

ORDINANCE NO. 2525

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) FOR THE PURPOSE OF CLARIFYING, CORRECTION, AND UPDATING VARIOUS PROVISIONS, AND ADOPTING FINDINGS (LU -08-0052-1769)

WHEREAS, through the application of the Community Development Code and related code provisions, the public and Planning Division staff have found that some sections of the Lake Oswego Code, Chapter 50 (Community Development Code) could be improved by removing ambiguous or conflicting language, adding clarifying text and graphics which are consistent with past interpretations, reorganizing some sections, and updating the Community Development Code; and

WHEREAS, notice of the public hearing for consideration of this ordinance was duly given in the manner required by law; and

WHEREAS, the Planning Commission has recommended that LU 08-0052-2525 be approved by the City Council; and

WHEREAS, a public hearing on the Planning Commission recommendation was held by the City Council on July 5, 2011 at which the staff report, public testimony and the record of the proceedings before the Planning Commission were received and considered.

The City of Lake Oswego ordains as follows:

Section 1. . The City Council hereby adopts the Findings and Conclusions (LU 08-0052-1769) attached as Exhibit "A."

Section 2. The Lake Oswego Code, Chapter 50 (Community Development Code) is hereby amended by deleting the text shown by ~~striketrough type~~ and adding new text shown in redline double underline type. (Sections or subsections within LOC Chapter 50 that are omitted below, and not marked for deletion or addition, are neither amended nor deleted by this Ordinance.)

Section 50.02.005 Definitions.

Alley. Public right-of-way which provides a ~~secondary vehicular~~ means of access to abutting property from other than a street.

Bay Window. A composite of two or more windows, or rounded windows, projecting (cantilevered) from the outer wall of a building and forming a recess within.

Building. Any structure used or intended for supporting or sheltering any use or occupancy. If the building is located across separate parcels or lots and the portions of the building are separately owned, the "building" shall be considered to be only that portion of the structure

that is used or intended for supporting or sheltering any use or occupancy that is occurring within the boundaries of the parcel or lot.

Cluster Development. A development in which the buildings are placed in groups on lots containing less area per dwelling unit than the minimum required by the zone.

Courtyard: An open space surrounded, or mostly surrounded by walls or buildings. Commercial courtyards shall consist of some textured materials or pavers, and shall contain one or more of the following elements: landscaping, fountain, arbor, outdoor furniture.

Dwelling, Zero Lot Line. A building providing two dwelling units on two separate lots, sharing a common wall, and used for residential purposes.

Flag Lot. A lot that:

1. Has located behind another lot that has normal street frontage, and where access is provided to the rear lot via a narrow "flag pole" (i.e. driveway), or where access is provided via an easement. There are two distinct parts of a flag lot; the flag which comprises the actual building site located behind another lot, and

2. the pole which provides Takes access from the street to the flag, via:

a. A flag lot results from the division of a large lot with the required area and depth for more than one lot, but which has insufficient width to locate all lots on the street frontage driveway or access lane that is part of the lot and the width narrows to less than the minimum lot width for the zone; or

b. An access easement.

See LOC Appendix 50.02.005-[Flag Lot].

Footprint. The polygon formed by (1) the surrounding exterior walls of a building or portion thereof, including and (2) any structure which is over 30 inches in height with or without exterior walls, but exclusive of vent shafts and courtyards. The footprint does not include the ground area under the eaves of the building or structure.

Garage, Side-loading. A garage that meets the definition of a Private Garage but is located such that the garage doors or, in the case of carports, the vehicle access openings face a minimum of 80 degrees away from the street (see LOC Appendix 50.02-50.06.065-A).

Gross Floor Area (G.F.A.): The area included within the surrounding exterior walls of a building or portions thereof excluding allowable projections, decks, patios, uncovered exit stairways or uncovered above-grade driveways.

Group Care Home. Any private or public institution maintained and operated for the care, boarding, housing or training of five or fewer physically, mentally or socially handicapped or delinquent, elderly or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage or legal adoption to such persons and excluding

foster care of children, dwelling, licensed under authority of ORS 443.400, which provides residential care and training to five or fewer adults who are mentally or emotionally disturbed, developmentally disabled, alcohol or drug dependent persons, elderly or physically disabled. "Residential Care" means as defined in ORS 443.400. Also known as "residential treatment home" and "residential training home" under ORS 442.400, Additional "family" members related to the five or fewer adults may reside in the dwelling, as a part of a single housekeeping unit, e.g., persons related by blood, marriage, legal adoption, or associated by guardianship, conservatorship or a foster care relationship.

Invasive Plants. Vegetation that displaces or dominates natural plant communities, such as Himalayan blackberry, English ivy, reed canary grass, scotch broom, etc. A list of such plants shall be maintained on file in the Planning Department can be found in the Lake Oswego Master Plant List. See Appendix 50.02.005-[Master Plant List]

Restoration Lake Oswego Master Plant List. A list of plants appropriate for landscaping in resource areas that maintain the natural function and character of resource areas, provide food and shelter for native wildlife, are adapted to local soils and growing conditions, do not require fertilizers or pesticides that may be detrimental to the resource, or do not require long-term irrigation which can increase erosion and sedimentation. The Restoration Plant List shall be kept on file in the Planning Department. See LOC Appendix 50.02.005-[Master Plant List] for a listing of native plants, Invasive plants, Street trees – Prohibited, Street trees – Approved [Applicable to LOC Article 50.66 Old Town Design Standards only], and Solar Friendly plants.

Live/Work Building: A building that contains one or more commercial or office spaces on the first floor connected to residential units above or behind the commercial or office space, and the ownership of the building is not divided between the residential and commercial portions of the building.

Lot Area or Lot Size:

1. Non-Flag Lots: The gross acreage of the lot within the lot lines.
2. Flag Lots: The area of a lot, defined by the lot lines, less the area of access easements, private streets, and public streets access lanes.

Lot Footprint, Flat. A lot footprint where the proposed highest finished ground surface at the exterior wall of a building or proposed building or below any projecting deck is not more than ten feet above the lowest such surface that is not a Sloped Footprint.

Lot Footprint, Sloped. A lot footprint where the highest natural or unaltered ground surface at the exterior wall of a building or proposed building or below any projecting deck is more than ten feet above the lowest natural or unaltered ground surface at the time of building permit application. For the purposes of determining building height, natural or unaltered ground surface shall mean: The elevation of the existing ground surface or the existing ground surface resulting from a prior approved planned development at the time of building permit application.

Lot, Steeply Sloped. A steeply sloped lot is a lot with an average slope of 25.20% or more, when measured from the front line to the most distant point of the primary building.

Major Park Improvements.

- ~~—1. Athletic field for organized sport games.~~
- ~~—2. Lighting for outdoor recreational facilities and activities.~~
- ~~—3. Facilities that require a building permit, occupying more than 3,500 square feet of site area. (A play area for non-organized sport games is not subject to this subsection even if more than 3,500 square feet.)~~
- ~~—4. On-site parking for more than eight vehicles.~~
- ~~—5. Facilities for motorized boats.~~

Masonry. A concrete block, quarried stone, or brick, rusticated stone or emboss worked wall. Masonry includes a veneer, i.e., overlay of a layer of fine or decorative material that has an average range of depth of 1.75 inches or greater, based upon the manufacturer's specification.

Minor Park Improvements. Park improvements with limited offsite impacts. Minor park improvements include:

- ~~—1. One play area that is not intended for organized sport games (regardless of size), without lighting.~~
- ~~—2. Facilities that require a building permit, that may include park buildings, picnic shelters, restrooms, athletic courts, non-motorized boating facilities, and playground structures provided the uses do not occupy more than 3,500 square feet of site area (individually or cumulatively, excluding facilities authorized by a master plan).~~
- ~~—3. On-site parking for eight or less vehicles.~~
- ~~—4. Trails.~~

Natural Area. An area of land and/or water that has a predominantly undeveloped character. Natural areas may be pristine, or may have been affected by human activity such as vegetation removal, agriculture, grading or drainage if such areas retain significant natural characteristics, or have recovered to the extent that they contribute to the City's natural systems including hydrology, vegetation, or wildlife habitat. The purpose of natural areas is to provide a scenic, aesthetic appearance and/or protecting natural processes, providing passive recreational uses, and/or maintaining natural vegetation. Natural areas shall be either dedicated to the public or by other means committed to use for the general public, or may also be permanently reserved by common ownership among the owners of a development. Except as otherwise set out in LOC 50.46.020, Standards for Maintenance, natural areas shall remain in natural conditions existing at the time of their designation. (Area designated as "Open Space" prior to [effective date of this Ordinance] is a "natural area" under this definition.)

Open Space. Open Space means parks and natural areas. Land to remain in natural or landscaped condition for the purpose of providing a scenic, aesthetic appearance and/or

~~protecting natural processes, providing passive recreational uses, and/or maintaining natural vegetation. Open space shall be permanently reserved by common ownership among the owners of a development, dedicated to the public, or by other appropriate means committed to use for the general public.~~

Oswego Lake Surface Elevation: The elevation of the surface of Oswego Lake is established and may be referenced as either 98.6 feet (NGVD 29) or 102.1 feet [NAVD 88]].

Park Improvements, Major.

1. Athletic field for organized sport games.
2. Lighting for outdoor recreational facilities and activities.
3. Facilities that require a building permit, occupying more than 3,500 square feet of site area. (A play area for non-organized sport games is not subject to this subsection even if more than 3,500 square feet.)
4. On-site parking for more than eight vehicles.
5. Facilities for motorized boats.

Park Improvements, Minor. Park improvements with limited offsite impacts. Minor park improvements include:

1. One play area that is not intended for organized sport games (regardless of size), without lighting.
2. Facilities that require a building permit, that may include park buildings, picnic shelters, restrooms, athletic courts, non-motorized boating facilities, and playground structures provided the uses do not occupy more than 3,500 square feet of site area (individually or cumulatively, excluding facilities authorized by a master plan).
3. On-site parking for eight or less vehicles.
4. Trails.

~~Park Lands. Lands that provide for protection of natural resources and/or developed for public active and passive recreational uses.~~

~~Parks Land: Public or private land providing for one or more of the following:~~

- ~~a. The active recreational needs of the community;~~
- ~~b. The passive recreational needs of the community; or~~
- ~~c. Scenic and aesthetic appearance and/or protection of natural processes on land that is to remain in natural or landscaped condition,~~

~~and either dedicated to the public or by other means committed to use for the general public, or permanently reserved by common ownership among the owners of a development.~~

~~Pet Care, Daily - Business primarily engaged in providing pet care services (except veterinary), such as boarding, grooming (including pet clipping and pedicure services), pet day care services~~

and training pets, and incidental retail sales of pet care products. Overnight boarding shall not exceed 25% of animals provided daily pet care on-site; overnight boarding shall occur in a fully enclosed structure.)

Profile.

- a. Utility. A "side view" of a proposed utility pipe or street showing grade, changes in grade, depth of pipe and vertical curves of streets.
- b. Structure: A "side view" of a proposed structure showing the front building wall and roof line, from the front building line at the yard setback, to the highest point of the roof.

Public Facility, Minor. The following public service improvements or structures developed by or for a public agency:

- a. Minor utility structures, except substations, but including poles, lines, pipes, telecommunications facilities or other such facilities.
- b. Sewer, storm drainage, or water system structures, ~~except treatment plants, reservoirs, or trunk lines, but~~ including reconstruction of existing facilities, pump stations, manholes, valves, hydrants or other portions of the collection, treatment and distribution systems ~~located within public property,~~ except treatment plants, reservoirs, or trunk lines.
- c. Street improvements within existing development including sidewalks, curbs, gutters, catch basins, paving, signs and traffic control devices and street lights.
- d. Transit improvements, such as shelters or pedestrian and bicycle safety improvements, located within public right of way or on public property.

Public Service. Any service provided by a public agency including but not limited to power, water, streets, sewers, parks, recreation facilities, schools, community centers, libraries, police and fire protection. This term includes utilities provided by regulated utility companies such as telephone, gas and electric power.

Public Transportation Facilities. Those facilities that are associated with a transportation system, such as ~~bridges,~~ bus stops, transit centers, light rail, and similar facilities, but excluding public or private streets.

Residential Care Housing. A residential care housing facility houses and provides services for 6 or more persons who may have a range of physical and mental health problems, including chronic and debilitating conditions requiring assistance with daily activities. This term is synonymous with other terms such as "assisted living facilities," "group care facilities," and "adult care housing" used to describe housing which provides the range of services described below.

Living units within residential care housing do not have cooking facilities. A range of services is provided including staff supervised meals, housekeeping and personal care, medication supervision, recreation, cultural, social activities and transportation.

Residential care housing facilities may include housing for persons needing intermediate care. These are persons who do not require around-the-clock nursing, but who do need preventative care, therapies at levels less than continuous licensed nursing care or observation. Intermediate care emphasizes personal, social and emotional / mental health care, but involves the availability of 24 hour service with physicians and nurses in supervisory roles.

Skilled nursing services, including convalescent care, may be provided as an accessory and subordinate use in conjunction with residential care facilities.

The total allowed number of persons requiring skilled nursing care may be up to 25% of a residential care facility's total occupant capacity.

Slope. Slope is measured by the following equation $S = E/D$, where S is the slope, E is the vertical elevation change from the highest point to the lowest point, between two reference points, and D is the horizontal distance from the highest point to the lowest point between two reference points. [Cross-Reference: see LotFootprint, Sloped.]

Street. The entire width between the right-of-way lines of a local street, collector, or arterial public way capable of providing the principal means of access to abutting property

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. If the structure is located across separate parcels or lots and the portions of the structure are separately owned, the "structure" shall be considered to be only that portion of the structure that is used or intended for supporting or sheltering any use or occupancy that is occurring within the boundaries of the parcel or lot. For purposes of LOC Article 50.44, a "structure" means a walled and roofed building and a gas or liquid storage tank.

Section 50.05.005 Zoning Districts

The City is divided into the following zoning designations:

Residential	Map Designation
Residential – Low Density	R-15
Residential – Low Density	R-10
Residential – Low Density	R-7.5
Residential – Medium Density (FAN)	R-6
Residential – Medium Density	R-5
Residential – High Density	R-3
Residential – High Density (WLG)	R-2.5
Residential – High Density	R-2
Residential – High Density	R-0
Waterfront Cabanas	WR
Design District (Old Town)	DD

Mixed Residential/Commercial	Map Designation
<u>WLG Residential – High Density (WLG)</u>	<u>WLG R-2.5/W</u>
WLG Office Commercial/Town/ Home Residential	<u>WLG OC/R-2.5</u>
WLG Office Commercial / Neighborhood Commercial	<u>WLG OC/NC</u>

Commercial	Map Designation
Neighborhood Commercial	NC
General Commercial	GC
Highway Commercial	HC
Office Campus	OC
East End General Commercial	EC
Campus Institutional	CI
Campus Research & Development	CR&D
Mixed Commerce	MC

Industrial	Map Designation
Industrial	I
Industrial Park	IP

Public Use and Open Space Lands	Map Designation
Public Function	PF
Park and Natural Areas	PNA

Overlays	Map Designation
Planned Development	PD
Resource Conservation	RC
Resource Protection	RP
Willamette River Greenway	GM
<u>Center Overlays</u>	
<u>Lake Grove Village Center</u>	<u>LGVCO</u>
Neighborhood Overlays	
<u>Evergreen</u>	<u>EO</u>
Glenmorrie	GO
Lake Grove R-7.5/R-10 Overlay District	LGO

Section 50.05.010 Zoning Map

1. The boundaries of the zoning districts established in this Code are indicated on the City zoning map.
2. Amendments to the City zoning map may be made pursuant to LOC 50.75.005. Copies of all map amendments shall be dated with the effective date of the document adopting the map amendment and shall be maintained without change, together with the adopting document, on file in the office of the City Recorder.
3. The City Manager shall maintain an up-to-date copy of the City zoning map to be revised from time to time so that it accurately portrays changes of zone boundaries. A separate map shall also be maintained and show the location of conditional use permits, planned developments and variances. The City Manager shall index on the appropriate map adjacent to such zone change, conditional use, planned developments, ~~cluster development or variance~~, the file number of the document authorizing the same.

Section 50.05.025 Comprehensive Plan Map Designations Automatically Applied Upon Annexations; Exceptions.

1. The Lake Oswego Comprehensive Plan Map provides for the future City zoning of all property within the City's Urban Service Boundary. In cases where the Comprehensive Plan Map requires a specific Zoning Map Designation to be placed on territory annexed to the City of Lake Oswego, such a zoning designation shall automatically be imposed on territory as of the effective date of the ordinance annexing such territory to the City. The City Manager shall modify the zoning map accordingly. In cases where the Comprehensive Plan Map does not require a specific Zoning Map Designation to be place on territory annexed to the City, the City Manager shall prepare an application and recommend a specific Zoning Map Designation to the Planning Commission with all due speed following the effective date of an ordinance annexing such territory to the City of Lake Oswego. The Planning Commission shall hear the application pursuant to LOC 50.75.005.
2. Where the Comprehensive Plan Map indicates an RP or RC District Designation on territory proposed for annexation, the City shall notify the owners of the annexing territory that they have ~~15-20 days from prior to the date of the initial public hearing on the date of the annexation, to request a hearing on contest~~ 15-20 days from prior to the date of the initial public hearing on the date of the annexation, to request a hearing on contest the designation pursuant to LOC Article 50.16. No fee shall be charged for such review. If following review, the decision maker determines the property was improperly designated, the RP or RC designation shall be removed.
3. When evidence indicates that a resource that potentially qualifies for an RP or RC District Designation exists on territory to be annexed, the City may conduct an ESEE Analysis and determine whether such a zone should be imposed pursuant to LOC Article 50.16. City staff may request a delay in the effective date of annexation to complete review.

Section 50.06.010 Permitted Uses; R-0, R-2, R-3 and R-5 Zones

Uses permitted in the R-0, R-2, R-3, and R-5 zones are as follows:

1. a. Except in the R-2 zone, any type of dwelling unit.
- b. In the R-2 Zone, the following types of dwelling unit are permitted:
 - i. Single family detached dwellings.
 - ii. Row house dwellings.
 - iii. Zero lot line dwellings.
 - iv. Duplexes.

c. Single family detached dwellings and accessory structures associated with such dwellings located within the boundaries of the First Addition Neighborhood Association, as they now exist or hereafter may be amended by ordinance of the City Council, shall be developed and altered pursuant to the standards for such dwellings contained in LOC 50.07.025 (2) and (4), 50.07.040, 50.07.045, and 50.07.065.

2. Non-Profit social, recreational, educational or cultural facilities and uses such as open space, recreational sites, view points, community centers, swimming pools, tennis courts, and similar uses associated with a planned development, designed and intended for use by residents of the development.

3. Minor public facilities, including collocated telecommunications facilities but excluding new telecommunications facilities.

4. Home occupations.

~~5. Cluster developments.~~

~~65. Group care facilities home.~~

~~76. Congregate housing.~~

~~87. Manufactured Mobile home parks and subdivisions.~~

~~98. Secondary dwelling unit (associated with detached single-family dwelling unit only).~~

~~109. Residential care housing.~~

~~1110. Family Day Care Facility.~~

Section 50.06.015 Conditional Uses: R-0, R-2, R-3, and R-5 Zones.

Conditional uses in the R-0, R-2, R-3 and R-5 zones are as follows:

1. Request for up to a 25% density bonus for public agency rental housing projects (not residential care housing or secondary dwelling units).
2. Major public facilities.
3. Skilled nursing facility.
4. Institutional uses.
5. Social, recreational, or cultural facilities, such as swimming pools, recreation centers, or community centers, operated by a non-profit organization made up of a homeowners association or associations, neighborhood groups or an association of such groups or neighbors.
6. New telecommunications facilities.
7. ~~Non-profit~~ Office uses in structures on the City's Historical Landmarks List which are located on arterial streets. For the purposes of this section, "office uses" include business and management services, except for medical or dental offices.

Section 50.06.020 Uses Permitted in the WR Zone

The only uses permitted in the WR zone are:

1. Single-family dwellings ~~or cluster developments~~ erected on piling over the water of Lake Oswego.
2. Minor public facilities, including collocated telecommunications facilities but excluding new telecommunications facilities.

Section 50.06.030 Maximum Density, ~~Density Bonus~~

1. ~~a.~~ The maximum density for each site in the R-0, R-2, R-3, R-5 and WR zones, expressed in number of dwelling units per net developable acre is computed by dividing the net developable acreage by the minimum lot area per unit and rounding down to the nearest whole number.

2. ~~b.~~ The actual density allowed on a site will be determined at the time of development review. Maximum density will be allowed to the extent that facts presented to the hearings body show that development at that density can occur within requirements set forth in the Development Standards.

~~2. The maximum density in the R-0, R-2, R-3, R-5 and WR zones may be increased if specifically allowed by the terms of this Code. The maximum density bonus will be determined by the specific applicable Code provision. However, the total number of allowable units shall not exceed by more than 25% the number of units allowed in the zone, or allowed by the provisions pertaining to residential care housing or skilled nursing facilities.~~

50.06.035 Lot Size, Density Transfer, and Maximum Floor Area.

1. The standards are as follows:
 - a. Lot area and maximum floor areas shall meet the standards of LOC Table 50.06.035:

LOC TABLE 50.06.035

Minimum Lot Area and Maximum Floor Area
 – R-0, R-2, R-3, R-5 and WR Zones

Zone	Minimum Lot Area		Maximum Floor Area
	Minimum Area	Per Dwelling	
R-0	No minimum	No minimum	FAR: 1.2:1
R-2	No minimum	No minimum	FAR: 1.2:1
R-3	3,375 sq. ft.	3,375 sq. ft.	No maximum FAR: 1:1
R-5	5,000 sq. ft.	5,000 sq ft	See subsection (b) below
WR	3,375 sq. ft.	3,375 sq. ft.	No maximum

b. Residential development in the R-5 zone shall comply with the following maximum floor area standards:

i. For purposes of calculating maximum floor area for dwellings in the R-5 zone, the floor area of garages and accessory structures shall be included in the total that is subject to the maximum floor area standard of this section.

ii. Residential development shall not exceed the maximum floor area per lot as calculated by the following formulas:

(1) Lots 5,000 square feet and above: Maximum Floor Area per Lot = 2,850 square feet + [(actual lot size - 5,000 square feet) x 0.28] + a 500 square foot floor area allowance per residential unit providing a garage.

(2) Lots less than 5,000 square feet: Maximum Floor Area per Lot = 2,850 square feet + [(actual lot size - 5,000 square feet) x 0.48] + a 500 square foot floor area allowance per residential unit providing a garage.

c. Floor area of attached garage located at the rear of the primary structure or for side-loading garages - up to 200 square feet is exempt from Floor Area.

2. Maximum FAR for uses other than single family dwellings residential uses and their accessory uses shall be as follows:

a. ~~The FAR for uses listed as eConditional uses: shall be established~~ Established as part of the conditional use process.

b. ~~The FAR for eOther non-residential uses: shall be no~~ No greater than 1:1.

3. ~~For projects in all five zones which are reviewed for approval as planned developments, pursuant to LOC Article 50.17 and LOC Chapter 45, there is no required minimum lot area. Units may be placed on any portion of the site as long as the project complies with other requirements of this Code and LOC Chapters 45 and 50.~~

4. For projects on properties subject to an RP or RC District Designation, lot areas may be modified as provided in LOC 50.16.045.]

5. Habitable areas of detached accessory structures that would normally be counted as floor area, shall be exempt from floor area calculations up to a maximum of:

a. For lot sizes up to 10,000 square feet ~~--~~ up to cumulative maximum of 200 square feet.

b. For lot sizes greater than 10,000 square feet - up to cumulative maximum of 400 square feet.

