OAR 814-23 and 814-28.

5.960 Manufactured Home Installation Standards.

- A. Prior to the occupancy of any manufactured home space, the owner of the manufactured home park shall obtain a certificate of occupancy from the City.
- B. Wheels shall be removed from the manufactured home upon placement within a manufactured home park. Hubs and axles may remain.
- C. All manufactured homes shall be skirted and tied down in accordance with state standards.

5.970 Manufactured Home Park Maintenance. The manufactured home park shall be maintained in a neat appearance at all times. Except for fully functioning vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. All approved on-site improvements shall be the ongoing responsibility of the owner of the park. The owner shall be responsible for the maintenance of all landscaping which shall be maintained in good condition in order to present a healthy, neat, and orderly appearance that is free of refuse and debris. [Adopted by Ord. 550, ef. 9/25/90]

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**5.1000 ACCESSORY RESIDENTIAL UNITS**

- 5.1010 Purpose. The purpose of this section is to provide standards for the establishment of an accessory residential unit. An accessory residential unit is a second dwelling unit either within or added to a detached single-family dwelling. This section is intended to enable an accessory unit to function as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom, and sleeping area. [Adopted by Ord. 690, ef. 7/27/00]
- 5.1020 Review Procedures. Accessory residential units shall be processed through a Type II site and design review procedure. [Adopted by Ord. 690, ef. 7/27/00]
- 5.1030 Standards for Accessory Residential Units. Accessory residential units shall comply with the following standards:
- A. An accessory residential unit shall only be allowed in conjunction with a detached single-family dwelling with a gross floor area of at least 1,800 square feet on a lot within a subdivision recorded after July 27, 2000.
  - B. An accessory residential unit shall comply with the building setbacks and height requirements of the underlying zone and overlay zone, if applicable.
  - C. One accessory residential unit shall be allowed in conjunction with the primary dwelling at the time of its original construction or by converting existing living area or adding floor area. An attached garage does not qualify as living area. No separate, freestanding accessory residential unit, including the conversion of a detached garage or detached carport, shall be permitted.
  - D. An accessory residential unit shall not exceed 750 square feet in area and shall not have more than one bedroom or sleeping room.
  - E. Only one entrance shall be located on the front of the primary dwelling or any portion of the primary dwelling abutting a street, unless the dwelling contained additional entrances before the accessory residential unit was created.
  - F. One off-street parking space, in addition to that which is required for the primary dwelling, shall be provided for the accessory residential unit. All designed parking spaces shall comply with Chapter 9, Off-Street Parking and Loading, of this code.
  - G. In order to maintain an architectural character similar to the primary dwelling, the accessory residential unit shall have siding and roofing materials and exterior paint colors that match the siding and roofing materials, and exterior paint colors of the primary dwelling.
  - H. Public facilities must be adequate to serve the primary dwelling and accessory residential unit, as determined by the Public Works Department.
  - I. An accessory residential unit shall meet all applicable health, fire safety, and building codes. [Adopted by Ord. 690, ef. 7/27/00]

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**5.1100 PUBLIC IMPROVEMENTS**

5.1110 Purpose. The purpose of this section is to establish procedures and standards for installation of public improvements. No public improvements shall be constructed prior to approval of formal construction plans by the Director of Public Works or the Director's designee.

5.1120 Applicability. These standards apply to any land division requiring public improvements and any other development requiring public improvements valued at \$10,000 or more.

5.1130 Standards.

- A. Public improvements as part of an approved land division shall be constructed in accordance with the provisions of Chapter 7, Land Division, or this Code.
- B. Whenever a development other than a land division includes public improvement(s) valued at \$10,000 or more, the developer must submit construction drawings for the public improvements in accordance with the requirements set forth in Section 7.370 of this Code.
- C. Construction may not begin on the public improvements until the construction drawings are approved and an Authorization to Commence Construction is issued by the Public Works Department.
- D. The public improvements shall be completed prior to issuance of building permits for the site.
- E. Acceptance of the public improvements shall occur only after the requirements in Sections 7.410 and 7.420 of this Code have been met. Responsibility for the operation, maintenance, and repair of the public improvements remains with the developer until their acceptance by the City. [Adopted by Ord. 792, ef. 9/25/08]

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