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Section 50.06.040 Lot Coverage

1. Lot coverage shall not exceed the maximums set forth in LOC Table 50.06.040:

**LOC TABLE 50.06.040
Maximum Lot Coverage
– R-0, R-2, R-3, R-5 and WR Zones**

Maximum Lot Coverage			
Zone	Dwelling Type	Maximum Lot Coverage	
R-0		40%	
R-2	Single family detached	35%	
	Single family attached	55%	
	Row House	55%	
	Duplex	55%	
	Other Structures	50%	
R-3		50%	
R-5	Single Family detached	Height (ft.)	Maximum Lot Coverage (%)
		22 or less	45%
		>22 to 25	42%
		>25 to 28	38%
		>28 to 30	35%
	>30	35%	
	Single Family attached	50%	
Other Structures	50%		
WR		100%	

2. The garage footprint, including any habitable area directly above or below the floor area of a garage area shall be exempt from lot coverage calculations as provided below:

- a. (i) rear- or side-loading, or
 - (ii) located 20 feet or more back from the closest point of the dwelling to the front lot line, or
 - (iii) in case of corner lots, 20 feet or more back from the closest point of the dwelling to the front and street side lot lines,
- up to cumulative maximum 200 square feet.

b. A detached garage that meets subsection (a) above and the lot is greater than 10,000 square feet in area - up to cumulative maximum 400 square feet.

- ~~a. Ground floor area of detached garage:~~
 - ~~i. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.~~

- ~~ii. For lots greater than 10,000 square feet in area up to 400 square feet.~~
 - ~~b. Floor area of attached garage located at the rear of the primary structure or for side-loading garages up to 200 square feet.~~
3. Habitable areas of detached accessory structures that would normally be counted as floor area, shall be exempt from floor area lot coverage calculations:
- a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.
 - b. For lots greater than 10,000 square feet in area - up to 400 square feet.

Section 50.06.050 Yard Setbacks, Buffers (R-0, R-2, R-3, and R-5)

1. a. ~~Except as otherwise provided in this section, LOC 50.16.040, 50.22.010, and 50.22.025, and in addition to 50.22.030, or 50.22.035, the~~ The following yard setbacks are required in the R-0, R-3 and R-5 zones, except as modified below:

R-0, R-3, and R-5 Zone Setbacks

Structure Type	Front	Side	Rear
Attached Dwelling	10 ft.	10 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Detached Dwelling			
≤ 18 feet in height	20 ft.	Side Yard - 5 ft. <u>Street Side yard - 10 ft.</u>	20 ft.
> 18 feet in height	20 ft.	10 ft.	20 ft.
<u>Other Types of Primary Structures and All Accessory Structures</u>	10 ft.	10 ft.	10 ft.

b. ~~Except as otherwise provided in this section or LOC 50.22.010, and 50.22.025, and in addition to 50.22.030, or 50.22.035, the~~ The following yard setbacks are required in the R-2 zone, except as modified below:

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R-2 Zone Setbacks

Structure Type	Front	Side	Rear
Duplex Dwelling	10 ft.	7 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Zero-lot line Dwelling	10 ft.	7 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Row house Dwelling	10 ft.	7 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Detached Dwelling	20 ft.	{see subsection (1)(c)} <u>Single-story dwelling - 5 ft.;</u> <u>Multi-story dwelling - 15 feet</u> <u>cumulative*, 5 feet minimum on</u> <u>a side (Cumulative yard may be</u> <u>reduced where ground floor is</u> <u>setback minimum of 5 feet and</u> <u>the remainder of the dwelling is</u> <u>setback a minimum of 9 feet</u> <u>from the side lot line.</u>	20 ft.
<u>Other Primary</u> <u>Structures and All</u> <u>Accessory Structures</u>	10 ft.	10 ft.	10 ft.

c. Adjustments and Additions.

i. Adjustments. The setbacks set forth in subsections (a) and (b) above may be adjusted or excepted by LOC 50.16.040 (Sensitive Lands Setback Modifications), 50.22.010 (General Exceptions to Yard Requirements), 50.22.025 (Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirement), 50.22.045 (General Exemptions for Building Projections, Decks, and Walkways and Pathways to Setbacks), 50.14.005(5) (Accessory Structures), and LOC 57.06.090 (Solar Access). Structures which are permitted within the Oswego Lake setback (LOC 50.22.030) are similarly permitted within the setbacks set forth in subsections (a) and (b) above to the extent the setback area overlaps with the Oswego Lake setback.

ii. Additions. The following setbacks are in addition to the setbacks in subsections (a) or (b): LOC 50.22.030 (Oswego Lake setback) and 50.22.035 (Special Street Setbacks).

Side yard Setbacks for Detached Structures in R-2 Zone:

i. Single story structures: 5 feet

ii. Multi-story structures: 15 feet cumulative, 5 feet minimum on a side [but see subsection (1)(d)].

d. A multi-story detached structure in the R-2 Zone may have a smaller cumulative side yard setback than required in subsection (1)(c)(ii) where the ground floor is setback a minimum

~~of 5 feet and the remainder of the structure is stepped back from the side building line by at least four feet on each side.~~

~~2. Structures shall be setback from a street right-of-way line a minimum of 10 feet, or such greater distance not to exceed the height of the principal structure necessary to accommodate off-street parking or provide visual or sound buffering from arterial and collector streets.~~

~~3. The Development Review Commission may increase required setbacks as necessary to achieve compliance with the Development Standards.~~

~~42. a. Where a lot zoned R-0, 2, 3 or 5 abuts a lot with a zone other than R-0, 3 or 5 zoned R-6, 7.5, 10, or 15, the building shall be setback from the common lot line either not less than the yard setback amount in subsection (1) above, or a setback shall be established on the lot zoned R-0, 3 or 5 the distance equal to the height of the primary building on the higher density zone, whichever is greater. of a depth of at least the height of the principal building on the lot zoned R-0, 3 or 5. See Appendix 50.06.050-A.~~

~~b. Where a lot zoned R-2 abuts a lot in the R-6, R-7.5, R-10 or R-15 zone, the setback of the abutting yard on the lot zoned R-2 shall be the setback required for such yard in the abutting lower density zone.~~

~~5. When a new development or the expansion or reconstruction of an existing development occurs in a R-0, 3 or 5 zone which abuts an existing less intensive residential use, a setback shall be established on the lot zoned R-0, 3 or 5 of a depth of at least the height of the principal building on the lot zoned R-0, 3 or 5.~~

~~63. There are no setbacks required in the WR zone, subject to compliance with LOC Chapter 45 Building Regulation requirements.~~

~~74. Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances and physical site or solar access limitations. Street access should be local streets.~~

~~8. Setbacks required by this section may be reduced pursuant to the provisions of LOC 57.06.090 without the need to receive a variance pursuant to this Code.~~

~~95. Special Setbacks for Steeply Sloped Lots. On Steeply Sloped Lots Where the average lot slope is 25% or more, the minimum required front yard setback for detached dwellings shall be 18 feet.~~

Section 50.06.060 Structure Design – R-0, R-2, R-3, and R-5 Zones

1. Applicability. The structure design standards of this section shall apply to the following types of development within the R-0, R-2, R-3, and R-5 Residential Zones:

- a. ~~●~~ Detached single family dwellings;
- b. ~~●~~ Zero lot line dwellings;
- c. ~~●~~ Duplexes; and
- d. ~~●~~ Structures that are accessory to the development types listed above.

2. Street Front Setback Plane.

a. Except as set forth in LOC 50.06.060 (2)(c), the profile of a structure that fronts on a street shall fit behind a plane that starts at the setback line (front yard or side yard abutting a street) and extends upward, to 20 feet in height, then slopes toward the center of the lot up to

28 feet in height at the highest point of the roof, as illustrated in LOC Appendix 50.07-C. The slope of the street-front setback plane is dependent upon whether it applies to a front yard or side yard abutting a street, as follows:

- i. Front yard - 6:12 slope.
- ii. Side yard abutting a street - 12:12 slope
- b. Exceptions to the street-front setback plane.

i. Any individual roof form may penetrate the street-front setback plane if it is less than one-third of the structure width. Two or more separate and distinct roof forms, such as dormers, may project into the street-front setback plane if they are less than one-half of the structure width.

See Appendix 50.07-D.

ii. Any eaves, bay windows, chimneys and other decorative features (LOC 50.07.025(3), front porch (LOC 50.22.010(2)), cornices, eaves, gutters, belt courses, leaders, sills, pilasters lintels, ornamental features, and other architectural features, canopies, sunshades, chimneys, and flues (LOC 50.22.045(1)) that are allowed to project into the front yard setback shall fit below the extension of the street front setback plane, as illustrated in Appendix 50.07.040-A.

- c. Street Front Setback Plane on Steeply Sloped Lots.

i. ~~Down Slope (Steeply sloped lots, sloping downhill away from the street).~~ On steeply sloped lots where the average elevation of the ground surface at the front setback line is below the average elevation of the centerline of the street, the elevation at which the street front setback plane height is measured shall be the average elevation of the centerline of the street, as illustrated in LOC Appendix 50.07-I. For this measurement, the average elevation of the street centerline shall be measured at points along the street centerline where a perpendicular line extended from the centerline would intersect the abutting property corners, as illustrated in LOC Appendix 50.07-J.

ii. ~~Upslope. (Steeply sloped lots, sloping uphill away from the street). On sloped lots that rise up in elevation from the street or right-of-way and where the average lot slope is 25% or more as measured from the lot line abutting a street to the most distant point of the dwelling, the~~ The street front setback plane shall be determined as follows: the front profile of a structure shall fit behind a plane that starts at the setback line fronting a street and extends upward, to 24 feet in height, then slopes toward the center of the lot at a slope equal to the average lot slope measured from the lot line abutting a street to the most distant point of the dwelling for a horizontal distance of ten feet, at which point the structure may rise to the maximum allowed height for the lot as set forth in LOC 50.06.055. The standard is illustrated in LOC Appendix 50.07-K.

3. Side Yard Setback Plane - Interior Yards.

a. Except as set forth in section (c) below, the side profile of a structure shall fit behind a plane that starts at the side property line and extends upward to 12 feet and slopes toward the center of the lot at a slope of 12:12 up to the maximum allowed height at the peak as illustrated in LOC Appendix 50.07-D.

b. Roof forms may penetrate into the side yard setback plane required under (a) above as follows:

i. Any individual roof form may penetrate the side setback plane if it is less than one-third of the structure length. Two or more separate and distinct roof forms such as dormers or gables may project into the side setback plane if they are less than one-half of the structure length.

ii. Building projections allowed under LOC 50.22.045 may project up to 2 feet into the side yard setback plane. Chimneys are exempt from the setback plane requirement.

c. On steeply sloped lots that are upslope from the abutting street, no side yard setback plane is required.

4. Side Yard Appearance and Screening. At least one of the following design treatments shall be applied along side yards or side elevations. This section is applicable to both interior side yards and side yards that abut streets.

a. Treatment 1 - Maximum Side Yard Plane.

~~The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from neighboring properties or a side street.~~ When the side elevation of a primary structure is more than 500 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure, that projects or recedes at least 2 feet from the adjacent plane, for a length of at least 6 feet.

b. Treatment 2 - Side Yard Features.

i. The side elevation of a structure shall consist of two or more planes that are offset by a minimum of 16 inches. The wall planes shall be a minimum of 4 feet in width, and shall result in a change in a wall plane for one full story.

EXCEPTION: Window bays may be utilized to satisfy the requirement for offsets. Such windows shall extend a minimum of twelve inches outward from the main wall of a building and shall form a functional bay or alcove in an interior room. Bay windows used to meet this requirement shall not be exempt from setback requirements; and

ii. Walls shall include a roof eave overhang of 16 inches or greater; and

iii. Windows and/or doors shall occupy a minimum of fifteen percent of the side elevation facing the street. All windows shall have a window trim that is a minimum of four inches in width.

c. Treatment 3 - Screening.

i. The applicant shall provide screening and buffering of the wall plane with a minimum of one standard plant unit for every 50 linear feet of side property line or fraction thereof. Planting shall occur within an area that is defined by the length of the side elevation plus 20 feet beyond the width of the building at either end, and outward 20 feet from the side elevation of the building, towards the side lot line, as shown in LOC Appendix 50.07-F. Standard plant units are defined in LOC Appendix 50.07-G. All landscape plants shall be grouped and clustered within the side yard to visually break up wall planes into smaller segments.

ii. To use the screening option, the following standards must exist or be provided:

(1) A minimum distance of 15 feet between dwellings.

(2) Columnar tree species shall be used when the setback is less than 10 feet.

(3) Root barrier techniques shall be used to avoid root growth damage to foundations.

5. Corner Lots - Side Yards That Abut Streets. As an alternative to the treatments set forth in LOC Section 50.06.060 (4), on a corner lot, either of the following treatments can be used for the side elevation that abuts a street:

a. Corner Treatment 1 - Covered Side Porch. The side yard elevation shall include a covered porch. The porch shall be a minimum of 80-square feet in area, a minimum of five feet deep, and shall extend along a minimum of 25% of the side elevation that faces the street. The porch must meet setbacks.

b. Corner Treatment 2 - Balcony. The side yard elevation shall include a second floor balcony. The balcony shall be a minimum 30-square feet in area, and a minimum of three feet deep. The balcony may encroach four feet into the setback.

6. Long Wall Planes. To break up building mass and provide greater privacy on narrow lots, on a lot that has greater than 2.5:1 ratio of lot depth to the average of the lengths of the front and rear setback lines, no portion of a residential structure shall exceed 18' high for a cumulative length greater than 60', unless the excess portion of the residential structure more than 18' high beyond the 60' cumulative length is setback not less than 20' from the side lot line. See LOC Appendix 50.07-H.

Section 50.06.065 Garage Appearance and Location – R-0, R-2, R-3, and R-5 Zones

1. Applicability Limited to Dwelling Type. ~~Except when a garage is located behind the primary structure or the garage is side or rear loading, as shown in Appendix 50.02-C, the~~ The garage appearance and location standards of this section shall apply to the following types of development within the R-0, R-2, R-3, and R-5 Residential Zones:

a. Detached single family dwellings;

b. Zero lot line dwellings; and

c. Duplexes.

~~2. The garage shall comply with subsections (a)-(c) below:~~

~~a. Not be located closer to the street than the dwelling, unless the exception criteria outlined in subsection (4) below are met. For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, other than any habitable space above the garage, shall be located closer to the street than the garage door. Habitable space above a garage shall be considered an acceptable method of meeting this standard for remodeling projects involving homes built prior to August 2004 in the R-5 zone, and July 1, 2010, in the R-0, R-2, and R-3 zones.~~

~~b. Either:~~

~~i. Not occupy more than 60% of the width of the front facade of the structure; or~~

~~ii. For duplexes and zero lot line dwellings, garages may occupy up to 75% of the width of the front facade of the structure when the following criteria are satisfied:~~

~~(1) The lot width of the lot upon which the duplex is located or the combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 feet; and~~

~~(2) The total combined width of all garage doors does not exceed 36 feet; and~~

~~(3) Living area is provided above the garage. The front facade of the living area must have fenestration that is not less than 20% of the facade; and~~

~~(4) One or more of the following is provided:~~

~~A. Pergolas or trellises are provided across the entire front of the garage; or~~

~~B. A covered porch occupies at least 25% of the facade; or~~

~~C. An enclosed outdoor living space is located between the front of the house, the garage, and the public right-of-way. The enclosure shall consist of wood, wrought iron, brick, stucco, stone, or other masonry fencing (excluding concrete block) and include an operable entryway gate (see LOC Appendix 50.06.065 (2)(b)(ii)(4)(C)); and~~

~~(5) If the garages for the units are adjacent to one another, the horizontal planes of the garage doors shall be offset no less than two feet.~~

2. Garage Wall Facing Street. When a garage has wall(s) facing a street, these wall(s) shall have more than one plane or shall include fenestration equal to at least 10% of the garage wall.

3. Multiple Garage Opening Setbacks. In any instance where a garage or a set of adjacent garages is designed to park 3 or more vehicles, only the garage openings for the first 2 vehicles may occupy the same building plane. Each additional building plane with a garage opening shall be set back by a minimum of 2 feet from the previous garage building plane.

~~4. Exceptions. The standards in subsections (2)(a) and (2)(b) shall not apply in any one of the following circumstances:~~

~~a. Where the average slope of a parcel exceeds 20%;~~

~~b. Where the width of a parcel is less than 50 feet, or~~

~~c. Where the garage is proposed to be set back at least 60 feet from the public right-of-way.~~

4. Garage Design Requirements Due to Location.

a. Exceptions. The standards in subsection (4)(b) shall not apply in any one of the following circumstances:

i. The garage is 20 feet or more back from:

(1) The point of the dwelling closest to the front lot line, and,

(2) If applicable, the point of the dwelling closest to the street side yard line.

ii. The garage is side-loading;

iii. The garage is rear-loading;

iv. The lot is a Steeply Sloped Lot;

v. The lot width is less than 50 feet, or

vi. The garage is proposed to be set back at least 60 feet from the public right-of-way.

Appendix 50.06.065-A illustrates the exceptions for subsections (i)-(iii).

b. Garage Location Standards. The garage shall comply with subsections (i)-(iii) below:

i. The garage shall not be located closer to the street than the dwelling. For the purpose of meeting this subsection, the exterior wall of at least one room of habitable space, other than any habitable space above the garage, shall be located closer to the street than the garage door. Habitable space above a garage shall be considered an acceptable method of

meeting this standard for remodeling projects involving homes built prior to August 2004 in the R-5 zone, and July 1, 2010, in the R-0, R-2, and R-3 zones.

ii. Either:

(1). The garage elevation shall not occupy more than 60% of the width of the front facade of the dwelling and garage. (See Appendix 50.06.065-A); or

(2). For duplexes and zero lot line dwellings, garages may occupy up to 75% of the width of the front facade of the dwelling and garage when the following criteria are satisfied:

A. The lot width of the lot upon which the duplex is located or the combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 feet; and

B. The total combined width of all garage doors does not exceed 36 feet; and

C. Living area is provided above the garage. The front facade of the living area must have fenestration that is not less than 20% of the facade; and

D. One or more of the following is provided:

1. Pergolas or trellises are provided across the entire front of the garage; or

2. A covered porch occupies at least 25% of the facade; or

3. An enclosed outdoor living space is located between the front of the house, the garage, and the public right-of-way. The enclosure shall consist of wood, wrought iron, brick, stucco, stone, or other masonry fencing (excluding concrete block) and include an operable entryway gate (see LOC Appendix 50.06.065 (2)(b)(ii)(4)(C)); and

E. If the garages for the units are adjacent to one another, the horizontal planes of the garage doors shall be offset no less than two feet.

iii. Comply with at least two of the following standards, to minimize the appearance of the garage:

A. Set the garage an additional two feet further from the front property line than the facade of the dwelling;

B. Provide individual garage doors, not to exceed 75 square feet each, for each parking stall;

C. Any individual garage door may not exceed 50% of the width of the facade of the dwelling and garage, or in the case of duplexes and zero lot line dwellings, 50% of the width of the combined facade of the dwellings and garages. Any garage opening width beyond 50% of the dwelling and garage width must be set back at least 2 feet further from the front property line than the facade of the other garage opening;

D. Provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 inches deep and 6 feet tall.

5. When a side-loading garage wall is exposed to the street or abutting property, the front or side of the exposed garage building wall shall have more than one plane or shall include fenestration equal to at least 10% of the exposed garage wall.

~~6. For garages located at the rear of the primary structure or for side-loading garages, the area of the garage, up to 200 square feet, shall be exempt from lot coverage calculations.~~

Section 50.07.010 Permitted Uses (R-6 Zone)

Uses permitted in the R-6 zone are as follows:

1. One single family dwelling per lot.
2. Zero lot line dwellings.
3. Raising of produce provided no sales office is maintained on the lot.
4. Animals kept for owner's use with no commercial activity allowed.
5. Home occupations.
6. Minor public facilities, including collocated telecommunications facilities but excluding new telecommunications facilities.
- ~~7. Cluster developments.~~
- ~~8. Group care facilities.~~
- ~~9. One secondary dwelling unit per lot.~~
- ~~10. Family day care facility.~~

Section 50.07.015 Conditional Uses

Uses Allowed. Conditional uses in the R-6 zone are as follows:

1. Institutional uses.
2. Major public facilities.
3. Private recreational uses that are predominately of an open space character, such as golf courses, hunt clubs, or other similar uses.
4. New telecommunications facilities.
5. Non-profit office uses in structures on the City's Historical Landmarks List which are located on arterial streets. For the purposes of this section, "office uses" include business and management services, except for medical or dental offices.

Section 50.07.025 Yard Setbacks

~~1. Except as otherwise provided in this section, LOC 50.16.040, 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the following minimum yard setbacks are required for development in the R-6 zone, except as modified below.~~

**LOC TABLE 50.07.025
Minimum Yard Setbacks - R-6 Zone**

Minimum Yard Setbacks - R-6 Zone				
	Primary Structures	Accessory Structures < 600 sq. ft. and with walls < 10 ft. in height below the eave	Other Accessory Structures	Garage-Vehicle Opening (Also see LOC Section 50.07.047, Garage Appearance and Location)
Front	20 feet	20 feet	20 feet	15 feet behind the front building line of

**LOC TABLE 50.07.025
Minimum Yard Setbacks - R-6 Zone**

Minimum Yard Setbacks - R-6 Zone				
				the house (excluding a porch)
Side Adjacent to a Street	Arterial/Collector: 20 feet Local: 7.5 feet provided there is no less than 20 feet between the road surface and the structure	Arterial/Collector: 20 feet Local: 7.5 feet provided there is no less than 20 feet between the road surface and the structure	Arterial/Collector: 20 feet Local: 7.5 feet provided there is no less than 20 feet between the road surface and the structure	Arterial/Collector: 20 feet Local: 15 feet
Side	7.5 feet	5 feet	7.5 feet	7.5 feet
Rear	15 feet	5 feet	15 feet	15 feet

2. Adjustments and Additions.

a. Adjustments. The setbacks set forth in subsections (1) above may be adjusted or excepted by LOC 50.16.040 (Sensitive Lands Setback Modifications), 50.22.010 (General Exceptions to Yard Requirements), 50.22.025 (Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirement), 50.22.045 (General Exemptions for Building Projections, Decks, and Walkways and Pathways to Setbacks), and LOC 57.06.090 (Solar Access).

b. Additions. The following setbacks are in addition to the setbacks in subsection (1): 50.22.035 (Special Street Setbacks).

23. A projecting covered front porch may extend into the front yard setback up to 6 feet.

~~3. Eaves, bay windows, chimneys and other decorative features that do not expand the plane of the primary exterior wall may extend into the yard setback areas as long as minimum fire code distances are met.~~

4. Primary and accessory structures built before July 1, 2010, are subject to the following minimum side yard setbacks:

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Primary and Accessory Structures Built Before July 1, 2010, or Additions to Those Structures	
Structures ≤ 18 feet in height:	Structures > 18 feet in height:
5 feet	5 feet minimum width on a side, 15 feet cumulative, except a multi-story structure may have a smaller side yard setback than required by this section where the ground floor is setback a minimum of 5 feet and the remainder of the structure is stepped back from the building line by at least four feet on each side.

Section 50.07.035 Lot Coverage / Impervious Surface

1. Lot coverage in the R-6 zone shall not exceed the lot coverage standards found in LOC Table 50.07.035.

**LOC TABLE 50.07.035
Lot Coverage - R-6 Zone**

Lot Coverage in the R-6 Zone									
Lot size in sq. ft.	Base Height of Structure at Highest Grade								
	20' or less	>20' to 21'	>21' to 22'	>22' to 23'	>23' to 24'	>24' to 25'	>25' to 26'	>26' to 27'	>27'
7,000 or less	45%	43%	42%	40%	38%	36%	35%	35%	35%
>7,000 - 8,500	36%	36%	36%	36%	36%	36%	35%	34%	33%
>8,500 - 10,000	35%	35%	35%	35%	34%	33%	32%	31%	30%
>10,000 - 11,500	35%	35%	35%	33%	31%	30%	29%	28%	27%
>11,500	35%	34%	33%	30%	28%	27%	25%	25%	25%

For purposes of regulating lot coverage in relation to building height, base building height shall be established by a flat plane measured from the highest point of the natural grade within the building envelope, provided that the height is no more than four feet higher than the base height listed in LOC Table 50.07.035.

2. Decks less than 5 feet above grade, stairs, pergolas, trellises or other landscaping structures, and concrete slabs shall be exempt from lot coverage calculations.
3. No more than 60% of the lot may be covered with impervious surfaces.

4. Provided it is the only garage on the site, the ground floor area garage footprint, including any habitable area directly above or below the garage, of a detached garage area shall be exempt from lot coverage calculations:

- a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.
- b. For lots greater than 10,000 square feet in area - up to 400 square feet.

~~5. Habitable areas of detached accessory structures that would normally be counted as floor area shall be exempt from floor area calculations:~~

- ~~a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.~~
- ~~b. For lots greater than 10,000 square feet in area - up to 400 square feet.~~

Section 50.07.037 Maximum Floor Area.

1. For purposes of calculating maximum floor area for dwellings in the R-6 zone, the floor area of garages and accessory structures shall be included in the total that is subject to the maximum floor area standard of this section.

2. The maximum floor area per lot in the R-6 zones shall not exceed the floor area calculated according to the following formula:

Maximum Floor Area per Lot = 2750 square feet + [(actual lot size - 6000 square feet) x 0.19] + a 500 square foot floor area allowance per residential unit providing a garage.

3. Floor area for uses other than outright permitted residential development and their accessory uses shall be as follows:

- a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.
- b. The FAR for other non-residential uses shall not exceed 1:1.

~~4. Decks less than 5 feet above grade, stairs, pergolas, trellises or other landscaping structures, and concrete slabs shall be exempt from floor area calculations.~~

~~54. Provided only one garage is located on the site only one garage is provided, habitable areas of detached accessory structures that would normally be counted as floor area for purposes of floor area calculations, shall be exempt as follows in the floor area calculations:~~

- ~~a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.~~
- ~~b. For lots greater than 10,000 square feet in area - up to 400 square feet.~~

Section 50.07.040 Dwelling Design

1. Roof Design. The minimum roof pitch for primary roof forms of a single family dwelling shall be 6:12. Shed type and flat roofs are not permitted as primary roof forms on single family dwellings. Secondary roof forms, such as sunrooms, balconies, dormers, porticos, or bays may be flat or shed roof types (See Appendix 50.07.040-A).

2. Front Porch Required. All new dwellings shall include a covered front porch a minimum width of either 50% of the building width, as measured within 40 feet of at the front building lot line, or 15 feet, whichever is greater. (See Appendix 50.07.040-B) and six feet deep. Porch supports shall be provided and shall be wood or masonry or a solid material with the appearance of wood or masonry.

3. Street Front Setback Plane.

a. Except as set forth in LOC 50.07.040 (3)(c), the profile of a structure that fronts on a street shall fit behind a plane that starts at the setback line (front yard or side yard abutting a street) and extends upward to 20 feet in height, then slopes toward the center of the lot, up to 28 feet in height at the, highest point of the roof, as illustrated in LOC Appendix 50.07-C. The slope of the street-front setback plane is dependent upon whether it applies to a front yard or side yard abutting a street, as follows:

- i. Front yard - 6:12 slope.
- ii. Side yard abutting a street - 12:12 slope.

This requirement shall not apply to flag lots.

b. Exceptions to the street- front setback plane.

 i. Any individual roof form may penetrate the street- front setback plane if it is less than one-third of the ~~total~~ structure width. Two or more separate and distinct roof forms, such as dormers, may project into the street-front setback plane if they are less than one-half of the structure width. See LOC Appendix 50.07-D.

 ii. Any eaves, bay windows, chimneys and other decorative features (LOC 50.07.025(3), front porch (LOC 50.22.010(2)), cornices, eaves, gutters, belt courses, leaders, sills, pilasters lintels, ornamental features, and other architectural features, canopies, sunshades, chimneys, and flues (LOC 50.22.045(1)) that are allowed to project into the front yard setback shall fit below the extension of the street front setback plane, as illustrated in Appendix 50.07.040-A.

c. Street front setback Plane on Sloped Lots.

i. ~~Down Slope (Steeply sloped lots sloping downhill away from the street).~~ On steeply sloped lots where the average elevation of the ground surface at the setback line fronting a street is below the average elevation of the centerline of the street, the elevation at which the street front setback plane height is measured shall be the average elevation of the centerline of the street, as illustrated in LOC Appendix 50.07-I. For this measurement, the average elevation of the street centerline shall be measured at points along the street centerline where a perpendicular line extended from the centerline would intersect the abutting property corners, as illustrated in LOC Appendix 50.07-J.

ii. ~~Upslope. (Steeply sloped lots, sloping uphill away from the street). On sloped lots that rise up in elevation from the street or right of way and where the average lot slope is 25% or more as measured from the lot line abutting a street to the most distant point of the dwelling, the street front setback plane shall be determined as follows: the~~ The front profile of a structure shall fit behind a plane that starts the setback line fronting a street and extends upward, to 24 feet in height, then slopes toward the center of the lot at a slope equal to the average lot slope measured from the lot line abutting a street to the most distant point of the dwelling for a horizontal distance of ten feet, at which point the structure may rise to the maximum allowed height for the lot as set forth in LOC 50.08.035. The standard is illustrated in LOC Appendix 50.07-K.

4. Side Yard Setback Plane - Interior Yards.

a. Except as set forth in section (c) below, the side profile of a structure shall fit behind a plane that starts at the side property line and extends upward to 12 feet and

slopes toward the center of the lot at a slope of 12:12 up to the maximum allowed height at the peak as illustrated in LOC Appendix 50.07-E.

b. Roof forms may penetrate into the side yard setback plane required under (a) above as follows:

i. Any individual roof form may penetrate the side setback plane if it is less than one-third of the structure length. Two or more separate and distinct roof forms such as dormers or gables may project into the side setback if they are less than one-half of the structure length.

ii. Building projections allowed under LOC 50.22.045 may project up to 2 feet into the side yard setback plane. Chimneys are exempt from the setback plane requirement.

c. On steeply sloped lots that are upslope from the abutting street, no side yard setback plane is required.

5. Side Yard Appearance and Screening.

At least one of the following design treatments shall be applied along side yards or side elevations. This section is applicable to both interior side yards and side yards that abut streets.

a. Treatment 1 - Maximum Side Yard Plane.

~~i. The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from neighboring properties or a side street.~~ When the side elevation of a primary structure is more than 500 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure, that projects or recedes at least two feet from the adjacent plane, for a length of at least 6 feet.

ii. The maximum side yard plane may be increased by 10% on a side for every additional 5 feet of side yard setback provided beyond the minimum required by the zone, on the side property line.

b. Treatment 2 - Side Yard Features.

i. The side elevation of a structure shall consist of two or more planes that are offset by a minimum of 16 inches. The wall planes shall be a minimum of 4 feet in width, and shall result in a change in a wall plane for one full story.

EXCEPTION: Window bays may be utilized to satisfy the requirement for offsets. Such windows shall extend a minimum of twelve inches outward from the main wall of a building and shall form a functional bay or alcove in an interior room. Bay windows used to meet this requirement shall not be exempt from setback requirements;

and

ii. Walls shall include a roof eave overhang of 16 inches or greater; and

iii. Windows and/or doors shall occupy a minimum of fifteen percent of the side elevation facing the street. All windows shall have a window trim that is a minimum of four inches in width.

c. Treatment 3 - Screening.

i. The applicant shall provide screening and buffering of the wall plane with a minimum of one standard plant unit for every 50 linear feet of side property line or fraction thereof. Planting shall occur within an area that is defined by the length of the side elevation plus 20 feet beyond the width of the building at either end, and outward 20 feet from the side elevation of the building, towards the side lot line, as shown in LOC Appendix 50.07-F. Standard plant units are defined in LOC Appendix 50.07-G. All

landscape plants shall be grouped and clustered within the side yard to visually break up wall planes into smaller segments.

ii. To use the screening option, the following standards must exist or be provided:

- (1) A minimum distance of 15 feet between dwellings.
- (2) Columnar tree species shall be used when the setback is less than 10 feet.
- (3) Root barrier techniques shall be used to avoid root growth damage to foundations.

6. Corner Lots - Side Yards That Abut Streets. As an alternative to the treatments set forth in LOC Section 50.07.040 (5), on a corner lot, either of the following treatments can be used for the side elevation that abuts a street:

a. Corner Treatment 1 - Covered Side Porch. The side yard elevation shall include a covered porch. The porch shall be a minimum of 80-square feet in area, a minimum of five feet deep, and shall extend along a minimum of 25% of the side elevation that faces the street. The porch must meet setbacks.

b. Corner Treatment 2 - Balcony. The side yard elevation shall include a second floor balcony. The balcony shall be a minimum 30-square feet in area, and a minimum of three feet deep. The balcony may encroach four feet into the setback.

7. Long Wall Planes. To break up building mass and provide greater privacy on narrow lots, on a lot that has greater than 2.5:1 ratio of lot depth to the average of the lengths of the front and rear setback lines, no portion of a residential structure shall exceed 18' high for a cumulative length greater than 60', unless the excess portion of the residential structure more than 18' high beyond the 60' cumulative length is setback not less than 20' from the side lot lines. See LOC Appendix 50.07-H.

Section 50.07.047 Garage Appearance and Location

~~1. Garages.~~ In addition to compliance with LOC 50.07.025 (accessory structure setback requirements) and 50.07.045, a garage shall comply with the following requirements:

~~a1.~~ Garages shall be accessed from an alley, if available.

~~2.~~ If a property is located on a corner lot, garages may also be accessed from the street that abuts the side of the primary dwelling when the following criteria are met:

~~ia.~~ The garage is located between the primary structure and the alley, if an alley abuts the lot,

~~ib.~~ The garage is set back a minimum of 15 feet from the side street property line, and

~~ic.~~ The garage is set back a minimum of 2 feet from a line extended from the side elevation of the primary dwelling to the rear lot line, and behind the primary structure. See Appendix 50.07.040-B.

~~b3.~~ For interior lots, garages shall be located so that the garage is set back a minimum of 15 feet behind the front ~~building yard setback~~ building yard setback line of the house (excluding a porch). See Appendix 50.07.040-B.

~~c4.~~ Garage Wall Facing Street. When a side or rear loading garage has wall(s) is exposed facing to the a street or abutting property, these wall(s) the front or side of the exposed building wall shall have more than one plane or shall include fenestration equal to at least 10% of the ~~exposed garage wall.~~

~~d5.~~ Where no alley access is available, the garage shall either:

~~—ia. Occupy up to 60% Not occupy more than 60%~~ of the width of the combined facade of the structure dwelling and garage, or

~~—iib.~~ For zero lot line dwellings, garages may either comply with subsection (a) or may occupy up to 75% of the width of the combined front facade of the structure dwelling and garage when the following criteria are satisfied:

~~—(1i).~~ The combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 feet; and

~~—(2ii).~~ The total combined width of all garage doors does not exceed 36 feet; and

~~—(3iii).~~ Living area is provided above the garage. The front façade of the living area must have fenestration that is not less than 20% of the facade; and

~~—(4iv.)~~ One or more of the following is provided:

~~—A(1).~~ Pergolas or trellises are provided across the entire front of the garage; or

~~—B(2).~~ A covered porch occupies at least 25% of the façade.

~~—(5v).~~ If the garages for the units are adjacent to one another, the horizontal planes of the garage doors shall be offset no less than two feet.

~~—2. This section shall not apply to secondary dwelling units, which shall be governed by the requirements for the primary structure and LOC 50.30.010.~~

Section 50.08.010 Permitted Uses; R-7.5, R-10 and R-15 Zones

Uses permitted in the R-7.5, R-10 and R-15 zones are as follows:

1. One single family dwelling per lot. Single family detached dwellings and accessory structures associated with such dwellings located within the boundaries of the First Addition Neighborhood Association, as they now exist or hereafter may be amended by ordinance of the City Council, shall be developed and altered pursuant to the standards for such dwellings contained in LOC 50.07.025 (2) and (4), 50.07.040, 50.07.045, and 50.07.065.

2. Zero lot line dwellings.

3. Raising of produce, provided no retail sales office is maintained on the lot.

4. Large animals kept for owner's use with no commercial activity are permitted only in the R-10, R-15 zones and only under the following conditions:

a. The lot area shall be a minimum of one acre. The total number of large animals allowed on a specific property shall be determined by dividing the total area of the property by 15,000 square feet per animal over the age of six months.

b. Animal runs or barns shall not be closer than 70 feet from the front property line and not closer than 35 feet from a side or rear property line.

c. Animals shall be properly housed and proper sanitation shall be maintained with food, other than hay or fodder, stored in metal or other rodent-proof receptacles.

5. Home occupation.

6. Minor public facilities, including collocated telecommunications facilities but excluding new telecommunications facilities.

~~—7. Cluster developments.~~

~~87.~~ Group care facilities home.

- 98. One secondary dwelling unit per lot.
- 109. Family day care facility.

Section 50.08.015 Conditional Uses; R-7.5, R-10, and R-15 Zones.

Conditional uses in the R-7.5, R-10 and R-15 zones are as follows:

- 1. Institutional uses.
- 2. Golf course, hunt club, or other similar open land private recreational uses.
- 3. Major public facilities.
- 4. New Telecommunications Facilities.
- 5. ~~Non-profit~~ Office uses in structures on the City's Historical Landmarks List which are located on arterial streets. For the purposes of this section, "office uses" include business and management services, except for medical or dental offices.
- 6. Residential care housing.
- 7. Congregate housing.

Section 50.08.020 Maximum Density, ~~Density Bonus~~

- 1. ~~a.~~ The maximum density for each site in the R-7.5, R-10, and R-15 zones, expressed in number of dwelling units per net developable acre is computed by dividing the net developable acreage by the minimum lot area per unit and rounding down to the nearest whole number.
- 2. ~~b.~~ The actual density allowed on a site will be determined at the time of development review. Maximum, density will be allowed to the extent that facts presented to the hearings body show that development at that density can occur within requirements set forth in the Development Standards.
- ~~2.~~ The maximum density in the R-7.5, R-10 and R-15 zones may be increased if specifically allowed by the terms of this Code. The maximum density bonus will be determined by the specific applicable Code provision. However, the total number of allowable units shall not exceed by more than 25% the number of units allowed in the zone.

Section 50.08.030 Yard Setbacks.

- 1. ~~Except as otherwise provided in this section, LOC 50.16.040, 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the~~ a. The following yard setbacks are required for in each zone in the R-7.5, R-10, and R-15, except as modified below:

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Zones R-7.5, -10, and -15 Setbacks

Zone	Primary and Accessory Structures		Primary Structures			Accessory Structures	
	Front Yard	Side Yard Adjacent to a Street	Other Side Yard		Rear Yard	Side and Rear Yards	
			Structure ≤ 18 feet in height	Structure > 18 feet in height		Structure ≤ 18 feet in height	Structure > 18 feet in height
R-7.5	25 feet	20 feet on arterial and collector, 15 feet on local streets	5 ft. min. width, total combined width 15 feet. (See subsection 2, <u>Measurement of Side Yard Setback</u> below for zero lot line dwellings.)	10 feet	30 feet	5 feet, side 10 feet, rear	10 feet, side 15 feet, rear
R-10	25 feet	20 feet on arterial and collector, 15 feet on local streets	10 feet	15 feet	30 feet	10 feet, side 15 feet, rear	15 feet
R-15	25 feet	20 feet on arterial and collector, 15 feet on local streets	10 feet	15 feet	30 feet	10 feet, side 15 feet, rear	15 feet

eb. Adjustments and Additions.

i. Adjustments. The setbacks set forth in subsection (a) above may be adjusted or excepted by LOC 50.16.040 (Sensitive Lands Setback Modifications), 50.22.010 (General Exceptions to Yard Requirements), 50.22.025 (Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirement), 50.22.045 (General Exemptions

for Building Projections, Decks, and Walkways and Pathways to Setbacks), 50.14.005(5) (Accessory Structures), and LOC 57.06.090 (Solar Access). Structures which are permitted within the Oswego Lake setback (LOC 50.22.030) are similarly permitted within the setbacks set forth in subsections (a) and (b) above to the extent the setback area overlaps with the Oswego Lake setback.

ii. Additions. The following setbacks are in addition to the setbacks in subsection (a): LOC 50.22.030 (Oswego Lake setback) and 50.22.035 (Special Street Setbacks).

~~2. The two lots that have zero-zero lot line units are considered a unified site for purposes of meeting must comply with all required setbacks except for the area of the common wall or walls.~~

3. Setbacks for a planned development will be determined at the time of review pursuant to LOC Article 50.17. The maximum setback that can be required is 35 feet.

4. Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances, and physical site or solar access limitations. Street access should be to local streets.

~~6. Setbacks required by this section may be reduced pursuant to the provisions of LOC 57.06.090 without the need to receive a variance pursuant to this Code.~~

~~65. Special Setbacks for Steeply Sloped Lots. On Steeply Sloped Lots, Where the average lot slope is 25% or more, the minimum required front yard setback for detached dwellings shall be 18 feet.~~

6. Measurement of Side Yard Setback. For purposes of this section, the width of the side yard setback shall be measured from the point of the side property line that is nearest to any portion of the structure.

Section 50.08.035 Height of Primary Structures

1. Maximum Base Height. Except as provided in subsection (2) below, a primary structure shall not exceed the following maximum base heights:

**LOC TABLE 50.08.035
Maximum Base Height of Structures - R-7.5, R-10 and R-15 Zones**

Zone	Maximum Base Height		
	Flat Lot	Lot with Sloping Topography	Sloped Lot
R-7.5	28 feet	32 feet*	35 feet
R-10	30 feet	34 feet*	35 feet
R-15	35 feet	35 feet	35 feet

* Lots with Sloping Topography - Maximum base height across the site shall be established by a flat plane measured at 28 feet (R-7.5 zone) or 30 feet (R-10 zone) above the highest point of the natural grade within the building envelope, except that in no case shall the

base height be greater than 32 feet (R-7.5 zone) or 34 feet (R-10 zone) above the natural grade. See LOC Appendix 50.07.030 (3).

2. Exceptions to Maximum Building Height. A greater height than otherwise permitted is allowed for:
 - a. Single family dwellings - Base building height may be increased by one foot for every five additional feet in yard setback on all sides, beyond the minimum code standards provided in subsection (1) above; or
 - b. Any structure - roof forms, or architectural features, such as, cupolas or dormers, provided that these roof forms or features:
 - i. Do not extend more than 6 feet above the maximum specified base height;
 - ii. Do not, in total, exceed one-third of the width of the building or buildings as measured on any elevation drawing for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections; and,
 - iii. Do not, in total, cover more than 20% of the roof area on which they are located as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections.

Examples of permitted exceptions are illustrated in Appendix 50.06-A.

Section 50.08.042 Maximum Floor Area

1. For purposes of calculating maximum floor area for dwellings in the R-7.5, R-10, and R-15 zones, the floor area of garages and accessory structures shall be included in the total that is subject to the maximum floor area standard of this section.
2. The maximum floor area per lot in the R-7.5, R-10, and R-15 zones shall not exceed the floor area calculated according to the formula included in LOC Table 50.08.042:

**LOC TABLE 50.08.042
Maximum Floor Area per Lot in R-7.5, R-10 and R-15 Zones**

Maximum Floor Area Per Lot			
Base Floor Area Calculation (dependent on lot size)		Bonus Floor Area (based on zone)	
		Additional floor area allowance per residential unit providing a garage	Zone
3000 square feet + [(actual lot size - 5800 square feet) x 0.19]	+	600 sq. ft.	R-7.5
		750 sq. ft.	R-10
		850 sq. ft.	R-15

3. Habitable areas of detached accessory structures that would normally be counted as floor area, shall be exempt from floor area calculations:

- a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.
 - b. For lots greater than 10,000 square feet in area - up to 400 square feet.
4. Maximum floor area for uses other than ~~single family dwellings~~ residential structures and their accessory uses structures shall be as follows:
- a. ~~The FAR for uses listed as eConditional uses; shall be eEstablished~~ as part of the conditional use process.
 - b. ~~The FAR for eOther non-residential uses; shall be no~~ No greater than 1:1.

Section 50.08.045 Structure Design

1. Street Front Setback Plane.

a. Except as set forth in LOC 50.08.045 (1)(c), the profile of a structure that fronts on a street shall fit behind a plane that starts at the setback line (front yard or side yard abutting a street) and extends upward to 20 feet in height, then slopes toward the center of the lot up to the maximum allowed height at the highest point of the roof, as illustrated in LOC Appendix 50.07-C. The slope of the street front setback plane is dependent upon whether it applies to a front yard or side yard abutting a street, as follows:

- i. Front yard - 6:12 slope,
- ii. Side yard abutting a street - 12:12 slope.

b. Exceptions to the street front setback plane.

i. Any individual roof form may penetrate the street front setback plane if it is less than one-third of the structure width ~~at 20 feet in height~~. See LOC Appendix 50.07-D. Two or more separate and distinct roof forms, such as dormers, may project into the street front setback plane if they are less than one-half of the structure width.

ii. Any front porch (LOC 50.22.010(2)), cornices, eaves, gutters, belt courses, leaders, sills, pilasters lintels, ornamental features, and other architectural features, canopies, sunshades, chimneys, and flues (LOC 50.22.045(1)) that are allowed to project into the front yard setback shall fit below the extension of the Street Front Setback Plane, as illustrated in Appendix 50.07.040-A.

c. Street Front Setback Plane on Steeply Sloped Lots.

i. ~~Down Slope (Steeply sloped lots sloping downhill away from the street).~~ On steeply sloped lots where the average elevation of the ground surface at the setback line fronting a street is below the average elevation of the centerline of the street, the elevation at which the street front setback plane height is measured shall be the average elevation of the centerline of the street, as illustrated in LOC Appendix 50.07-I. For this measurement, the average elevation of the street centerline shall be measured at points along the street centerline where a perpendicular line extended from the centerline would intersect the abutting property corners, as illustrated in LOC Appendix 50.07-J.

ii. ~~Upslope. (Steeply sloped lots sloping uphill away from the street).~~ On ~~sloped lots that rise up in elevation from the street or right of way and where the average lot slope is 25% or more as measured from the lot line abutting a street to the most distant point of the dwelling, the street front setback plane shall be determined as follows:~~ The front profile of a structure shall fit behind a plane that starts the setback line fronting a street and extends upward, to 24 feet in height, then slopes toward the center of the lot at a slope equal to the

average lot slope measured from the lot line abutting a street to the most distant point of the dwelling for a horizontal distance of ten feet, at which point the structure may rise to the maximum allowed height for the lot as set forth in LOC 50.08.035. The standard is illustrated in LOC Appendix 50.07-K.

2. Side Yard Setback Plane - Interior Yards.

a. Except as set forth in section (c) below, the side profile of a structure shall fit behind a plane that starts at the side property line and extends upward to 12 feet and slopes toward the center of the lot at a slope of 12:12 up to the maximum allowed height at the peak as illustrated in LOC Appendix 50.07-E.

b. Roof forms may penetrate into the side yard setback plane required under (a) above as follows:

i. Any individual roof form may penetrate the side setback plane if it is less than one-third of the structure length at 12 feet in height. Two or more separate and distinct roof forms such as dormers or gables may project into the side setback plane if they are less than one-half of the structure length at 12 feet in height.

ii. Building projections allowed under LOC 50.22.045 may project up to 2 feet into the side yard setback plane. Chimneys are exempt from the setback plane requirement.

c. On steeply sloped lots that are upslope from the abutting street, no side yard setback plane is required.

3. Side Yard Appearance and Screening.

At least one of the following design treatments shall be applied along side yards or side elevations. This section is applicable to both interior side yards and side yards that abut streets.

a. Treatment 1 - Maximum Side Yard Plane.

~~i. The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevations of a primary structure.~~ When the side elevation of a primary structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plane, such as a recessed or projecting section of the structure, that projects or recedes at least 2 feet from the adjacent plane, for a length of at least 6 feet.

ii. The maximum side yard plane may be increased by 10% on a side for every additional 5 feet of side yard setback provided beyond the minimum required by the zone, on the side property line.

b. Treatment 2 - Side Yard Features.

i. The side elevation of a structure shall consist of two or more planes that are offset by a minimum of 16 inches. The wall planes shall be a minimum of 4 feet in width, and shall result in a change in a wall plane for one full story.

EXCEPTION: Window bays may be utilized to satisfy the requirement for offsets. Such windows shall extend a minimum of twelve inches outward from the main wall of a building and shall form a functional bay or alcove in an interior room. Bay windows used to meet this requirement shall not be exempt from setback requirements;

and

- ii. Walls shall include a roof eave overhang of 16 inches or greater; and
- iii. Windows and/or doors shall occupy a minimum of fifteen percent of the side elevation facing the street. All windows shall have a window trim that is a minimum of four inches in width.

c. Treatment 3 - Screening.

- i. The applicant shall provide screening and buffering of the wall plane with a minimum of one standard plant unit for every 50 linear feet of side property line or fraction thereof. Planting shall occur within an area that is defined by the length of the side elevation plus 20 feet beyond the width of the building at either end, and outward 20 feet from the side elevation of the building, towards the side lot line, as shown in LOC Appendix 50.07-F. Standard plant units are defined in LOC Appendix 50.07-G. All landscape plants shall be grouped and clustered within the side yard to visually break up wall planes into smaller segments.

- ii. To use the screening option, the following standards must exist or be provided:

- (1) A minimum distance of 15 feet between dwellings.
- (2) Columnar tree species shall be used when the setback is less than 10 feet.
- (3) Root barrier techniques shall be used to avoid root growth damage to foundations.

4. Corner Lots - Side Yards That Abut Streets. As an alternative to the treatments set forth in LOC Section 50.08.045 (3), on a corner lot, either of the following treatments can be used for the side elevation that abuts a street:

- a. Corner Treatment 1 - Covered Side Porch. The side yard elevation shall include a covered porch. The porch shall be a minimum of 80-square feet in area, a minimum of five feet deep, and shall extend along a minimum of 25% of the side elevation that faces the street. The porch must meet setbacks.

- b. Corner Treatment 2 - Balcony. The side yard elevation shall include a second floor balcony. The balcony shall be a minimum 30--square feet in area, and a minimum of three feet deep. The balcony may encroach four feet into the setback.

5. Long Wall Planes. To break up building mass and provide greater privacy on narrow lots, on a lot that has greater than 2.5:1 ratio of lot depth to the average of the lengths of the front and rear setback lines, no portion of a residential structure shall exceed 18' high for a cumulative length greater than 60', unless the excess portion of the residential structure more than 18' high beyond the 60' cumulative length is setback not less than 20' from the side lot lines. See LOC Appendix 50.07-H.

Section 50.08.050 Accessory Structures

1. ~~Floor Area~~Size: An accessory structure \leq 18 feet in height shall not exceed a total 800 sq. ft. in area in size, or the square footage of the footprint of the primary structure, whichever is less. An accessory structure ~~greater-~~greater-> than 18 feet in height shall not exceed ~~the-a total greater of~~600 square feet in size or the square footage of the ground floor area footprint of the primary structure, whichever is less.

2. Height: The maximum height of an accessory structure shall be 24 feet, except that no accessory structure shall be taller than the primary structure.

3. Yard Setbacks: See LOC 50.08.030 for the side and rear yard setbacks for accessory structures. Except for boathouses within the Oswego Lake Setback (LOC 50.22.030), accessory structures on abutting lots may not be built with common party walls.

Section 50.08.055 Garage Appearance and Location

1. ~~The following standards apply, except when a garage is located behind the primary structure or the garage is side or rear loading, as shown in Appendix 50.02-C:~~

~~a. The garage shall:~~

~~i. Not be located closer to the street than the dwelling, unless the exception criteria outlined in subsection (c) below are met.~~

~~For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, other than any habitable space above the garage, shall be located closer to the street than the garage door. Habitable space above a garage shall be considered an acceptable method of meeting this standard for remodeling projects involving homes built prior to August 2004.~~

~~ii. Not occupy more than 60% of the width of the facade of the structure.~~

~~iii. Minimize the appearance of the garage by complying with at least two of the following standards:~~

~~A. Set the garage an additional two feet further from the front property line than the facade of the dwelling;~~

~~B. Provide individual garage doors, not to exceed 75 square feet each, for each parking stall;~~

~~C. Any individual garage door may not exceed 50% of the width of the structure facade. Any garage opening width beyond 50% of the primary structure width must be set back at least 2 feet further from the front property line than the facade of the other garage volume;~~

~~D. Provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 inches deep and 6 feet tall.~~

~~b. Multiple Garage Opening Setbacks. In any instance where a garage is designed to park 3 or more vehicles, only the garage openings for the first 2 vehicles may occupy the same building plane. Each additional building plane with a garage opening shall be set back by a minimum of 2 feet from the previous garage building plane.~~

~~c. Exceptions. The standards in subsections (1) (a) and (b) shall not apply in any one of the following circumstances:~~

~~i. Where the average slope of a parcel exceeds 20%;~~

~~ii. Where the width of a parcel is less than 50 feet, or~~

~~iii. Where the garage is proposed to be set back at least 60 feet from the public right-of-way.~~

~~2. Garage Wall Facing Street. When a side or rear loading garage has wall(s) is exposed facing to the a street or abutting property, these wall(s) the front or side of the exposed building wall shall have more than one plane or shall include fenestration equal to at least 10% of the exposed garage wall.~~

2. Multiple Garage Opening Setbacks. In any instance where a garage or a set of adjacent garages is designed to park 3 or more vehicles, only the garage openings for the first 2 vehicles may occupy the same building plane. Each additional building plane with a garage opening shall be set back by a minimum of 2 feet from the previous garage building plane.

3. Garage Design Requirements Due to Location.

a. Exceptions. The standards in subsection 3(b) do not apply in any one of the following circumstances:

- i. The garage is 20 feet or more back from:
 - (1) The point of the dwelling closest to the front lot line, and,
 - (2) If applicable, the point of the dwelling closest to the street side yard line.
- ii. The garage is side-loading;
- iii. The garage is rear-loading;
- iv. The lot is a Steeply Sloped Lot,
- v. The lot width is less than 50 feet, or
- vi. The garage is proposed to be set back at least 60 feet from the public right-of-way.

Appendix 50.06.065-A illustrates the exceptions for subsections (i) -(iii).

b. Garage Location Standards. The garage shall comply with subsections (ai)-(eiii) below:

i. The garage shall ~~Not not~~ be located closer to the street than the dwelling, ~~unless the exception criteria outlined in subsection (c) below are met.~~

For the purpose of meeting this ~~standard~~subsection, the exterior wall of at least one room of habitable space, other than any habitable space above the garage, shall be located closer to the street than the garage door. Habitable space above a garage shall be considered an acceptable method of meeting this standard for remodeling projects involving homes built prior to August 2004.

ii. The garage shall ~~Not not~~ occupy more than 60% of the width of the combined facade of the dwelling and garage [See Appendix 50.06.065-A] structure, except that garages for zero lot line dwellings may occupy up to 75% of the width of the facade of the dwelling and garage structure when the following conditions are satisfied:

- A. The combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 feet; and
- B. The total combined width of the garage doors does not exceed 36 feet; and
- C. Living area is provided above the garage. The front façade of the living area must have fenestration that is not less than 20% of the facade; and
- D. One or more of the following is provided:
 - (1) Pergolas or trellises are provided across the front of the garage; or
 - (2) A covered porch occupies at least 25% of the façade; or
 - (3) An enclosed outdoor living space is located between the front of the house, the garage, and the public right-of-way. The enclosure shall consist of wood, wrought iron, brick, stucco, stone, or other masonry fencing (excluding concrete block) and include an operable entryway gate (see LOC Appendix 50.06.065(2)(b)(ii)(4)(C)); and

E. If the garages for the units are adjacent to one another, the horizontal planes of the garage doors shall be offset no less than two feet.

iii. Comply with at least two of the following standards, to minimize the appearance of the garage:

A. Set the garage an additional two feet further from the front property line than the facade of the dwelling;

B. Provide individual garage doors, not to exceed 75 square feet each, for each parking stall;

C. ~~Any~~ Provide individual garage doors ~~may that do~~ not exceed 50% of the width of the combined façade of the dwelling and garage, or in the case of zero lot line dwellings, 50% of the width of the combined façade of the dwellings and garages. Any garage opening width beyond 50% of the dwellings and garage width must be set back at least 2 feet further from the front property line than the facade of the other garage opening;

D. Provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 inches deep and 6 feet tall.

~~3. For garages located at the rear of the primary structure or for side or rear loading garages, the area of the garage, up to 200 square feet, shall be exempt from lot coverage calculations.~~

Section 50.09.010 Permitted Uses in the DD Zone

Uses permitted in the DD zone are as follows:

1. Single-family dwelling.
2. Zero lot line dwelling.
3. Duplex.
4. Multiple dwelling.
5. Raising of vegetables and produce, provided no sales office is maintained on the premises.
6. Home occupations.
7. Minor public facilities, including collocated telecommunications facilities but excluding new telecommunications facilities.
8. Request for up to a 25% density bonus for public agency rental housing projects (not secondary dwelling units.)
- ~~9. Cluster developments.~~
- ~~109.~~ 109. Group care facilities home.
- ~~1110.~~ 110. One secondary dwelling unit per lot.

Section 50.09.015 Conditional Uses.

Conditional uses in the DD zone are as follows:

1. Institutional uses.
2. Major public facilities.
3. Skilled nursing facility.

4. New Telecommunications Facilities.

5. ~~Non-profit~~ Office uses in structures on the City's Historical Landmarks List which are located on arterial streets. For the purposes of this section, "office uses" include business and management services, except for medical or dental offices.

Section 50.09.022 Minimum Density: DD Zone

When subdivisions are proposed in the DD Zone for the purposes of single family development, a minimum density of 5 lots per acre is required. When ~~subdivisions are proposed for the purposes of constructing duplex development in the DD Zone~~ is proposed, a minimum density of 10 units per acre is required. When ~~subdivisions are proposed for the purpose of constructing multi-family development~~ is proposed in the DD Zone, a minimum density of 14 units per acre is required. For purposes of this section, the density is computed by multiplying the net developable acreage by either 5, 10 or 14 per the applicable type of development. The result shall be rounded up for any product with a fraction of .5 or greater and rounded down for any product with a fraction of less than .5.

Section 50.09.025 Setback Requirements, Buffers. (DD Zone)

1. ~~a. Except as otherwise provided in this section or LOC 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the~~ The required setback in the DD zone is 10 feet, except as provided below.

b. Adjustments and Additions.

i. Adjustments. The setbacks set forth in subsections (a) above may be adjusted or excepted by LOC 50.16.040 (Sensitive Lands Setback Modifications), 50.22.010 (General Exceptions to Yard Requirements), 50.22.025 (Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirement), 50.22.045 (General Exemptions for Building Projections, Decks, and Walkways and Pathways to Setbacks), 50.14.005(5) (Accessory Structures), and LOC 57.06.090 (Solar Access).

ii. Additions. The following setback is in addition to the setbacks in subsections (a) or (b): 50.22.035 (Special Street Setbacks).

c. Zero lot line units must comply with all required setbacks except for the area of the common wall or walls.

2. Structures shall be setback from a street right-of-way line a minimum of 10 feet, or such greater distance required to accommodate off street parking. Exception: On lots abutting Durham Street, front yard setbacks for new structures may be reduced to 3 feet for up to 50% of the building facade along Durham Street. The remaining 50% of the building may be between 5 feet and 10 feet from the front property line. The design of new structures along Durham Street must be compatible with LOC Article 50.66 (Old Town Neighborhood Design Standards).

~~3. The reviewing authority may increase required setbacks as necessary to achieve compliance with the Development Standards.~~

4. The reviewing authority may reduce required minimum setbacks for the exterior modification of a single-family detached dwelling built prior to 1960 by 2 feet if the modification maintains at least 50% of the exterior walls (measured by square feet) and does not increase height by more than 100%. All applicable City Codes and Standards for the DD zone apply.

54. The reviewing authority may reduce required minimum setbacks by greater than 2 feet but not exceeding 5 feet for the exterior modification of a single family detached dwelling unit built prior to 1960 if the modification maintains at least 50% of the exterior walls (measured by square feet), does not increase height by more than 100%, and the setback reduction will not result in an incompatible, negative relationship between the proposed expansion and:

- a. The scale and character of the neighborhood;
- b. The scale and character of the street, such that the safety or the experience of a pedestrian using the street is diminished; and
- c. The scale, character and privacy to properties within 300 feet of the property.

All applicable City Codes and Standards for the DD zone apply.

65. Where a lot zoned DD abuts a lot zone EC or R0-EC, a landscaped buffer a minimum of 5 feet in width is required on the lot zoned DD in the setback area abutting the EC or R0-EC zone. The purpose of the landscaped area is to provide a vegetative screen. Plant material used for screening and buffering shall be of a size that will achieve sufficient height within three years of the date of planting to provide adequate screening.

76. a. When a new multi-family development or the expansion or reconstruction of an existing multi-family development occurs in a DD zone subject to review as provided in LOC 50.79.020 (2)(a)(ii) which abuts an existing less intensive residential use, the proposed multifamily structure shall be set back from the boundary of the less intensive use by at least the amount of feet equal to the height of the multi-family structure.

b. New duplex development, or the expansion or reconstruction of an existing duplex development in the DD zone subject to DRC review as provided in LOC 50.79.020 (2)(a)(ii), shall be set back from the boundary of the less intensive use by at least 15 feet when the proposed development:

- (1) Is greater than 28 feet in height, and
- (2) Abuts an existing, less intensive residential use.

c. Developments subject to subsection (76)(a) or (76)(b) of this section shall provide a landscaped area at least five feet wide within the setback area abutting the less intensive use. The purpose of the landscaped area is to provide a vegetative screen. Plant material used for screening and buffering shall be of a size that will achieve sufficient height within 3 years of the date of planting to provide adequate screening.

87. Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances, and physical site or solar access limitations. Street access should be to local streets.

~~9. Setbacks required by this section may be reduced pursuant to the provisions of LOC 57.06.090 without the need to receive a variance pursuant to this Code.~~

Section 50.09.030 Height of Structure.

1. The height of a structure shall not exceed 28 feet in height except as provided in the following subsections.
2. Exceptions to Maximum Building Height: Any one of the following exceptions may be applicable; the exceptions may not be used cumulatively:

a. A greater height than otherwise permitted in LOC 50.09.030(1) above is allowed for roof forms, or architectural features, such as cupolas or dormers provided that these roof forms or features:

- i. Do not extend more than 6 feet above the maximum specified height;
- ii. Do not, in total, exceed one-third of the width of the building for an individual roof form or protection or do not exceed one-half of the width of the building for two or more separate roof forms or protections as measured on any elevation drawing; and
- iii. Do not, in total, cover more than 20% of the roof area on which they are located, as viewed from directly above for an individual roof form or protections or 30% for multiple roof forms or protections.

b. Average height may increase to 40 feet over the entire site, with no individual structure exceeding 50 feet, in the following circumstances:

- i. The lot or lots being developed are ½ acre or greater in area; and
- ii. 25% or more of the gross site area is constrained by steep slopes, floodplain or mapped sensitive lands; and
- iii. Any portion of structures taller than 35 feet are set back at least 50 feet from a public street.
- iv. On any lot in the DD zone which is closer than 60 feet to a lot carrying a residentially zoned lot other than DD, R-0, R-3 or R-5, the structure height shall not exceed 35 feet.

~~c. For the purpose of reconstructing a building, or any part thereof, damaged or destroyed by an involuntary event of natural causes, e.g., fire, flood, the maximum height of the structure, within the footprint of the structure as it existed on July 6, 2006, shall be height of the structure as it existed on July 6, 2006. (This subsection is not applicable when the damage or destruction of the structure is voluntary or due to lack of maintenance.)~~

3c. Detached Single Family Dwelling / Greater Height Due to Greater Setback. In addition to the building base height exceptions in this section, the building base height for detached single family dwellings may be increased by one foot for every five additional feet in yard setback on all sides, beyond the minimum code standards for the zone.

Section 50.10.010 WLG Office-Commercial/Town Home Residential (WLG OC/R-2.5).

1. Permitted Uses.

a. Residential uses at a net site density of 2,500 square feet/lot area per unit are allowed in conjunction with office uses in the same building.

b. Attached, residential town-home uses, subject to the following conditions, in addition to the other provisions of this Code

- i. The minimum net density area for attached town-home housing is 2,500 square feet/lot area per unit.
- ii. The minimum required lot width shall be 17 feet. The maximum lot coverage shall be 60%, excluding parking.
- iii. Each unit of attached town-home housing shall be constructed on a separate lot.

When a combination of Office-Commercial and attached town-home residential uses are proposed together on the same site and in separate buildings, the commercial structure(s) shall front on Boones Ferry Road. Residential buildings shall occupy the rear portion the parcel which is most proximate to the surrounding residential zoning districts.

c. Professional Offices. Offices with limited customer or client traffic intended to attract and serve customers or clients on premises, such as: Attorneys, physicians, dentists, counselors, insurance, travel agents, investment and financial services, real estate, studios (photography, commercial art, advertising), architects, landscape architects, engineers, or other design businesses, research, software development, corporate offices, medical testing laboratories, specialty medical services.

d. Services. Elder care, residential care housing and skilled nursing facilities.

e. Minor Public Facilities, including, collocated telecommunication facilities but excluding new telecommunication facilities.

2. Conditional Uses.

a. New telecommunications facilities.

3. Site Development Limitations.

a. Professional Offices Uses and Minor Public Facilities - A single building which provides for any of the permitted Professional Office uses or Minor Public Facilities, ~~excepting subsection (1)(e)~~, shall be limited to a total floor area of 8,000 square feet in a multi-story building, with no more than 5,000 square feet on any floor.

b. Yard Setbacks. The following yard setbacks are required in this zone, except as modified by subsection (c) below.

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WLG OC/R-2.5 Zone Setbacks

Structure Type	Yard Type	Setback Distance	Special Setback Distance
Office Commercial and Office Commercial/Residential structures <u>Other Permitted Uses (not accessory structures):</u>	Setbacks of structures abutting residential zones	25 ft.	Structures shall be set back at least six feet from the meandering pathway or sidewalk along Boones Ferry Road (see Appendix 50.67-A, Figure 2(c)).
	<u>Setbacks of structures not abutting residential zones</u>	<u>0 ft</u>	
Attached Town Homes Front Setbacks	Front (from property line)	10 ft.	
	Rear and Side (abutting a single family residential district zone)	25 ft.	
	Rear and Side (not abutting a single family residential district zone)	10 ft.	
	Side (abutting a single family residential district)	25 ft.	
Accessory Structures	<u>Same setbacks as for type of primary structure</u>		

~~i. Office Commercial and Office Commercial/Residential structures:~~

Setbacks of structures abutting residential zones	25 ft.
Structures shall be set back at least six feet from the meandering pathway or sidewalk along Boones Ferry Road (see Appendix 50.67-A, Figure 2(c)).	

~~ii. Attached Town Homes Front Setbacks. The following exterior wall setbacks from the property line shall be required:~~

Front (from property line)	10 ft.
Rear (abutting a single family residential district)	25 ft.
Rear (not abutting a single family residential district)	10 ft.
Side (abutting a single family residential district)	25 ft.
Side (not abutting a single family residential district)	10 ft.

c. Adjustments and Additions.

i. Adjustments. The setbacks set forth in subsection (b) above may be adjusted or excepted by LOC 50.16.040 (Sensitive Lands Setback Modifications), 50.22.010 (General Exceptions to Yard Requirements), 50.22.025 (Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirement), 50.22.045 (General Exemptions for Building Projections, Decks, and Walkways and Pathways to Setbacks), 50.14.005(5) (Accessory Structures), and LOC 57.06.090 (Solar Access).

ii. Additions. The following setbacks are in addition to the setbacks in subsection (b): 50.22.035 (Special Street Setbacks).

ed. Height of Structures: 35 ft. roof form

Section 50.10.015 WLG Office Commercial/Neighborhood Commercial (WLG OC/NC)

1. Permitted Uses.

a. Professional Office:

i. Offices with limited customer or client traffic intended to attract and serve customers or clients on premises, such as: Attorneys, physicians, dentists, counselors, insurance, travel agents, investment and financial services, real estate, studios (photography, commercial art, advertising), architects, engineers, landscape architects, or other design businesses, research, software development, corporate offices, medical testing laboratories, specialty medical services.

ii. A single building which provides for any of the permitted uses shall be limited to a maximum building footprint of 5,000 square feet.

b. Services - Educational and Care - limited to 5,000 square feet or less in area:

i. Day care, kindergartens, preschools and other private or public educational institutions.

ii. Other educational uses associated with private or public institutions.

c. Retail Sales - Food, Restaurants and Drinking Places:

i. Restaurants - with or without associated lounge: Service of food and beverages shall be primarily to persons seated within the building and designated outdoor areas. The total size of seating area, both in-doors and outdoors, of any restaurant allowed in this zone shall be limited to 1,500 square feet.

ii. Delicatessen – with no table service and minimal on-site cooking of food.

iii. Bakery – where baked foods manufactured elsewhere or on-site baked goods are sold on the premises. Consumption may also be allowed on site provided the seating area is 700 square feet or less.

iv. Specialty food stores such as a coffee shop or juice bar.

d. Retail Sales - General Merchandise.

General retail sales under 5,000 square feet such as apparel and accessories, small hardware store, nursery, florist, furniture and appliance stores and office supplies.

e. Personal Services - Limited to 1,000 square feet or less in area, such as hair salons and personal care such as massage, pedicure and manicure.

f. Specialty Retail - Limited to 5,000 square feet or less in area, such as:

i. Antique stores.

ii. Art galleries.

iii. Jewelers.

g. Minor Public Facilities, including collocated telecommunication facilities but excluding new telecommunication facilities.

2. Conditional Uses.

a. New telecommunication facilities.

3. Site Development Limitations.

a. Setbacks. Buildings shall be set back at least six feet from the sidewalk along Boones Ferry Road (see Appendix 50.67-A, Fig. 2(c)). The provisions of LOC 50.16.040 (Sensitive Lands Setback Modifications), 50.22.010 (General Exceptions to Yard Requirements), 50.22.025 (Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirement), 50.22.035 (Special Street Setbacks), 50.22.045 (General Exemptions for Building Projections, Decks, and Walkways and Pathways to Setbacks), and 50.14.005(5) (Accessory Structures) shall not be applied in this zone.

b. Height of Structures. The maximum height of any structure shall not exceed 35 feet. The maximum height of the wall plane shall be no greater than 30 feet measured from grade at the exterior wall of the building to the gutter line.

Section 50.10.020 WLG Town Home Residential (WLG R-2.5)

1. Permitted Uses.

a. Attached for-sale residential town-homes subject to the following special conditions, in addition to the other provisions of this Code:

i. The minimum allowed density is 2,500 square feet/lot area per unit.

ii. The minimum required lot width shall be 17 feet. The maximum lot coverage shall be 60%, excluding parking.

iii. Each unit of housing shall be constructed on a separate lot.

iv. When subdivisions are proposed in the R-2.5 zone, a minimum density of 80% of the maximum allowed by the zone is required. For purposes of this subsection, the number of lots required shall be determined by dividing the net developable square footage by the minimum lot size per unit required in the underlying zone, and multiplying this number by .8. The result shall be rounded up for any product with a fraction of .5 or greater and rounded down

for any product with a fraction of less than .5. The requirements of this subsection are subject to the exceptions contained in LOC 50.22.100.

b. Minor Public Facilities, including collocated telecommunication facilities but excluding new telecommunication facilities.

2. Conditional Uses.

a. New telecommunication facilities.

3. Site Development Limitations.

a. Yard Setbacks. The following exterior wall setbacks shall be required in the R-2.5 zone, except as modified by subsection (b) below:

WLG R-2.5 Zone Setbacks

<u>Structure Type</u>	<u>Yard Type</u>	<u>Setback Distance</u>
<u>Permitted Use</u>	Front (from property line)	10 ft.
	Rear and Side (abutting a single family residential districtzone)	25 ft.
	Rear and Side (not abutting a single family residential districtzone)	10 ft.
	Side (abutting a single family residential district)	25 ft.
	Side (not abutting a single family residential district)	10 ft.

b. Setback Adjustments and Additions.

i. Adjustments. The setbacks set forth in subsection (a) above may be adjusted or excepted by LOC 50.16.040 (Sensitive Lands Setback Modifications), 50.22.010 (General Exceptions to Yard Requirements), 50.22.025 (Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirement), and 50.22.045 (General Exemptions for Building Projections, Decks, and Walkways and Pathways to Setbacks, 50.14.005(5) (Accessory Structures), and LOC 57.06.090 (Solar Access)).

ii. Additions. The following setback is in addition to the setbacks in subsection (a): 50.22.035 (Special Street Setbacks).

bc. Height of Structures. The maximum height of any structure in the R-2.5 zone shall not exceed 35 feet.

Section 50.10.025 WLG Live/Work Zone (WLG R-2.5/W).

1. Permitted Uses.

a. Attached for-sale residential town-homes that meet the following standards:

i. The required density shall be 1,700 square feet of lot area per unit.

ii. The minimum required lot width shall be 17 feet. The maximum lot coverage shall be 75%, excluding parking.

iii. Each unit shall be constructed on a separate lot.

b. Professional Office. Offices with limited customer or client traffic intended to attract and serve customers or clients on premises, such as Sole practitioner attorneys, counselors, investment and financial services, studios such as photography, artists, commercial art, advertising, architects, landscape architects, engineers, or other design businesses, computer software development and information technology services. (Such uses are subject to Conditions for Commercial Use set forth below in subsection (3)).

c. Personal Services, such as hair salons and personal care. (Such uses are subject to Conditions for Commercial Use set forth below in subsection (3)).

d. Specialty Retail, such as:

i. Antique Stores.

ii. Art galleries.

iii. Jewelers.

(Such uses are subject to Conditions for Commercial Use set forth below in subsection (3)).

e. Minor Public Facilities, including collocated telecommunication facilities but excluding new telecommunication facilities.

2. Conditional Uses.

a. New telecommunication facilities.

3. Conditions for Commercial Use.

a. A person who conducts business within the R-2.5/W zone must also reside within the same building. No more than one additional employee is allowed.

b. The business must be conducted in a specifically delineated area on the first floor of the structure and occupy no more than 700 square feet.

4. Site Development Limitations.

a. Yard Setbacks. The following exterior wall setbacks are required within the R-2.5 zone, except as modified by subsection (b) below:

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Zone WLGR-2.5/W Zone Setbacks

<u>Structure Type</u>	<u>Yard Type</u>	<u>Setback Distance</u>
<u>Permitted Use</u>	Front (from property line)	10 ft.
	Rear and Side (abutting a single family residential districtzone)	25 ft.
	Rear and Side (not abutting a single family residential districtzone)	10 ft.
	Side (abutting a single family residential district)	25 ft.
	Side (not abutting a single family residential district)	10 ft.

b. Setback Adjustments and Additions.

i. Adjustments. The setbacks set forth in subsection (a) above may be adjusted or excepted by LOC 50.16.040 (Sensitive Lands Setback Modifications), 50.22.010 (General Exceptions to Yard Requirements), 50.22.025 (Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirement), and 50.22.045 (General Exemptions for Building Projections, Decks, and Walkways and Pathways to Setbacks, 50.14.005(5) (Accessory Structures), and LOC 57.06.090 (Solar Access)).

ii. Additions. The following setback is in addition to the setbacks in subsection (a): 50.22.035 (Special Street Setbacks).

bc. Height of Structures: 35 feet, except that the building height may be increased by one foot for every five additional feet in yard setback on all sides, beyond the minimum code standards for the zone.

Section 50.11.010 Uses

<u>Uses:</u>	<u>P</u>	<u>C</u>	<u>X</u>	<u>Limitations</u>
	Permitted uses.	Uses permitted upon the grant of approval of a conditional use permit.	Uses specifically prohibited.	<u>Limitations on Permitted or Conditional Uses</u>

1. Residential:

A. Residential Care Housing and Congregate Housing.

Uses:	C	X
	NC, GC, EC	HC, OC, CR&D and MC

B. ~~Residential use at R-0, R-3, and R-5 density except as specifically allowed in LOC 50.11.020. A residential use may occupy the ground floor in the GC or NC zones only if a commercial use is located along the street frontage and the residential use is located behind the commercial use with the following exception: A residential use may occupy the ground floor in the GC zone at street frontage designated Park Lane, Crossroads Gateway or Campus Woods within the Lake Grove Village Center Overlay District (see Village Character Map, LOC Appendix 50.11A.020-D).~~

Uses:	R	C	X
	GC, HC, OC, CR & D	NC	EC (see subsection D. below) MC

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Residential Use.

	P	C	X	Limitations		
	<u>GC</u>			<u>GC and NC Zones: A residential use may occupy the ground floor in the GC or NC zones only if a commercial use is located along the street frontage and the residential use is located behind the commercial use. Exception: Lake Grove Village Overlay District.</u>	<u>Lake Grove Village Overlay District - A residential use may occupy the ground floor in the GC zone at street frontage designated Park Lane, Crossroads Gateway or Campus Woods within the Lake Grove Village Center Overlay District (see Village Character Map, LOC Appendix 50.11A.020-D).</u>	<u>R-0, R-3, and R-5 density except as specifically allowed in LOC 50.11.020.</u>
		<u>NC</u>				
	<u>HC, OC, CR&D, OC</u>					
<u>Parcels > 6,000 square feet floor area</u>				<u>Residential use not allowed on ground floor within the area depicted on Appendix 50.11.010(1)(B).</u>	<u>Residential use at R-0 density with a maximum 3.0:1 FAR (4 unit minimum)</u>	
<u>Parcels < 6,000 square feet floor area</u>	<u>EC</u>				<u>No minimum unit requirement.</u>	
			<u>MC</u>			

~~C. [reserved] Residential use at R-7.5, R-10 and R-15 density. A residential use may occupy the ground floor in the GC or NC zones only if a commercial use is located along the street frontage and the residential use is located behind the commercial use.~~

Uses:	P	X
	NC, GC, HC, OC	EC (see subsection D.), CR&D, MC

D. ~~[reserved]~~ Residential use at R-0 density with a maximum 3.0:1 FAR (4 unit minimum) on parcels greater than 6,000 square feet in size. For parcels 6,000 square feet in size or smaller, there is no minimum unit requirement when residential development is proposed. Use not allowed on ground floor in EC zone south of "B" Avenue or east of "2nd" Street

Uses:	P	X	
	EC	NC, GC, HC, OC, MC and CR&D	

2. Retail Sales - Food:

A. Food Markets, over 25,000 sq. ft. floor area

Uses:	P	C	X
	GC (not to exceed 35,000 sq. ft.), HC, EC (not to exceed 35,000 sq. ft.), <u>See also LOC 50.11.020(6).</u> MC (not to exceed 60,000 sq. ft. gross leasable area per building or business) <u>See also LOC 50.11.020(6).</u>	GC exceeding 35,000 sq. ft. (not to exceed 45,000 sq. ft.)	NC, OC and CR&D

B. Food Markets under 25,000 sq. ft. floor area

Uses:	P	X
	NC, GC, HC, EC, MC	OC, CR&D

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F. Bakery, manufacturing - where on-site baked foods are sold ~~on the premises~~ within the building.

Uses:	P	X
< 5,000 sq. ft. floor area	NC, GC, HC, EC, CR&C and MC	OC
> 5,000 sq. ft. floor area.	GC, EC	NC, HC, OC, CR&D and MC

~~G. Bakery, manufacturing - where on-site baked foods are sold on the premises (5,000 sq. ft. or more gross floor area).~~

Uses:	P	X
	GC, EC	NC, HC, OC, CR&D and MC

3. Retail Sales – General Merchandise:

A. Over 20,000 sq. ft. floor area, including apparel and accessory, department stores, building supply, garden, sporting goods, furniture, etc.

Uses:	P	C	X
GC (not to exceed 35,000 sq. ft.).		GC exceeding 35,000 sq. ft. (not to exceed 45,000 sq. ft.)	NC, HC, OC and CR&D
EC (not to exceed 35,000 sq. ft. <u>floor area</u> , per business)			
MC (not to exceed 60,000 sq. ft. <u>gross-leasable floor area</u> per building or business)			

B. 10,000 - 20,000 sq. ft. floor area, including apparel and accessory, department stores, building supply, garden, sporting goods, furniture, etc.

Uses:	P	X
	GC, HC, EC, CR&D and MC	NC, OC

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C. Under 10,000 sq. ft. floor area, including apparel and accessory, department stores, building supply, garden, sporting goods, furniture, etc.

Uses:	P
	NC, GC, HC, OC, EC, CR&D and MC

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5. Services - Personal:

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E. Mortuaries

Uses:	P	C	X
<u>Without accessory crematoriums</u>	GC, EC		NC, HC, OC, CR&D and MC
<u>With accessory crematoriums</u>		<u>GC, EC</u>	MC

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H. Credit agencies-[reserved]

Uses:	P	Special District Limitations for Permitted Uses	X
GC, HC, OC, EC, CR&D and MC		In the GC Zone in the Lake Grove Village Center Overlay District drive-through facilities are allowed only when no more than one direct access to the site from a public street is provided on the parcel. Additional access through abutting parcels is permitted. Use with drive-through facilities prohibited in Village Transition Areas (see Village Transition Area Map, LOC Appendix 50.11A.020-B).	NC

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R. Miscellaneous business services, including auctioneers, ~~bondsmen~~ bail bonds, drafting, detective agencies, notary public & other like services.

Uses:	P
	NC, GC, HC, OC, EC, CR&D and MC

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Z. Pet Care, Daily

<u>Uses:</u>	<u>P</u>	<u>C</u>	<u>X</u>
<u>Fully Conducted Within Building</u>	<u>GC, EC, and HC</u>	<u>NC, MC, OC, CR&D</u>	
<u>Partially Conducted Outside Building</u>		<u>GC, NC, and MC</u>	<u>EC, HC, OC, CR&D</u>

7. Services - Finance, Insurance and Real Estate:

A. Financial and banking institutions (includes credit agencies).

<u>Uses:</u>	<u>P</u>	<u>Special District Limitations for Permitted Use</u>	<u>X</u>
	<u>GC, HC, OC, EC, CR&D and MC</u>	In GC and OC zones in the Lake Grove Village Center Overlay District, financial and banking institutions with drive-through facilities are allowed only when no more than one access to the site from a public street is provided on the parcel. Additional access through abutting parcels is permitted. Financial and banking institutions with drive-through facilities are prohibited in Village Transition Areas (see Village Transition Area Map, LOC Appendix 50.11A.020-B).	<u>NC</u>

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9. Services - Medical & Health:

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B. Clinic, outpatient, and medical office.

<u>Uses:</u>	<u>P</u>	<u>X</u>
	<u>NC, GC, EC, CR&D, MC, OC, HC</u>	<u>HC, OC</u>

10. Services - Professional Offices:

A. Professional Offices Examples: Architectural architectural, artists studios, engineering (including surveying), law, Landscape architecture, other professionals.

Uses:	P
	NC, GC, HC, OC, EC, CR&D and MC

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~~C. Engineering, including surveying.~~

Uses:	P
	NC, GC, HC, OC, EC, CR&D and MC

~~D. Law.~~

Uses:	P
	NC, GC, HC, OC, EC, CR&D and MC

~~E. Landscape architecture.~~

Uses:	P
	NC, GC, HC, OC, EC, CR&D and MC

~~F. Professionals, other.~~

Uses:	P
	NC, GC, HC, OC, EC, CR&D and MC

GC. Regional offices & corporate headquarters.

Uses:	P	X
	GC, HC, OC, EC, CR&D and MC	NC

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11. Services - Amusement:

...

B. ~~Billiard and pool parlors.~~ Arcade gaming (video, pinball, etc) for amusement purposes.

Uses:	P	C	X
<u>< 2000 sq. ft. floor area</u>	<u>GC, EC, NC</u>	<u>NC</u>	<u>HC, OC, CR&D, MC</u>
<u>> 2000 sq. ft. floor area</u>	<u>GC, EC</u>	<u>NC</u>	<u>HC, OC, CR&D, MC</u>

C. ~~(Reserved) Bowling alleys.~~

Uses:	P	X
	<u>GC, EC</u>	<u>NC, HC, OC, CR&D, MC</u>

D. Fitness, exercise, and sports facilities (including clubs and studios), Dance studios and dance schools, and other individual and group exercise / fitness facilities; e.g. studios, dance studios and schools, gyms, and martial arts schools; indoor or outdoor pool; athletic fields for organized competitive games; billiard and pool parlors; bowling alleys; and skating rinks, ice and/or roller.

Uses:	P	C	X
<u>< 5,000 sq. ft. floor area</u>	<u>GC, EC, NC, MC, OC, HC, CR&D</u>	<u>NC</u>	<u>HC, OC, CR&D, MC</u>
<u>> 5,000 and < 20,000 sq. ft floor area</u>	<u>GC, MC, CR&D</u>	<u>NC, EC, OC, HC,</u>	
<u>> 20,000 sq ft. floor area</u>	<u>GC, MC</u>	<u>OC, HC, CR&D</u>	<u>NC, EC</u>

E. ~~(Reserved) Skating rinks, ice and/or roller.~~

Uses:	P	X
	<u>GC, EC</u>	<u>NC, HC, OC, CR&D, MC</u>

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F. (Reserved) ~~Racquet clubs, health clubs (within building, except paths and tennis courts allowed).~~

Uses:	P	C	X
	GC, EC, CR&D, MC	NC	HC, OC

...

H. (Reserved) ~~Recreation facility/indoor or outdoor pool, athletic fields.~~

Uses:	P	X
	CR&D	NC, GC, HC, OC, EC, MC

...

13. Services - Membership Organizations, Officers:

A. Business and professional, Charitable, Labor, Political, and Religious (not including churches):

Uses:	P	X
	GC, HC, OC, EC, CR&D and MC	NC

...

~~C. Charitable.~~

Uses:	P	X
	GC, HC, OC, EC, CR&D and MC	NC

~~D. Labor.~~

Uses:	P	X
	GC, HC, OC, EC, CR&D and MC	NC

~~E. Political.~~

Uses:	P	X
	GC, HC, OC, EC, CR&D and MC	NC

~~F. Religious, not including churches.~~

Uses:	<u>P</u>	<u>X</u>
	GC, HC, OC, EC, CR&D and MC	NC

16. Light Manufacturing, Processing or Assembly of Product:
 (Light manufacturing is the process when manufacturing is conducted within an enclosed building.)

Uses:	<u>P</u>	<u>C</u>	<u>X</u>
	CR&D	<u>GC, HC,</u> <u>MC</u>	GC, NC, HC, OC, EC, MC

17. Manufacturing:

Uses:	<u>P</u>	<u>X</u>
	CR&D	NC, GC, HC, OC, EC, MC

Section 50.11.015 Site Development ~~Limitations~~ Standards

1. Except as modified by LOC 50.11.020 and replaced by LOC 50.11A.030, Lake Grove Village Center Overlay District, the following site development ~~limitations~~ standards apply in each zone:

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a. Required Yards ~~Adjacent to residential zone:~~

<u>Zones</u>	<u>Setback area from lot line to:</u>	<u>When Adjacent to DD, R-5, R-6, R-7.5, R-10 or R-15</u>	<u>When Adjacent to R-0, R-2, or R-3 zone</u>	<u>When Not Adjacent to Residential Zone</u>	
<u>NC, GC, HC, OC, and EC zones</u>	From a Structure	25 feet	<u>10 feet</u>	<u>none</u>	<u>NC, GC, HC, OC, and EC zones</u>
	From a <u>surface parking lot</u>	10 feet	<u>10 feet</u>		
	From a vehicular <u>Accessway</u>	5 feet	<u>5 feet</u>		

b. FAR Maximum

NC	0.25:1	except for the <u>SE quadrant of Grimm's Corner</u> , as determined by the Comprehensive Plan (See Appendix 50.11- <u>AB</u>)
OC	0.30:1	
EC	3.0:1	

c. Lot coverage:

NC	None
GC	50%
HC	50%
OC	25%
EC	None

d. Height*

NC, GC, HC, OC	Structures placed closer than 60 feet to the property line of a lot which carries any residential zone designation.	Maximum height of <u>28 feet</u> , <u>or 40 feet</u> minus one foot for each foot less than 60 feet the <u>portion of the structure</u> is from the residential zone, <u>whichever is greater</u>
	All other circumstances	NC – 35 feet
		GC – 45 feet
		HC – 60 feet
OC – 45 feet		
EC	Lot Abuts DD zone	40 feet
	<u>Structure</u> Lot is within 120 feet of a lot zoned R-6 or R-7.5	<u>The portion of the structure within 120 feet of a lot zoned R-6 or R-7.5: 35 feet**</u>
	<u>Lot Structure</u> is within 120 feet and to 240 feet of a lot zoned R-6 or R-7.5	<u>The portion of the structure within 120 feet to 240 feet of a lot zoned R-6 or R-7.5: 45 feet**</u>
	<ul style="list-style-type: none"> • <u>All other lots</u> • <u>Those portions of structures beyond 240 feet of a lot zoned R-6 or R-7.5</u> 	60 feet

* This paragraph applies to LOC 50.11.020.

** The measured distance is exclusive of intervening public right-of-way if any exists.

If a dimension or requirement is not shown it means there is no minimum or maximum, but that a requirement may be established at the time of Development Review Commission review.

If a dimension or requirement is not shown it means there is no minimum or maximum, but that a requirement may be established at the time of Development Review Commission review.

2. CR&D Zone.

a. Required yards.

Minimum Perimeter-Setback from all lot lines: 15 feet, except along interior lot lines on a unified site.

(1) The following uses may be allowed within a perimeter-setback area which fronts on a public road:

- (A) Landscaping;
- (B) Bikeways, trails, pedestrian walks and plazas;
- (C) Access driveways;
- (D) Bus shelters and other pedestrian amenities; and,
- (E) Identification signs.

(2) The following uses may be allowed within ~~perimeter~~-setback areas which are adjacent to other site areas:

- (A) Landscaping;
- (B) Bikeways, trails, pedestrian walks, patios, courts;
- (C) On-site directional signs;
- (D) Coordinate joint-use circulation drives, parking, loading, recreational activity areas, plazas; and
- (E) Coordinated joint-use structures, subject to provisions of the ~~Uniform~~-Building Code.

b. [reserved].

c. Lot Coverage. The maximum lot coverage for all structures shall be 55 percent of the net site area, after any required dedications for roadway purposes. A minimum of 25 percent of the ~~developed~~-site area shall be used for landscaping, natural areas or outdoor recreational use areas.

d. Height.

(1) For each CR&D zone the average height of all structures shall not exceed 78 feet. One structure is allowed a maximum structure height of 158 feet. No other structure shall exceed 104 feet. For the purpose of applying these height restrictions, all ~~adjacent~~-abutting lots with a Comprehensive Plan designation of CR&D, regardless of ownership, shall be considered as being located in one CR&D zone.

(2) Within 120 feet of property zoned R-7.5, R-10 or R-15 no structure shall exceed 60 feet.

e. Access. No direct access from a lot shall be allowed to Kruse Way or to Kruse Woods Drive.

f. [reserved].

g. No major trees (a tree with a trunk diameter of at least 8 inch at 24 inch above grade) located within 30 feet of the Kruse Way right-of-way may be removed for landscaping or development purposes under LOC Article 55.02.080.

3. MC Zone.

a. Required Yards.

(1) Minimum Front Yard Setback: 15 feet. Structures on corner lots shall observe the minimum setback on both streets.

(2) Minimum Rear Yard Setback: None required except when rear yard abuts a more restrictive zone. When rear yard abuts a more restrictive zone setbacks shall be 15 feet. Ten feet shall be added to the rear yard setback for each 10 foot increment in building height over 35 feet.

(3) Minimum Side Yard Setback: None required except when side yard abuts a more restrictive zone. When side yard abuts a more restrictive zone, setbacks shall be 15 feet. Ten

feet shall be added to the side yard setback for each 10 foot increment in building height over 35 feet.

b. [reserved].

c. Lot Coverage - no limit.

d. Height. 95 ft. maximum, except in the MC zone located south of Kruse Way and east of Bangy Road, within which zone for no more than two structures the maximum allowable height is 175 ft. For the purpose of applying these height restrictions all adjacent lots zoned MC, regardless of ownership, shall be considered as being located in one MC zone.

e. Access. No direct access from a lot shall be allowed to Kruse Way or to Kruse Woods Drive.

f. [reserved].

g. No major trees (a tree with a trunk diameter of at least 8 inch at 24 inch above grade) located within 30 feet of the Kruse Way right-of-way may be removed for landscaping or development purposes under LOC Article 55.02.080.

Section 50.11.020 Special Requirements

1. All business, service, repair, processing, and storage, or the display of merchandise displayed on property abutting or adjacent to a residential zone shall be conducted wholly within an enclosed building unless screened from the residential zone by a buffer area by either constructing a fence at least 6 feet high or the buffer area is planted to create a with-year-around sight obscuring landscaping that will reach at 6 feet high within 2 years from the date of planting. Driveway access is permitted through the buffer area.

2. Motor vehicle, recreational vehicles, boat or trailer rental or sales lots shall be drained and surfaced with pavement except in those portions of the lot maintained as landscaped areas.

3. Development of any site in the office campus zone requires an overall Development Plan and Schedule, pursuant to LOC Article 50.71, showing the distribution of the proposed use(s), the general circulation pattern within all lots included in the site and general utility and drainage provisions. The site may be developed in phases, based on the overall site plan.

4. All development in any commercial zone will be developed under a unified site plan. The site plan will identify circulation patterns and access points, method of provision of public services and general placement of lots and structures, general area and type of uses. Proposals with multiple ownerships shall include a written agreement of all owners that development of the site will occur pursuant to the site plan approved.

5. [reserved] ~~Each commercial area identified on the City's Comprehensive Plan Map also is described in Appendix 50.11.020 A. The specific conditions for each area, other than those areas identified in subsections (6), (7) and (8) of this section, are by this reference made a part of this Code and are conditions and limitations of each zone.~~

6. EC and MC Zone Limitation Regarding Large Scale Commercial Uses.

a. In the EC zone, the cumulative square footage of a single commercial business on a site shall not exceed 35,000 square feet.

b. In the MC zone, the cumulative square footage of a single commercial business on a site shall not exceed 60,000 square feet.

67. Mountain Park Town Center Site. A maximum of 40,000 sq. ft. of retail and service use building area are allowed on the 32-acre site for the uses. The building height limitation is 45 ft. and lot coverage is 50%. There are no floor area ratio (FAR) requirements. The uses allowed are those allowed in the NC zone plus the following: adjustments and collection agencies; advertising agencies (including commercial artists); credit agencies; duplicating, addressing, blueprinting, photocopying, mailing and stenographic services; employment agencies; office equipment rental and repair, equipment service and repair places (appliance, small engine); services to building (cleaning, exterminating); financial and banking (no more than 3,500 sq. ft.); regional offices, corporate headquarters; offices of all types of service and membership organizations. A maximum of 492 dwelling units are permitted at a density equal to that allowed in the R-0 zone. A maximum of 3.55 acres on the site will be allowed for church parking facilities. The requirements of the R-0 zone apply to the residential use.

78. Monroe/Boones Ferry Site. A maximum of 131,535 sq. ft. of retail, service uses and office uses are allowed on the 13 acre site. Retail uses shall not exceed 60,000 sq. ft. The uses allowed are those allowed in the NC zone, plus the retail, service and office uses listed in subsection (6) above, and a totally enclosed veterinarian facility. Building height limitation is 45 ft., lot coverage is 50%. There are no floor area ratio (FAR) requirements.

89. I-5/Kruse Way Highway Commercial Site. A maximum of 20 acres of the 35 acre site may be developed. A minimum of 15 acres of the site, including stream corridors and associated wetlands, shall be retained as open space. As a part of the development process, floor area maximums shall be placed upon the development. The site shall be developed by methods that insure that the traffic generated by the 35 acre site will not exceed the capacity of the intersection of the site with Kruse Way. The City Manager may require traffic management plans in conjunction with any development request for this site in order to preserve the capacity of Kruse Way.

The maximum building height on the site is 75 feet with the overall average building height on the 35 acre site not to exceed 60 feet. Buildings which exceed 60 feet in height shall be located no closer than 120 feet to the boundary of the site. The boundary of the site is defined as the centerline of Kruse Oaks Boulevard on the east, the Kruse Way right-of-way boundary on the south, the State of Oregon right-of-way boundary on the west and the centerline of ~~Bull~~ Bull Creek on the north. The traffic management provisions of subsection (10) of this section apply to this site.

910. Development on the block located in the EC district bounded by A Avenue, Second Street, Evergreen Road and Third Street is not subject to the height limitation stated in LOC 50.11.015 if the following conditions are satisfied;

- a. The use of the structure is a mixed use containing dwelling units.
- b. The street level commercial uses are designed to provide a "village atmosphere" by the use of landscaping, emphasis on pedestrian access and small scale retail uses.
- c. The structure contains parking areas made available to the public and other uses in the area.

1011. The following traffic management requirements apply to all uses in the CR&D, MC, OC, GC and HC zones located in the Kruse Way Corridor (the area north of Bonita Road, south of Melrose-Carman, west of Boones Ferry Road and east of I-5, including the S.W. Quadrant of the

Kruse Way/Boones Ferry intersection and the property located between Kruse Way and Galewood Drive).

a. It is the purpose of these transportation management provisions to require that traffic generation limitations will be placed on all development in order to assure the functioning of Kruse Way and the adjacent street system within Service Level "D~~E~~" at p.m. peaks.

~~An ODPS, revised ODPS, planned development or any phase of a development shall not be approved if the traffic volumes, after development consistent with the approval occurs, are projected to exceed the maximum access volumes planned for each intersection identified on Figure A-5, page 77 of the 1983 Buttke Traffic Study.~~

b. A Traffic Management Program (TMP) shall be submitted with each initial or revised development application. The program may include, but is not limited to, the following TM mechanisms: physical site controls on existing traffic, p.m. peak hour exiting traffic limitations; traffic monitoring, restrictions on the number of parking spaces, flextime, staggered working hours, transit ridership programs, car and van pools, and similar ride share programs.

c. At the time of review of any phase of a development, the developer will provide information from a registered traffic engineer on the then current p.m. peak service level status and volume to capacity ratio of the intersections identified in Figure A-5, page 77 of the Buttke Traffic Study that the City identifies as being affected by the development, and also provide information on the p.m. peak traffic that will be generated by the proposed phase of the development and the total development constructed to date.

d. Owners and employers shall be encouraged to implement TMP's at time of approval. However, when the traffic at an affected intersection consistently exceeds "C" level of service, the TMP must be implemented.

e. A Traffic Management Plan Task Force will be formed, including a representative of each major complex within the Kruse Way Corridor, employers of more than 50 employees, major landowners, representatives of City, Tri-Met and any other person identified by the City. The task force will have authority to review TMP's of members and recommend TM when appropriate.

f. Notwithstanding the traffic management achievements reached by implementation of the provisions of paragraphs 10 (a) - (e), as development increases along the Corridor and the traffic flow on the street system, ~~with the improvements identified in the 1983 Buttke Study,~~ exceeds "C" level of service, the City may assert its authority to regulate the use of land to assure all affected property owners, as well as through traffic, are allowed their appropriate share of the traffic capacity.

~~The 1983 Buttke Study, together with any subsequent study adopted by the City Council, will be the guide in assigning appropriate shares of the highway capacity to through traffic and to affected property landowners (jointly). Necessary measures will be taken to assure a functioning traffic system at Service Level "D~~E~~" or better and may include, but are not limited to:~~

- i. Green time regulation to facilitate through traffic.
- ii. Access fees.
- iii. Fines related to access volumes exceeding allocations.

~~1112.~~ [reserved].

~~1213.~~ [reserved].

~~13~~14. Boones Ferry Road/Jean Road Site: The following restrictions and requirements shall apply to the approximately 4.45 acre parcel located at the intersection of Boones Ferry Road and Jean Road (Tax Lot 2400 of Tax Map 2 1E 18BD). The intent of these restrictions and requirements is to create an aesthetically pleasing entry into Lake Oswego. The site and building design shall create an aesthetically pleasing entry by creating a distinct design with features that celebrate entry to the community. The design elements should signal the transition from the city of Tualatin and shall create a sense of separation. Building design elements and landscaping shall communicate a sense of quality, vitality and community. This may be accomplished through the use of visually identifying elements such as building shapes and features, colors, kiosks, flagpoles, signs, landscaping, parking and other design details. Berms and existing mature trees (~~such as fir and cedar~~) shall be incorporated into the design.

The following specific restrictions and requirements shall apply to the site:

a. The uses allowed shall be those allowed in the NC zone, plus the following: adjustment and collection agencies; advertising agencies (including commercial artists); credit agencies; duplicating, addressing, blueprinting, photocopying, mailing and stenographic services; employment agencies; office equipment rental and repair; equipment services and repair places (appliances, small engines); services to building (cleaning, exterminating); financial and banking; regional offices, corporate headquarters; offices of all types of service and membership organizations.

b. The retail use building area to be located on the east side of Jean Road (i.e., on the parcel consisting of approximately 1.9 acres) shall not exceed 23,000 square feet. The retail use building area to be located on the west side of Jean Road (i.e., on the parcel consisting of approximately 2.5 acres) shall not exceed 31,000 square feet, and no one user shall exceed 26,500 square feet.

c. No building or parking shall be located within 25 feet of Boones Ferry Road right-of-way or within 15 feet of the Jean Road right-of-way. In addition, any loading area located to the west of Jean Road shall not be located within 10 feet of Jean Road.

d. Signs shall be limited to monument and wall signs (excluding signs on awnings) only. Monument signs may be located within the 25 foot setback along Boones Ferry Road and within the 15 foot setback along Jean Road.

e. A minimum of 20% of the net ~~buildable~~ developable area ~~acre~~ shall be devoted to landscaping.

~~_____~~ f. All utilities shall be located underground.

g. Regardless of the sequence of development of the 0.34 acre or 0.65 parcels, vehicular connectivity shall be provided between the 1.9 acre site to the north, and the development on the 0.34 acre and 0.65 acre parcels. A single, shared point of access shall be provided from Jean Way to serve the 0.34 acre and 0.65 acre parcels.

h. Any ~~fir or cedar~~ evergreen tree with a trunk diameter of more than 5 inches which is removed pursuant to development of the site shall be replaced by a specimen tree of the same variety. The replacement tree shall be of similar size as the tree removed. If a replacement tree of the size of the tree cut is not reasonably available on the local market or would not be viable, replacement may be provided with more than one tree with no individual tree less than 4 inches

in diameter. The number of replacement trees required shall be determined by dividing the caliper of the tree cut by the caliper of viable replacement trees.

~~1415.~~ 1415. Jean Way Site: The following restrictions and requirements shall apply to the approximately .34 acre parcel and the approximately 0.65 acre parcel located at the northeast corner of the intersection of Jean Road and Jean Way. The intent of these restrictions and requirements is to create an aesthetically pleasing entry into Lake Oswego. The sites and building designs shall create an aesthetically pleasing entry by creating a distinct design with features that celebrate entry to the community. The design elements should signal the transition from the city of Tualatin and shall communicate a sense of quality, vitality and community. This may be accomplished through the use of visually identifying elements such as building shapes and features, colors, kiosks, flagpoles, signs, landscaping, parking and other design details. Berms and existing mature trees shall be incorporated into the design.

The following specific restrictions and requirements shall apply to the sites:

a. The uses allowed shall be those allowed in the NC zone, plus the following: adjustment and collection agencies; advertising agencies (including commercial artists); credit agencies; duplicating, addressing, blueprinting, photocopying, mailing and stenographic services; employment agencies; office equipment rental and repair; equipment services and repair places (appliances, small engines); financial and banking; regional offices, corporate headquarters; offices of all types of service and membership organizations.

b. The retail use building area to be located on Jean Way shall not exceed 4,200 square feet for each parcel, or a combined 8,400 square feet for development contained on both parcels.

c. No building or parking shall be located within 15 feet of the Jean Way right-of-way.

d. Signs shall be limited to monument and wall signs (excluding signs on awnings) only. Monument signs may be located within the 15 foot setback along Jean Way.

e. A minimum of 20% of the net developable acre shall be devoted to landscaping.

f. All utilities shall be located underground.

g. Regardless of the sequence of development of the 0.34 acre or 0.65 parcels, vehicular connectivity shall be provided between the 1.9 acre site to the north, and the development on the 0.34 acre and 0.65 acre parcels. A single, shared point of access shall be provided from Jean Way to serve the 0.34 acre and 0.65 acre parcels.

h. Any evergreen tree with a trunk diameter of more than 5 inches which is removed pursuant to the development of the site shall be replaced by a specimen tree of the same variety. The replacement tree shall be of similar size as the tree removed. If a replacement tree of the size of the tree cut is not reasonably available on the local market or would not be viable, replacement may be provided with more than one tree with no individual tree less than 4 inches in diameter. The number of replacement trees required shall be determined by dividing the caliper of the tree cut by the caliper of viable replacement trees.

~~1416.~~ 1416. Boones Ferry Road/Opposite Jean Way Site: The following restrictions and requirements shall apply to the approximately 2.84 acre parcel located at the intersection of Boones Ferry Road and Jean Way (Tax Lot 600 of Tax Map 21E18BD). The intent of these restrictions and requirements is to create an aesthetically pleasing entry into Lake Oswego. The site and building design shall create an aesthetically pleasing entry by creating a distinct design

with features that celebrate entry to the community. The design elements should signal the transition from the city of Tualatin and shall communicate a sense of separation. Building design elements and landscaping shall communicate a sense of quality, vitality and community. This may be accomplished through the use of visually identifying elements such as building materials and feature, colors, flagpoles, signs, landscaping, parking and other design details. Existing mature Trees ~~trees (such as fir and cedar)~~ may be incorporated into the design.

The following specific restrictions and requirements shall apply to the site:

a. The uses allowed shall be those allowed in the NC zone, plus the following: adjustment and collection agencies; advertising agencies (including commercial artists); credit agencies; duplicating, addressing, blueprinting, photocopying, mailing and stenographic services; employment agencies; office equipment rental and repair; equipment services and repair places (appliances, small engines); services to building (cleaning, exterminating); financial and banking; regional offices, corporate headquarters; offices of all types of service and membership organizations.

b. The total building area to be located on the site shall not exceed 21,850 square feet.

c. No building or parking shall be located within 25 feet of the Boones Ferry Road right-of-way.

d. Signs shall be limited to monument and wall signs (excluding signs on awnings). Monument signs may be located within the 25 foot setback along Boones Ferry Road.

e. A minimum of 20% of the net ~~buildable area~~ developable acre shall be devoted to landscaping.

f. All utilities serving any new on-site development shall be located underground.

g. There shall be two main access points for the site from Boones Ferry Road. One shall be directly across from Jean Way and the other shall be northeast of the wetland. The northeast access may be a shared access with the adjacent property. An applicant for development of the northeast portion shall make a good faith effort to obtain a joint access prior to proposing a separate access. If such an effort is unsuccessful, however, a separate access may be approved.

h. Any ~~fir or cedar~~ evergreen tree with a trunk diameter of more than 5 inches which is removed pursuant to the development of the site shall be replaced by a specimen tree of the same variety. The replacement tree shall be of similar size as the tree removed. If a replacement tree of the size of the tree cut is not reasonably available on the local market or would not be viable, replacement may be provided with more than one tree with no individual tree less than 4 inches in diameter. The number of replacement trees required shall be determined by dividing the caliper of the tree cut by the caliper of viable replacement trees.

~~i. The approximate .068 acre wetland and the 25 foot setback from the perimeter shall not be developed and remain in its natural state. The one exception to this is where the sidewalk adjacent to Boones Ferry Road encroaches into the 25 foot setback area.~~

Section 50.11A.030 Site Dimensional Standards.

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4. Yard Setbacks.

Yard setback requirements apply at locations identified on the Village Yard Setbacks Map, LOC Appendix 50.11A.030-I. In case of a conflict with the standards set forth below, locations identified on the Village Yard Setbacks Map apply.

Required yard setbacks are set forth in Table 5011A.030 (4) below and by the provisions that follow. Village Yard Setbacks are illustrated in LOC Appendix 50.11A.030-J.

TABLE 50.11A.030 (4) Village Yard Setbacks	
(Locations identified in Village Yard Setbacks Map, LOC Appendix 50.11A.030-I)	
APPLICABILITY	REQUIRED SETBACK (minimum distance)
Base Zone Yard Setbacks LOC 50.11A.030 (4)(a):	
GC, NC/R-0, OC, PF, OC/R-3	<p><u>Yard adjacent to other than R-7.5 or R-10: None</u></p> <p><u>Yard adjacent to R-7.5 or R-10: 25 feet, except:</u></p> <ul style="list-style-type: none"> • <u>25 feet adjacent to R-7.5 or R-10: 10 feet - Surface parking</u> • <u>5 feet from southern line of the commercial area as described in LOC 50.11A.050(6)(f)(1)[ROW north of Sunset St.] (no surface parking in setback)</u>
R-0, R-3, R-5	<p>Front: 10 feet</p> <p>Rear: 10 feet</p> <p>Side: exterior wall: 10 feet</p> <p>Side: interior wall: 0 feet</p>
Village Transition Yard Setbacks LOC 50.11A.030 (4)(b):	
VTA 1	<p>Front: 20 feet</p> <p>Rear: 20 feet</p> <p>Side: 10 feet</p> <p>GC, OC, NC or PF adjacent to an</p>

Village Transition Areas (VTA's) within 120 feet of an abutting local or collector street.		abutting a GC, OC, NC or PF zone without the VTA overlay: 0 feet
	VTA 2	Front: 10 feet Rear: 10 feet Side: 10 feet GC, OC, NC or PF adjacent to an abutting a GC, OC, NC or PF zone without the VTA overlay: 0 feet
	VTA 3	Front: 5 feet Rear: 5 feet Side: 5 feet GC, OC, NC or PF adjacent to an abutting a GC, OC, NC or PF zone without the VTA overlay: 0 feet
Park Streetfront Environment Setbacks LOC 50.11A.030 (4)(c):		
Kruse Way and Boones Ferry Road at locations where Park Streetfront Environment Setbacks apply. [Cross-Reference: Village Character Map, LOC Appendix 50.11A.020-D; Pedestrian Facilities and Streetscape Map, LOC Appendix 50.11A.050-C.]		Front (at street): 20 feet Additional special pedestrian facilities, streetscape and landscape requirements may apply within setback area as set forth in LOC 50.11A.060 (3)(d), Special Requirements and Standards; Park Streetfront Environmental standards.

Section 50.13A.025 Site Development Limitations

1. Setbacks: The following setbacks shall be required for the construction of any structure in this zone:

a. The setback of any respective yard (front, side, street side, or rear) shall be equal to the minimum required yard for the property ~~abutting adjacent to~~ the respective yard's lot line, except as provided in subsections (1)(b) and (1)(c), below.

b. In cases where the lot line of the PF-zoned property ~~abuts is adjacent to~~ properties with two or more different yard requirements, the required setback for the yard ~~abutting adjacent to~~ the properties with the two or more different yard requirements shall be equal to the average of the minimum yards required for the two or more ~~abutting adjacent~~ properties.

c. Additional setback requirements for any yard may be established through the Conditional Use Permit process for any development that is subject to Conditional Use approval, pursuant to LOC 50.69.010 (2)(b).

2. Height of structure: Except as otherwise permitted by LOC 50.22.015, the maximum height of any portion of a structure shall be the greater of:

a. 35 feet, or

b. A height as determined by the ratio of one foot in height for every 3.5 feet of distance from the portion of the structure to the lot line of the nearest residentially zoned property, to a maximum height of 75 feet.

3. Lot coverage: The maximum lot coverage shall not exceed 50%, except:

a. Lot coverage shall not exceed 35% if the lot ~~abuts~~^{adjoins} residentially zoned properties on two or more sides.

b. Lot coverage shall not exceed 30% for a school, including a mixed use development with a school as a component.

4. All development in any Public Function zone will be developed under a unified site plan. The site plan will identify circulation patterns and access points, method of provision of public services and general placement of lots and structures, general area and type of uses. Proposals with multiple ownerships shall include a written agreement of all owners that development of the site will occur pursuant to the site plan approved.

Section 50.12.020 Conditional Uses.

1. Major public facilities.

2. Studios and offices for use in conjunction with authorized on-site radio transmission and receiving towers and earth stations.

3. Cemetery.

Section 50.13A.015 Conditional Uses.

1. Schools and School District office buildings.

2. Libraries.

3. Public buildings, including fire stations, community centers, police stations, city administrative or other city office buildings, and city motor pools or maintenance buildings.

4. Temporary private uses of public properties.

5. New telecommunication facilities.

6. Major public facilities.

Section 50.13B.010 Permitted Uses.

1. Park ~~uses lands existing as of~~ effective date of this Ordinance.

2. Natural areas.

3. Any use authorized in a Master Plan that is consistent with the purpose of the PNA Zone or modification that complies with LOC 50.13B.020.

4. Minor park improvements.

45. Horticulture, farming, silviculture.

56. Concession facilities.

~~6. Minor park improvements.~~

7. Minor public facilities, including collocated telecommunication facilities.

Section 50.13B.050 Site Development Limitations.

1. Setbacks: The following setbacks shall apply:

a. Except as provided in subsections (1)(b) and (1)(c), below, the setback of any respective yard (front, side, street side, or rear) shall be equal to the minimum required yard for the property ~~abutting~~ adjacent to the respective yard's lot line.

b. In cases where ~~the lot line of the PNA-zoned property abuts~~ is adjacent to properties with two or more different yard requirements, the required setback for the yard ~~abutting~~ adjacent to the properties with the two or more different yard requirements shall be equal to the average of the minimum yards required for the two or more abutting properties.

c. Setback requirements for any yard may be modified by the Master Plan.

2. Height of structure: Except as otherwise permitted by LOC 50.22.015, the maximum height of any portion of a structure shall be the greater of:

a. 35 feet, or

b. A height as determined by the ratio of one foot in height for every 3.5 feet of distance from the portion of the structure to the lot line of the nearest residentially zoned property, to a maximum height of 75 feet.

3. Lot coverage: The maximum lot coverage shall not exceed 35% or as established by the Master Plan.

Section 50.14.010 Temporary Uses

Temporary structures and uses are permitted only as follows:

1. In any zone:

a. Temporary structures and use of recreational vehicles for temporary shelter for relief of victims of a disaster or emergency.

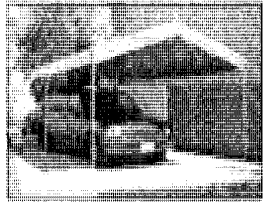
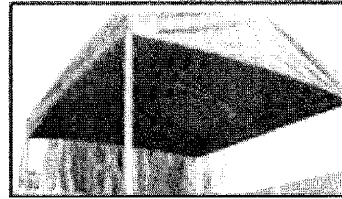
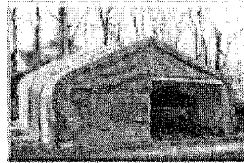
b. One temporary construction office not to exceed 1,000 square feet located on the construction site. This use does not include real estate sales or promotion.

c. Temporary structures and uses in conjunction with installation or maintenance of utilities.

d. Upon property for which the primary existing use is other than residential, temporary uses and non-substantial structures* for public or non-profit education, fund-raising, weekend fair, athletic events or jamborees/tournaments, artistic, musical/concert performances, or other similar uses, subject to obtaining a Special Event Permit pursuant to LOC 20.06.500. Such use shall not exceed 15 days within any calendar year unless approval is granted by the City Manager, upon a determination that the public interest is not adversely affected and that the impact upon the surrounding neighborhood is minimal; ~~and~~ in no event shall the use exceed 120 days. Any weekend fair shall occur between Friday and the following Monday, provided the number shall not exceed one in any calendar quarter. Examples of weekend fairs include Festival of the Arts and classic car shows. All produce and debris will be removed at the end of the business day. Temporary security facilities for the weekend fair, including overnight security by the occupancy of a caretaker or security personnel in trailers or recreational vehicles, is permitted.

e. In addition to subsection 3)(a) below, a tent canopy of any nature may be placed in a setback yard or special street setback of any lot for not more than 3 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 30-day period. Tent canopies are typically composed of fabric or light metal roofs and sides, if any; they

are also known as “cover-it garage”, car or boat canopy, car shed, quick-up folding canopy, and portable carport.



f. Portable Outdoor Storage Units (Portable On-Demand Storage). Portable outdoor storage units may be placed on a lot, including within the setback areas, for not more than 60 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any twelve-month period.

Six Month Renewal with Building Permit Exception: A permit for a Portable Outdoor Storage Unit may be extended by the City Manager for up to six months upon written request by a Building Permit holder, demonstrating the Storage Unit is used in conjunction with an active building permit on the site. This extension may be renewed for successive six-month periods.

2. In commercial and industrial zones:

a. A tent, trailer or other portable structure for sales, promotional or educational events; such use not exceed two consecutive weeks and a total of 14 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) in any six month period.

b. Seasonal retail sales as detailed below:

i. Christmas tree sales from November 26 to December 31.

ii. Outdoor restaurant uses in conjunction with an existing indoor year-round restaurant. No additional parking is required for the outdoor use.

iii. "Pushcart" vendors in the EC and GC zones. Food vendors will have all required Health Department licenses and certificates. Such uses limited to food and flowers.

c. In the GC and EC zones, one sidewalk sale, not exceeding 3 days during each calendar quarter, when located in area abutting the seller's permanent business.

Business licenses are required for all the above temporary commercial activities.

3. In commercial, industrial, and public use zones:

a. "Saturday Market" type sales of produce from temporary sales shelters (including vehicles) from 8:00 a.m. to 4:00 p.m. on Saturdays and 1:00 p.m. to 5:00 p.m. on Sundays subject to obtaining a Special Event Permit pursuant to LOC 20.06.500. The type of products sold may

include additional products, such as art, crafts, and food for consumption at the Market, so long as such non-produce sales are secondary to the Market's sale of produce. Such Market sales may locate in only one location each in the East End Redevelopment Area (Appendix 50.65 – A); and West End Commercial Districts (Appendix 50.14.005-A) and Lake Grove Industrial Park District (see map in LOC Appendix 50.13-A, within General Policy V) and shall have sufficient parking on-site or shall arrange to utilize the parking areas of an adjacent business which does not normally operate on weekends. All produce and debris will be removed at the end of the business day.

b. Fairs, carnivals, and other similar major public gatherings, and non-substantial structures* for uses related thereto, not to exceed ~~15-30 consecutive days and not to exceed twice~~ in any 12-month period, and subject to obtaining a Special Event Permit pursuant to LOC 20.06.500. Temporary security facilities for the fair, carnival, or other major public gathering, including overnight security by the occupancy of a caretaker or security personnel in trailers or recreational vehicles, is permitted.

Business licenses are required for all the above temporary commercial activities.

4. In residential zones:

a. Overnight use of tent or similar structure, but not a trailer or recreational vehicle, for family use within the rear yard of a dwelling.

b. The showing of model or "showcase" homes, and non-substantial structures* for uses related thereto, within a subdivision for a fee is allowed for a period not to exceed one month, subject to obtaining a Special Event Permit pursuant to LOC 20.06.500. Only one showing is allowed per phase of a subdivision.

*Examples of non-substantial structures include: tents or three-sided booths, stages, and removable decks, secured to the ground by no more than stakes or pins, and that can be easily disassembled and removed from the site without significant damage to the site.

Section 50.16.060 RC District Development Standards.

...

3. Development Standards. If the proposed types of development are permitted within the RC District or its buffer, the development activity, use or activity shall comply with the following standards, and the construction standards set forth in LOC 50.16.095:

....

h. Landscaping.

i. Plants. Plants used for landscaping within a Protection Area shall:

A. Be adapted to local soils and growing conditions;

~~B. Require no fertilizers or pesticides detrimental to the resource;~~

~~C.~~ B. Not be dependent on long-term irrigation, which can increase erosion and sedimentation. (Irrigation necessary for initial establishment of the plants is not considered long term irrigation); and

~~D.~~ C. Provide food or cover for wildlife.

- ii. The City shall maintain a Plant List on file in the Planning Division listing species that comply with the criteria in subsection (3)(h) of this section. If a plant is listed in the applicable section of the Plant List for resource landscaping, it shall be presumed to comply with subsection (3)(g) of this section. The Plant List is not intended to be an exclusive listing of allowable landscaping materials, but shall be used as a guideline and may be updated by the City Manager from time to time as new plants in compliance with subsection (3)(h) of this section are discovered or become available. An applicant may utilize a plant not on the Plant List as long as it complies with the criteria in subsection 3 (h) of this section.
- iii. Removal of vegetation identified on the Plant List as appropriate for resource landscaping is not permitted from a protection area.
- iv. New landscaping shall not include any invasive plants on the City's Plant list.
- v. Existing Landscaping: Non-conforming formal landscaped area including ornamental gardens and lawns located within a Protection Area and in existence at the time of the adoption of these standards, may be maintained, altered or the modified pursuant to LOC 50.70.005. However, a non-conforming landscaped area may not be expanded pursuant to LOC 50.70.025.

Section 50.16.075 RP District Development Standards.

1. In addition to compliance with any other applicable regulations, and subject to the requirement for compliance with subsection (3) below, the following development, use or activity on properties containing an RP District are permitted within the RP District or its buffer, subject to the standards set forth in subsection (2) below: ...

...

- d. Streets, driveways, lake trams and public transportation facilities,

....

2. Except as provided in LOC 50.16.085, all development listed in subsection (1) above is subject to environmental review and shall comply with the following standards:

- i. Landscaping. The delineated RP District shall maintain the natural function and character of resource area, which provides food and shelter for native wildlife. Landscaping within these areas shall therefore comply with the following criteria:
 - A. Plants used for landscaping within the RP District area shall:
 - (1) Be adapted to local soils and growing conditions;
 - ~~(2) Require no fertilizers or pesticides detrimental to the resource;~~
 - (3) Not be dependent on long-term irrigation, which can increase erosion and sedimentation. (Irrigation necessary for initial establishment of the plants is not considered long term irrigation); and
 - (4) Provide food or cover for wildlife.
 - B. The City shall maintain a Plant List listing species that comply with the criteria in subsection (2)(a)(i)(A) of this section. If a plant is listed on the Plant List as appropriate for resource landscaping, it shall be presumed to comply with subsection (2)(a)(i)(A) of this section. The Plant List is not intended to be an exclusive listing of

allowable landscaping materials, but shall be used as a guideline and may be updated by the City Manager from time to time as new plants in compliance with subsection (2)(a)(i)(A) of this section are discovered or become available. An applicant may utilize a plant not on the Plant List as long as it complies with the criteria in subsection (2)(a)(i)(A) of this section.

C. Removal of vegetation identified on the Plant List as appropriate for resource landscaping is not permitted from an RP District, except as otherwise allowed in this section.

D. New landscaping within the RP District shall include plants on the City's Plant List.

E. Existing Landscaping: Non-conforming formal landscaped areas including ornamental gardens and lawns located within an RP District and in existence at the time of the adoption of these standards, may be maintained, altered or the modified pursuant to LOC 50.70.005. However, a non-conforming landscaped area may not be expanded pursuant to LOC 50.70.025.

....

Section 50.20.005 Purpose; Applicability

1. The purpose of the Flag Lot Ordinance Article is to:

- a. Enable the efficient use of residential land and public facilities and services,
- b. Provide standards for site, ~~and building, and~~ design compatibility of the new development with the existing neighborhood character,
- c. Reduce the area of impervious surface resulting from redundant access paving, and improve the appearance where pavement is necessary, and
- d. Minimize the disturbance of natural resources.

2. The provisions of LOC 50.20.005 through 50.20.035 shall apply to all land divisions and lot line adjustments creating flag lots in residential zones, and to any development occurring on a flag lot in a residential zone created ~~subsequent to the adoption of this ordinance~~ after September 6, 1998.

~~3. The creation of flag lots is permitted only in residential zones.~~

Section 50.20.010 Authorization; Application Requirements.

1. Flag lots shall comply with the requirements of the underlying zone except where noted in this article. A land division or lot line adjustment creating a flag lot shall also comply with any specific residential design criteria contained within an applicable adopted neighborhood plan.

2. In addition to the general application requirements for land divisions or lot line adjustments, an application to create a flag lot shall include a conceptual plan of complete parcelization of the subject property, and shall include a site plan illustrating the location of existing structures on adjacent parcels. The reviewing authority may impose conditions in order to ensure that parcelization of the subject property will not preclude the development of surrounding properties. Such conditions may be related (but not limited) to access, circulation, building location, utility availability, and natural resource protection.

Section 50.20.015 Exceptions.

~~For land divisions, the~~ The reviewing authority may allow exceptions to this Article without the need to obtain a formal variance pursuant to LOC Article 50.68, in one or more of the following circumstances:

1. Landscaping required by LOC 50.20.035 (1) as separation between driveways, which would not result in screening or buffering as intended due to topography, lot configuration, or existing natural resources which would be preserved, may be modified or may not be required;
2. Setback adjustments of up to 2 feet which are necessary to site a dwelling in compliance with this Article, or will result in additional separation from existing dwellings on surrounding lots, may be permitted;
3. If an existing structure(s) would be located on a proposed flag lot created by partition and the structure(s) would become non-complying with any regulation of this Code, the proposed partition may be approved if the standard causing the non-compliance can be adjusted under LOC 50.22.005.
4. Minimum driveway widths of 12 feet required by LOC 50.20.020 (3) may be reduced, when approved by the City of Lake Oswego Fire Marshal.

Section 50.20.020 Access

1. ~~For land divisions~~ When creating flag lots, the reviewing authority shall require that access to the flag lots ~~shall be~~ is consolidated into a single shared access lane ~~wherever practicable, including consolidation with the access of the parent lot, with access to the parent parcel or off-site, wherever practicable. If not practicable, then an additional access may be allowed on-site or off-site. Access lanes shall extend through the partition site and be extended to abutting developable property to provide a continuous connecting access lane where practicable.~~

2. Flag lots shall have access to a public or private street; however, actual street frontage shall not be required.

.....

Section 50.20.030 Building and Site Design Standards.

1. Building Orientation: ~~For land divisions t~~ The reviewing authority shall require the following:

a. New dwellings on flag lots shall have the front of the house oriented towards the access lane or from a projected extension of the access lane through the property.

Buildings shall be oriented to provide the maximum separation and privacy from existing dwellings on abutting lots outside of the partition site. The reviewing authority may require conditions of approval to include measures such as specific building locations, increased setbacks, additional height restrictions, location and orientation of windows and other openings.

2. Garage placement shall be reviewed at the time of building permit application to ensure minimum visibility of the garage from the street. Garage placement shall meet the following requirements:

a. Be side-loading where a turning radius can be provided that allows for a minimum of 24 feet separation from the garage door and any obstructions or property lines, or

b. Be placed such that no more than 40% of garage wall area is visible from the intersection of the flag lot driveway and street.

c. Garage Wall Facing Street. When a garage ~~is visible from~~ has wall(s) facing the a street, ~~these front or side of the exposed garage building wall(s)~~ shall have more than one plane, or shall include fenestration equal to at least 10% of the facade visible from any point at the intersection of the driveway and the public street garage wall. When the lot is a corner lot (abutting two or more streets), this subsection is applied to each wall that faces a street.

To demonstrate compliance with this standard, building elevations shall be submitted which depict the facade area ~~visible from~~ facing the street at a width equal to the access easement.

The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall ~~visible from that perspective~~ facing the street. For buildings with more than one wall (plane) along one facade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area.

...

5. Setback Requirements.

a. The standard front yard setback of the zone shall be superseded by the following front yard requirement: A minimum 10' front yard setback is required from the access lane, except that a 20' setback is required from the access lane to the front of a garage or carport when the garage or carport opening faces the access lane. For purposes of this standard, the access lane shall include the projected extension of the access lane through the property as illustrated in LOC Appendix 50.20.030 (5)(a).

b. Where a flag lot abuts a lot in a residential district of lower density, the greater setback requirements of the more restrictive district shall apply for those yards which have abutting property lines.

c. The side and rear yard setbacks shall be established at the time of flag lot creation, subject to the following requirements:

i. ~~The sum of the side and rear yard setbacks on flag lots shall be greater than or equal to~~ not less than:

(1) 50 feet in R-10 and R-15 zones; and

(2) 45 feet in residential zones other than R-10 and R-15.

ii. In applying the flexible standard, provide yard dimensions that are similar to the yard dimensions of primary structures on abutting properties that are not part of the partition site and that abut the rear or side yards of the flag lots, but in no event shall the rear or side yard established under this section be less than 10 feet.

6. Width and Depth Requirements. The standard zoning dimensional requirements for lot depth do not apply to flag lots. No width or depth dimension of a flag lot shall be less than the standard width dimension listed for lot under its respective zone.

Section 50.20.035 Screening, Buffering and Landscape Installation

1. For land divisions, ~~a~~ A minimum 6-5 foot landscape strip shall be provided abutting both sides of the access lane serving flag lots, except for pedestrian and vehicle access to the flag lot(s) served by the access lane, as separation between driveways that are within 10 feet of each other (as measured from the closest edge of each driveway) and where a driveway is within 10 feet of an adjacent residential structure. Where land area is not sufficient to accommodate a 6-5 foot wide landscaped buffer strip on either side of between the new driveway access lane and an existing dwelling, the review authority may impose conditions of approval to include measures that will provide effective buffering and screening. These measures may include landscaped islands, fencing, and meandering driveways access lane.

The reviewing authority shall require the landscape strip to be planted with trees and shrubs in order to mitigate the visual impact of wide expanses of pavement, and to provide a visual and noise buffer between the driveway access lane and the affected dwelling(s) located on adjacent abutting parcels. Plant materials used for screening and buffering shall be of a size to provide an effective screen within two years of planting. Trees shall be a minimum 2 inch caliper, and shrubs shall be a minimum of 5 gallon at time of planting. Maintenance of the buffer is an ongoing obligation of the property owner.

2. For land divisions, ~~e~~ Existing mature vegetation and trees shall be integrated as screening where practicable. The review authority may require dwelling and garage placement or orientation in a manner that will minimize the removal of specific trees, hedges, or other vegetation that would serve to screen the proposed structures from existing and potential surrounding homes.

3. The rear and side yards of the lot where the new development occurs shall be screened from adjacent property with a 6 foot tall fence, except where a 4 foot fence is required by LOC 45.15.020 (1) of the Building Code, and except where the abutting property owner agrees in writing that a fence is not necessary along the common property line. In addition, a landscaped buffer within the rear yard setback a minimum of 6 feet in width shall be created along the rear property line and planted with a deciduous or evergreen hedge, a minimum 4 feet in height at planting which shall grow to a height of 6 feet within two years and shall be maintained at a minimum of that height, except where the abutting property owner agrees in writing that a landscaped buffer is not necessary. The above requirements pertaining to the "rear yard" are not applicable where the rear yard abuts Oswego Lake.

4. Tree removal mitigation: A minimum of one evergreen or deciduous tree, of a species which will attain a minimum of 30 feet in height, shall be planted at a 1:1 ratio where practicable in order to mitigate the removal of existing trees necessary for site development. Deciduous trees at planting shall be a minimum of 2 inch caliper and evergreen trees shall be a minimum of 8 feet tall.

Section 50.21.005 Vision Clearance.

Development that involves a driveway, private street, or public street intersecting with a public right-of-way shall comply with LOC 42.03.130 Vision Clearance Triangle. — 1. — The "vision clearance triangle" is that area enclosed by the lines formed by the outside edges of the intersecting pavements or driving surfaces and a straight line drawn diagonally across the corner, connecting those lines at the various

distances specified below. The measured distance along the pavement is the "vision clearance distance". Measurement shall be from the point of intersection of the traveled surfaces. See Appendix 50.21-A (Vision Clearance Triangle Graph.)

~~2. Standards:~~

~~a. Within the vision clearance triangle, it shall be unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of, any sign, fence, hedge, shrubbery, natural growth or other obstruction to the view, higher than 30 inch above the level of the centerline of the adjacent pavement.~~

~~b. The dimensions of the vision clearance triangle, as measured from the point of intersection of the traveled surfaces, shall be as follows:~~

~~i. At intersections governed by existing traffic control devices, or at locations where a major development accesses to an arterial or collector street and generates in excess of 100 ADT, the vision clearance triangle shall be determined by an engineering study using AASHTO Standards on file with the Engineering Department.~~

~~ii. At the non-controlled intersection of two streets, the vision clearance distance along each traveled surface shall be a minimum of 60 feet.~~

~~iii. At an intersection of an alley and a street, the vision clearance distance shall be 10 feet along the alley and 60 feet along the street.~~

~~iv. At an intersection of a driveway and a street, the vision clearance distance along each traveled surface shall be 10 feet.~~

~~3. Exceptions. The requirements of subsection (2) do not apply to:~~

~~a. Public utility poles;~~

~~b. Vegetation trimmed (to the trunk) from the ground to a line at least 8 feet above the level of the pavement;~~

~~c. Official warning signs or signals;~~

~~d. Signs mounted nine feet or more above the ground and supported by a single support with a maximum cross section of 12 inch;~~

~~e. Earth formed obstructions, including retaining walls, at intersections which were existing on December 16, 1982.~~

Section 50.22.005 General Exception to Lot Area and Dimension Requirements.

1. If a proposed partition or subdivision would result in any existing structure becoming non-complying with any regulation of this Code, and the structure was constructed three or more years prior to the filing of the application for the partition or subdivision, the proposed partition or subdivision may be approved if the standard causing the non-compliance can be adjusted under this section and, following the adjustment, the structure is thereafter in compliance with the adjusted standard. An adjustment is only allowed if it does not exceed a the following adjustments are allowed; provided the criteria in Subs a-e are met:

15% deviation from lot coverage, floor area, yard setback or height requirements (adjustment to yard setbacks and height may only be applied to the lot upon which the existing structure is located); or

a-10% deviation from the lot area, lot width, lot depth or lot frontage standard; being adjusted; and complies with the following criteria:

provided the criteria in subsections (a)-(e) are met:

a. After taking into consideration any proposed mitigation efforts, the adjustment will not have a significant negative impact on the neighborhood and adjacent properties, in terms of:

- (1) Scale
- (2) Noise
- (3) Parking
- (4) Loss of privacy
- (5) Buffers from existing properties
- (6) Neighborhood character

b. If more than one adjustment is requested, the cumulative effect of the adjustments will not cumulatively have a significant negative impact on the neighborhood and adjacent properties in terms of the criteria listed in subsection (1)(a) above.

c. City-designated historic resources are preserved in accordance with LOC Chapter 58.

d. Any impacts resulting from the adjustment are mitigated to the extent practicable.

e. If in an RC or RP district, the partition or subdivision shall comply with LOC Article 50.16.

2. A lot which does not comply with the minimum lot area or dimensional requirements required by this Code at the time of application for development may be occupied by a permitted use in the zone in which the lot is located. Any proposed use of the lot must comply with all other applicable code provisions, including but not limited to setbacks, height limits, and lot coverage requirements. The lot lines of a lot which does not comply with the minimum lot area or dimensional requirements of this Code at the time of application may be adjusted as long as the adjustment does not increase the degree of noncompliance.

Section 50.22.010 General Exceptions to Yard Requirements.

1. Except as provided in LOC 50.22.025 (2), the following exception to the front yard requirement for a dwelling is authorized for a lot in any zone. If there are lawful dwellings or detached garages (including dwellings or garages deemed lawful non-conforming or through a variance approval), on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings and/or detached garages. If there is a lawful, non-conforming dwelling or detached garage on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth. The front yard setback ~~for a single family detached dwelling~~ in the R-5, R-7.5, R-10 or R-15 zones shall not be reduced to less than 15 feet.

2. Except as set forth in LOC 50.07.025 (2), a front porch may project up to 5 feet into the ~~required~~ front yard setback required by the zone or as adjusted by subsection (1) above provided the front porch is no more than 10 feet in width and if covered, the roof peak is no greater than 16 feet in height.

Section 50.22.015 General Exception to Structure Height Limitations

1. ~~Notwithstanding LOC 50.07.030 (2), 50.08.035 and 50.08.055 (5),~~ In addition to any other exceptions permitted to the maximum building height limitation of a zone, the following type of structures or structural parts are not subject to the structure height limitations of this Code in the following zones:

Zones	Structures or Structural Parts Exempt from Height Limitations
Residential Zones – Residential Uses	<p><u>a. Chimneys, flag poles, ham radio aerials, and other similar structures,</u></p> <p><u>b. Roof-mounted solar system (panels).</u></p>
Residential Zones – Non-Residential Uses	<p><u>a. Chimneys, church spires, belfries, domes, monuments, radio aerials, fire and hose towers, flag poles, and other similar structures.</u></p> <p><u>b. Roof-mounted solar system (panels).</u></p>
Commercial, Public Use, and Industrial Zones	<p><u>a. Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, ham radio aerials, cooling towers, elevator shafts, smokestacks, flagpoles, radio and television towers, and other similar structures.</u></p> <p><u>b. Roof-mounted solar system (panels).</u></p>

2. Aerials other than ham radio aerials are permitted to 10 feet over the building height maximum in a residential zone. Collocated telecommunication facilities in residential zones may exceed the height limits of the underlying zone, but shall not exceed 10 feet above the existing structure height. Collocated telecommunication facilities in commercial, public use, and industrial zones may exceed the height limits of the underlying zone, but shall not exceed 20 feet above the existing structure height.

3. Roof-mounted solar systems (panels) may exceed the maximum building height limitation by the following:

- a. Roof slopes 2:12 or less – no more than 4 feet, or
- b. Roof slopes greater than 2:12 - no more than 1 foot.

50.22.025 Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirements

1. Corner Lots with More Than Two Street Frontages. In the case of corner lots with more than two street frontages, the City Manager shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having the full depth required generally in the zone; (2) ~~No other~~ Other front yards on such lot shall have setbacks equal to the street side yard setback of the zone. ~~less than half the full depth required generally;~~ and (3) For sites where street front yard setback planes are required, only one

frontage shall be required to meet the front yard setback plane standards. The other frontage shall comply with the setback plane requirements for side yards abutting a street.

2. Through Lots. Unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all street frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the City Manager may waive the requirements for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

3. Determination of Front Yard for Flag Lots Created Prior to September 6, 1998 and Lots Accessing by Easement. The front yard shall be the area abutting the property line of the "flag" portion of the lot parallel to the street providing access to a flag lot created prior to September 6, 1998. If this standard is not practical due to placement of structures on adjacent lots, topography or similar reasons, then the front yard will be that portion of the lot abutting the property line of the greatest length abutting the access portion of the flag or easement.

Section 50.30.020 Specific Standards for Residential Care Housing and Congregate Housing.

General Conditions. The conditions in this subsection apply to Residential Care Housing and Congregate Housing.

1. Any site to be used for residential care housing or congregate housing shall be at least one-half acre in size. All abutting property, which is in one ownership or the subject of a joint application involving more than one ownership, shall be considered as the site.

2. All requirements of the underlying zone, such as lot coverage, height limitations, setbacks and of the Lake Oswego Code generally, shall be complied with unless modified by this section. However, there are no density limitations on the number of residential care or congregate housing living units, which may be developed, provided all the other requirements of the code and other governmental regulatory agencies are met.

3. Within the allowed single and multi-family zones, residential care housing and congregate housing shall be permitted only on those properties which abut a major or minor arterial or a major collector or neighborhood collector. Access to the development site shall be by the street with the highest classification unless prohibited by access constraints.

~~4. Applications for residential care housing and congregate housing shall be made according to the requirements of the Planned Development (PD) Overlay, LOC Article 50.17.~~

~~54.~~ Any building to be occupied for residential care housing and congregate housing shall be designed or renovated specifically for this use. Any required regulatory licenses shall be obtained before residents occupy the building.

~~65.~~ All public services shall be available and have the capacity to serve the facility.

~~76.~~ Site design shall illustrate the accommodation of the special accessibility needs of those with varying levels of disabilities such as grade and width of walkways, exterior lighting, signage, resident parking, and orientation of entrances, which emphasize easy recognition.

~~87.~~ Buffering and screening of the facility with fences, walls and landscaping shall be required to mitigate external noise and other disruptive conditions from surrounding uses such as light glare.

~~98~~. At least twenty percent of the development site exclusive of areas required for open space/park land and sensitive lands protection shall be landscaped. The required landscaped area is inclusive of landscaping required for parking lots, and within required buffer areas. Landscaping may include courtyards, raised beds and planters, espaliers, arbors and trellises.

~~109~~. Large expanses of paving, including off-street parking and loading areas shall be landscaped. These areas shall be buffered and screened from adjoining land uses with landscaping. Trees shall be integral to the landscaping plan and incorporated into parking lot design to provide for shade and surface water runoff and quality benefits.

~~110~~. Buildings and the development site shall be designed with a residential character and theme. Development in the EC Zone is subject to the requirements of LOC Article 50.65 "Downtown Redevelopment District Design Standards." If a conflict exists between Article 50.65 and the requirements below, LOC Article 50.65 shall prevail. To achieve a residential character and theme, the review authority may require design elements including, but not limited to, any or all of the following:

- a. Complex massing and asymmetrical building composition;
- b. Use of masonry, wood or wood appearing composites as exterior cladding materials;
- c. Use of harmonious building materials and earth and muted tone colors and compatible color accents;
- d. Lush landscaping including the use of border plantings and trees throughout the development site.

~~1211~~. Monotony of design in single or multiple building shall be avoided. Variation of detail, form, and building siting shall be used to enhance design quality. To achieve these objectives, the review authority may impose requirements including, but not limited to, any or all of the following:

a. No continuous blank walls shall be allowed along the public front of the buildings and shall not exceed 25 linear feet without windows, recess, or change of plane. Appropriate use of windows shall be made to provide scale with the amount of fenestration or glazing proportional to the mass of the building facade.

b. Architectural features and accents such as bay windows, gables, dormers and projecting eaves shall be used to break up roof expanses. Verandas and projecting balconies shall be used where safe and practical.

c. Roof materials shall consist of cedar shingles, tiles, or three tab composite shingles in dark grey, green or black colors. Metal roofs and colored roofs, other than those mentioned above and mansard or decorative roof forms are prohibited.

~~1312~~. Buildings shall use materials that are architecturally harmonious for all walls and exterior components. To achieve this objective, the review authority may impose requirements including, but not limited to the following:

a. Materials for building walls may consist of wood shingle, brick, horizontal wood or composite wood siding, stone, masonry, concrete block which mimics stone, brick or other masonry. Stucco and timbers shall be allowed on gable ends only.

b. The following exterior materials are not allowed: EIFS or other synthetic stucco material; metal panels; flagstone; plywood paneling; vinyl cladding; mirrored glass; standard form concrete block; backlighted fabrics.

~~1413.~~ Building vents and mechanical devices shall be screened from view with materials harmonious to the building. Exterior site elements such as storage, trash collection areas and noise generating equipment shall be located away from abutting property lines and sight obscuring fencing and landscaping shall be used to screen and buffer these areas.

~~1514.~~ Access to public and commercial services, parks and other recreation areas, churches, shopping, and other places frequented by the public in the course of daily life shall be made available to the residents through a transport service privately provided by the residential care housing facility.

~~1615.~~ Access to public sidewalks and/or pathways shall be provided. Street crossings bordering on streets three lanes and larger shall be located at traffic light controlled crossings. Crossings on two lane streets classified as either collectors or arterials may occur at sign controlled intersections. All other crossings may occur at non-controlled intersections provided that safe sight distance per the AASHTO Standards is present. When projects are located on streets greater than 10,000 ADT and it can reasonably be expected that future residents will cross these streets, a traffic study shall be required to show that safe sight distance and adequate traffic "gaps" exist to allow safe crossing.

Section 50.30.025 Specific Standards for ~~Mobile~~ Manufactured Home Park or Subdivision.

1. Must be located in the R-0, R-3 or R-5 zones.
2. Maximum project size of 10 acres; 1/2 acre minimum project size.
3. Must be located on arterial or collector street.
4. Public services must have the capacity to serve the proposed development
5. Must be separated from other ~~mobile~~ manufactured home parks or subdivisions by either;
 - a. A distance of one mile or,
 - b. By a permanent topographic or vegetative buffer such as a hill or wooded area which completely screens one ~~mobile~~ manufactured home park from another or from existing residential development. If newly planted, the screening must be of a size to form an effective screen in five years.

Section 50.45.005 Applicability.

This standard is applicable to:

1. ministerial development: development involving mechanical equipment, limited to LOC 50.45.010(1)(h)[mechanical equipment screening]; and
2. minor and major development: development involving a structure for commercial, industrial, institutional, public use (including major public facilities and minor public facilities), multi-family residential, attached single-family (three or more units) residential development, and to all minor development within the DD Zone. This standard is also applicable to exterior modifications of a structure which does not qualify as a ministerial development pursuant to LOC 50.79.010 (2)(c).

Section 50.45.010 Standards for Approval

1. Buildings shall be designed and located to complement and preserve existing buildings, streets and paths, bridges and other elements of the built environment, and to assure accessibility for bicyclists, pedestrians, and users of other transportation modes.

a. Design buildings to be complementary in appearance to adjacent structures of good design with regard to:

- i. Materials
- ii. Setbacks (for retail/commercial part specifically)
- iii. Roof lines
- iv. Height
- v. Overall Proportions

b. Where existing buildings are to remain on site, new development shall be designed to:

- i. Integrate the remaining buildings into the overall design, or
- ii. Provide separate landscaping, remodeling or other treatment which establishes a distinct character and function for the remaining buildings.

Where a residential building is to remain, a lot meeting the zone requirements must be provided.

c. Design bus shelters, drinking fountains, benches, mail boxes, etc., to be complementary in appearance to buildings.

d. Design those elements listed below to be complementary in appearance to those buildings or structures upon which they are located associated.

- Awnings
- Chimneys
- Decks and railings
- Doors
- Downspouts
- Foundations
- Lights
- Mailboxes
- Mechanical equipment
- Signs
- Stairs
- Utility connections and meters
- Vents
- Windows
- Weather vanes, aerials, and other appendages attached to the roof or projecting above the roofline

e. Design awnings, signs, and lights ~~at a specific height~~ to define the first floor or retail cornice height.

f. Use trees and other natural elements to help define building proportion relationships and to provide scale to the structure as a whole.

g. Limit the variety of styles of building elements.

h. Screen mechanical equipment from view, or place in locations where they will generally not be visible.

i. Every attempt shall be made to design and locate buildings to provide access to desirable views, while not blocking the views of others unnecessarily (density reduction not required).

2. Buildings shall be designed and located to complement and preserve existing natural land forms, trees, shrubs and other natural vegetation.

a. Consider land forms and trees as design elements which must relate to building elevations to determine scale and proportion.

b. Design foundations to match the scale of the building being supported. Berming, resiting, or sheathing the foundation structure with wall siding are examples of methods which accomplish this purpose.

c. Use decks, railings, and stairs to relate a building to the contours of the land.

3. ~~[reserved]. Buildings shall be designed to minimize the personal security risks of users and to minimize the opportunities for vandalism and theft. Building hardware that discourages forced entry and provides approved egress capability shall be used.~~

4. Building shall be designed and constructed to reduce noise impacts on interior occupied spaces and adjacent property.

a. Use solid barriers such as fences, berms, natural land forms and structures to reduce sound levels. The effectiveness of the barrier increases as barrier height increases and as it is moved closer to either the source or the receiver.

b. Minimize the window surface on sides facing adverse sound sources, where possible.

c. ~~Heat pumps, or similar mechanical~~ Mechanical equipment, including heat pumps and air conditioning equipment, shall meet the required setbacks of the zone, and be located so that operating noise does not affect use of living areas such as bedrooms, outdoor decks or patio areas and adjacent property.

5. Buildings shall be designed and constructed with roof angles, overhangs, flashings, and gutters to direct water away from the structure.

6. Buildings shall incorporate features such as arcades, roofs, alcoves, porticoes and awnings to protect pedestrians from the elements. These projections shall maintain a minimum vertical clearance of 13 ft. 6 inches where over fire lanes.

7. Building orientation shall be designed to encourage pedestrian access from public streets and make the street pedestrian friendly.

a. This subsection shall:

i. ~~Apply to:~~

(1). new construction, including removal of existing structure and construction of new structure within existing footprint, and

(2)ii. modifications of existing buildings that are not removed and reconstructed, and that expand the building footprint by more than 50% as measured cumulatively from the footprint existing on December 6, 2005.

ii. Not apply to:

(1). Construction or modifications of structures within parks.

b. Building orientation shall include:

i. Locating buildings within 30 feet of a public street except where prevented by topographic constraints, existing natural resources, or where, in multi-building complexes, the configuration of the lot prevents locating all buildings within 30 feet of a public street.

ii. Buildings that are within 30 feet of a public street shall have a public entrance directly from the street.

iii. Buildings located on sites adjacent to a transit street shall have at least one public entrance within 30 feet of the transit street.

iv. Buildings located on sites with multiple frontages on public and/or transit streets shall provide at least one public entrance within 30 feet of the transit street.

Section 50.46.005 Applicability.

1. Except as provided in subsection (b) below, This Article is applicable to all major development, and to the following minor developments:

a. multiple dwelling;

b. major public facilities;

c. commercial development;

d. institutional development;

e. industrial development; and

f. partitions and subdivisions, when the parent lot is greater than 75,000 sq. ft.

2. The above developments located within the Downtown Redevelopment Design District shall comply with LOC 50.65.050 rather than the provisions of this Article.

Section 50.46.010 Standards for Approval.

1. a. ~~All developments except as otherwise provided by this section (1) involving multiple dwellings, major public facilities, and office campus shall provide open space or park land approved by the City in an aggregate amount equal to at least 20% of the gross land area of the development.~~

b. ~~Commercial (except commercial development in OC zone), institutional, and industrial development shall provide open space or park land approved by the City in an aggregate amount equal to at least 15% of the gross land area of the development.~~

c. ~~Subdivisions and major partitions, on sites of greater than 75,000 square feet in size shall provide open space or park land approved by the City in an aggregate amount equal to at least 20% of the gross land area of the development.~~

d. Subdivisions and major partitions of 75,000 square feet or less shall provide open space for the following areas of the site:

i. Areas identified as RP (Resource Protection) or RC (Resource Conservation) on the Sensitive Lands Atlas.

ii. A 50 foot buffer along a mapped recreational trail that crosses or is abutting the site, to a maximum of 20% of the gross site area. If the buffer area would exceed 20% of the gross site area, the buffer area shall be uniformly reduced along the recreational trail so that the buffer area is 20% of the gross site area.

EXCEPTION: The buffer width may be reduced to a lesser amount, up to zero, as designated by an adopted trail plan for the mapped recreational trail.

iii. The area of the site contains resources identified as Class I or II Riparian Corridors/Wildlife Habitat or Class A or B Upland Wildlife Habitat as mapped on Metro's Title 13 Regionally Significant Fish and Wildlife Habitat Inventory Map (adopted by Metro on September 29, 2005 and amended on December 8, 2005), provided however, the maximum required area is 20% of the gross site area. See LOC Appendix 50.46.010.

2. Open space and park land in commercial, institutional, public use, industrial and office campus areas may be provided as a combination of reserved land and landscaping. Where no RP or RC District Resources or public park land is located on the site, the park and open space requirement can be met by protecting non-designated natural resource areas and/or providing landscaping which meets the requirements of the Landscaping Standard.

Section 50.46.025 Procedures

1. Development applications shall include a scaled plan which identifies the site's proposed open space or park land.

2. Open space or park land shall be clearly and accurately depicted on the final plat map or development plan and documented in the development permit record. If not dedicated by plat and the land is to be in public control, the conveyance shall be by document acceptable in form to the City Attorney.

3. Final approval of open space or park land boundaries shall be made by the hearing body at the time of the public hearing on the development proposal.

4. Lands shall be selected by the City for reservation as open space areas or parks in accordance with the following priorities:

- a. Delineated RP resources and buffer area.
- b. RC District Protection Areas.
- c. Proposed Public Open Space and Parks including intra-city bike/pedestrian pathways.
- d. Woodlands, tree groves.
- e. Specimen trees.
- f. Natural meadows.
- g. Topographic variations, such as rock outcrops, cliffs, extreme slopes, riverbanks.
- h. Conveniently located areas where recreation opportunities can be created. Examples include trails, nature study sites, picnic areas, or view points.
- i. Scenic views and vistas.
- j. Others.

5. The decision on whether land is acceptable by the public for control and maintenance for park or open space purposes is to be made by the City Manager and is solely in his discretion. Formal acceptance of parks and open space lands shall be by City Council resolution. Lands may be approved by the City to be counted toward meeting the park and open space requirement that are not acceptable to the City for public control and maintenance.

~~6. Options for Meeting Park and Open Space Requirements.~~

~~a. The entire amount of the required percentage of park/open space land may be approved as open space or park. In such a case, the park and open space acquisition fee may be waived; the development fee will be charged.~~

~~b. If the entire amount of land is approved and developed, according to the Comprehensive Plan and City standards, both the acquisition fee and the development fee may be waived. If the project were not developed, the City Council will, after public hearing, assess the development charge.~~

~~_____ c. If only a portion of the required percent of park and/or open space land is approved by the City then a pro-rated share of the acquisition fee may be waived. The development fee will be charged.~~

~~_____ d. If, in the situation described in c above, the approved portion is developed under the Plan and City standards, a pro-rated share of the acquisition fee and of the development fee may be waived.~~

~~_____ e. If no park or open space lands are approved, the full amount of both the acquisition and the development fees will be assessed.~~

~~_____ 7. Payment of Fees. The required fees shall be paid prior to issuance of a development permit.~~

§6. Granting of Partial Rights to Open Space Lands. Up to 100% of the open space requirements may be met by the granting of partial rights or reservations, such as:

- a. Scenic or view easements or cross easements, or
- b. Imposition of deed restrictions such as tree cutting restrictions in yards or special setback requirements.

Section 50.46.030 Miscellaneous Information.

1. Density Transfer Allowed. Open space and park land may be included in the net site area when determining the maximum allowable density. Structures that otherwise might have been located on open space and park lands may be transferred to other portions of the site, and lot areas may be reduced to offset for land reserved as open space, as long as the overall density remains within the maximum permitted by the zone.

~~_____ 2. The hearing body may require active play areas in major residential developments.~~

Section 50.47.005 Applicability

1. Except as provided in subsection (b) below, This this Article is applicable to:

- a. ● all major development;
- b. ● multiple dwelling;
- c. ● major public facilities;
- d. ● commercial development;
- e. ● institutional development;
- f. ● industrial development;
- g. ● subdivisions
- h. partitions involving the creation of a street;

i. change of use that increases the number of required parking spaces by more than 25%.

2. The above developments located within the Downtown Redevelopment Design District shall comply with LOC 50.65.050 rather than the provisions of this Article.

Section 50.47.010 Standards for Approval

1. Commercial, institutional, and industrial development, other than in the Office Campus zone, shall provide a minimum of 15% of gross land net buildable buildable area in landscaping and/or open space visible from off-site, including courtyards, planters, raised beds, espaliers,

etc. Developments involving office campus and major public facilities shall provide a minimum of 20%.

2. Multi-family and ~~mobile~~ manufactured home park development must provide 20% of gross land net buildable area in landscaping in addition to the park and open space requirements.

3. Public and semi-public use must meet subsections (1) or (2) above, depending on use.

4. All development abutting streets shall provide street trees at the proper spacing for the species.

5. Parking lot plantings shall be designed to allow surveillance of the lot from the street at several points.

6. For commercial, institutional, industrial development, multiple dwelling, manufactured home parks, office campus, and major public facilities:

a. Screening and buffering shall be required to:

ai. To mitigate noise, lighting or other impacts from adjacent transportation routes or dissimilar uses.

bii. To screen public or private utility and storage areas and parking lots.

ciii. As a separation between dissimilar uses, adjacent buildings, and adjacent streets and public rights-of-way.

b. landscaping visible from the street or other public right-of-way shall be complementary to the landscaping in the surrounding area.

7. Any development in the EC zone that is abutting dissimilar uses in the DD zone must provide a minimum of 15 feet of landscaped area to act as a separation and to screen and buffer noise, lighting or other impacts between the dissimilar uses.

8. Rare and endangered species as identified below shall be preserved.

• Marsh or Sessile Trillium: "Trillium chloropetalum"

• Fawn Lily: "Erythronium oreganum"

• White Larkspur: "Delphinium leucophaeum"

Section 50.47.015 Standards for Installation and Construction

1. All plant materials shall conform in size and quality grade to the *American Standard for Nursery Stock*, current edition.

2. All plant material shall be installed according to *Sunset Western Garden Book*, current edition.

3. Except for single-family residential developments that require street trees, All all planting shall have an irrigation system installed to meet standards of *Turf Irrigation Manual* current edition, unless the applicant can demonstrate to the satisfaction of the ~~Development Review Board~~ reviewing authority that such system is not necessary.

4. Existing vegetation may be used in a landscaping plan. Construction shall not be allowed within the drip lines of trees which are to remain. Finish grade shall be at the original grade or a well or planter constructed equal in size or greater than the drip line.

~~5. Rare and endangered species as identified below shall be preserved.~~

~~• Marsh or Sessile Trillium: "Trillium chloropetalum"~~

- Fawn-Lily: "Erythronium oreganum"
- White Larkspur: "Delphinium leucophaeum"

65. Topsoil removed during construction shall be replaced with topsoil.

76. Plant materials for use in parking lots and streets shall have a mature height of less than 25 feet in areas where overhead utilities are present.

87. Plant materials listed as "Prohibited Street Trees" in the Lake Oswego Master Plant List below shall be prohibited as street trees, except those cultivars that do not have the characteristics identified by its species below:

SCIENTIFIC NAME	COMMON NAME
Acer macrophyllum -Leaves block drainage, roots buckle sidewalks	Big-leaf Maple
Acer negundo -Insects, weak wooded	Box Elder
Acer rubrum -Shallow rooted	Red Maple
Acer saccharinum -Shallow rooted, weak wooded	Silver Maple
Aesculus hippocastanum -Messy fruits	Common Horsechestnut
Betulus species -Insects, weak wooded	Birches
Garya species -Fruits cause litter and safety problems	Hickories
Catalpa species -Seed pods cause litter problems	Catalpas
Corylus species -Fruits cause litter and safety problems	Filberts
Crataegus species -Thorns, fruits cause litter and safety problems	Hawthorns
Fraxinus species -Seed pods cause litter problems	Ashes
Gleditsia triacanthos -Seed pods cause litter problem	Honey Locust (species) (does not include horticultural variants)
Juglans species -Fruits cause litter problems	Walnuts
Morus species -Fruits cause litter and safety problems	Mulberries
Populus species	Poplars

Weak wooded, shallow roots	
Robinia species Weak wooded, suckers	Locusts
Salix species Weak wooded, shallow roots	Willows
Ulmus fulva Insects, weak wooded, shallow roots	Slippery Elm
Ulmus pumila Weak wooded, shall roots	Siberian Elm

~~98. Metal grating, non-mortared brick, grasscrete or similar material shall be installed at grade over the planting area around street trees; or raised planters shall be constructed to prevent soil compaction and damage to the trunk. When a tree is located within a sidewalk, the tree base shall be protected from damage by pedestrians and other causes in a manner that complies with the City Engineer's specifications and applicable federal and state law, i.e., Americans with Disabilities Act.~~

~~109.~~ Plant material used for screening and buffering shall:

- a. Be of a size to provide an effective screen within two to five years of the planting date.
- b. Be planted in a single row on centers equal to one-half mature width of the plant material or in staggered multiple rows.
- c. Be a minimum of 6 feet high at maturity; or as determined by the City Manager to buffer or screen a specific situation except as prohibited by LOC 50.21.005.

Section 50.57.005 Applicability.

This Article is applicable to all major developments, and to the following minor developments:

- a. multiple dwelling;
- b. major public facilities;
- c. commercial development;
- e. institutional development; and
- e. industrial development, and
- f. ~~to land divisions (all-partitions and subdivisions) of land.~~

Section 50.57.015 Standards for Approval

~~1. Every lot shall abut a street for a width of at least 25 feet. Exception: The street frontage of a lot created pursuant to approval of a row house development may be reduced to 17 feet in the R-0, D-D, R-2, R-3 and R-5 zones. Every residentially-zoned lot shall abut a street for the following minimum length:~~

<u>Residentially-Zoned Lot</u>	<u>Minimum Street Frontage</u>
<u>Rowhouse</u>	<u>17 feet</u>
<u>Flag Lot</u>	<u>See LOC 50.20.020</u>
<u>All Other</u>	<u>25 feet.</u>

2. Access design shall be based on the following five criteria:
 - a. Topography.
 - b. Traffic volume to be generated by the development.
 - c. Classification of the public street from which the access is taken (residential, collector or arterial).
 - d. Traffic volume presently carried by such street.
 - e. Projected traffic volumes.
3. Direct permanent access from a development to an arterial street is prohibited where an alternate access is either available or is expected to be available. A temporary access may be allowed.
4. Direct access from a development or a structure to a local residential street is required unless such access is not available.
5. The City may require shared access with a neighboring site or an extension of residential streets across adjacent properties to provide access to the development if necessary to prevent adverse impacts on traffic flow.
6. If no satisfactory access from a public street to a development is available, the City shall require postponement of the development until such time as a satisfactory access becomes available.
7. Access lanes created by a partition or private streets created by a subdivision shall contemporaneously provide an option of dedication to the City.

LOC 50.58.015 Standards for Approval

1. Driveway Approaches— Locational Limitations and Restrictions.
...
2. Driveway Widths. ...
...
3. Driveway Grades.
 - a. The maximum grade of a driveway serving a one single family structure shall be 20%. If the grade exceeds 15%, then the residence must be provided with alternative methods for fire suppression, i.e., sprinklering.
 - b. The maximum grade of a driveway for all other uses shall be 15%.
 - c. For all uses except residential structures of four units or less, there shall be a landing area where a driveway used by multiple drivers meets the public street. The landing area shall be a minimum of 25 feet long and shall have a maximum grade of 5%. The length and grade of the landing area described in this subsection presupposes that the abutting street has been fully improved to its ultimate anticipated width. If a driveway is proposed on a street that is not fully improved, and the development proposal is anticipated to proceed prior to the improvement of the street, the City Engineer shall determine the location and grade of the future street improvement and the applicant shall design the driveway and site grading so that this standard will not be compromised when the street is improved in the future.

d. Along the traveled way, grade breaks shall not exceed an algebraic difference of 9% unless accomplished by the construction of a vertical curve complying with the City's Standard Details.

e. The maximum cross-slope of a driveway shall be 5%, except for that portion of a driveway which must blend with an adjacent street grade that exceeds 5%. When blending is necessary, the length of the blended section shall be limited to 30 feet.

4. Fire Access Lanes.

a. All developments shall comply with the minimum requirements for fire access roads as stipulated by the ~~Uniform~~-Fire Code and LOC Chapter 15.

b. The paved improvement of fire lanes, their associated turnarounds and right of way dimensions shall comply with the City's Standard Details.

c. When a fire access road is required to be used as a primary or alternate access route for the provision of emergency services to or through an abutting property, the fire lane shall be declared as such on a legal instrument to be recorded against the title of the affected property(ies). A declaration on a plat or on a recorded development plan may also be used to satisfy this standard.

5. Turnarounds.

a. If a dead-end driveway exceeds 150 feet in length, it shall provide a fire department turnaround in compliance with the City's "Standard Details".

Exception: The Fire Marshal may approve driveways greater than 150 feet in length if the structures greater than 150 feet from the public road are provided with alternative methods of fire suppression, i.e., sprinklering.

b. Except where a continuous forward exit can be made out of the site, all developments with on-site loading and delivery areas shall provide a turnaround for delivery vehicles in compliance with the City's "Standard Details".

c. Required turnarounds shall not overlap a required parking space.

6. Special Provisions-Schools.

a. Schools and similar institutional or instructional uses with a total enrollment of 25 or more students on any given day shall provide an on-site driveway that allows a continuous forward flow of vehicles through the site for the loading and unloading of children.

7. Easements Required.

a. Driveways and their associated parking areas and turnarounds shall be located on the site or, if located off-site, in an easement.

b. A copy of the easement shall be submitted to the City as part of the development application. If the easement has not yet been obtained at the time of application, the applicant shall supply a letter of commitment from the party who has the authority to grant the easement indicating that the easement will be granted contingent upon the development's approval by the City.

c. Easements shall state the purpose of the easement, identify the benefiting and burdened properties, state the duration of the easement rights granted, and stipulate the maintenance responsibilities of the parties.

Section 50.60.005 Applicability

This standard is applicable to:

1. Any development that results in the construction of a street, or
2. Construction of a detached single family dwelling, duplex, zero lot line dwelling, multiple dwelling, commercial, industrial, institutional, or Public Function structure; and is located on a parcel or parcels of vacant or redevelopable land of 1.75 acres or larger.
3. Any construction of a detached single family dwelling, duplex, zero lot line dwelling, multiple dwelling, commercial, industrial, institutional, or Public Function structure, or any land division that abuts a parcel upon which there is a street that has been "stubbed" to the proposed development parcel.

Section 50.63.005 Applicability

This Article is applicable to all minor or major development which ~~includes~~ results in increased use of public and private streets, public pathways and accessways, or parking lots, and lots in the PF and PNA zones.

Section 50.66.035 Garages

If a garage is provided, it shall meet the following siting requirements: (Also see Appendix 50.66-A, Figure 4)

1. Minimize the visual impact of garages and parking from the street by:
 - a. Facing the garage ~~door(s)~~ on a separate street frontage from the front door of the primary structure; or
 - b. Setting back the side of the garage facing the street a minimum of five feet behind the front elevation building line of the primary structure, when the garage ~~doors~~ faces are parallel to the same street frontage as the primary structure; or
 - c. Accessing the garage or parking area from the rear of the lot, where feasible.
2. Garages shall have the same roof pitch as the primary structure.

Section 50.66.030 Fencing and Landscaping.

...

2. Trees and Landscaping.
 - a. Mature trees or tree groves shall be preserved and incorporated into the site plan for new development, where feasible, unless doing so would substantially reduce development options on the site.
 - b. Two (2) street trees for every 50 feet of street frontage are required as a condition of approval of a new structure. Existing street trees can be counted in order to comply with this requirement, as long as the type, location and viability of the existing trees are sufficient to provide a full streetscape of trees. New street trees shall be selected from the City of Lake Oswego Approved Street Tree Planting List, Master Plant List, Approved Street Trees for Old Town Design Standard [Appendix 50.02.005- [Master Plant List], Section 4], (LOC Appendix 50.66-A, Figure 5).

Section 50.67.010 Standards Applicable to the Entire District

....

14. Building Design: Buildings shall be architecturally designed with a residential character and theme that reflect the architecture types that are historically indigenous to Lake Grove and Lake Oswego. Building character should reflect the residential English Country or Cottage style, borrow from the Arts and Crafts tradition, English Tudor style and the American Rustic Style. Elements of these styles which can be used for both residential, office/commercial and commercial uses, and major public facility structures within the design district include:

- * Complex Massing;
- * Asymmetrical composition;
- * Masonry and wood as exterior cladding materials;
- * An intimate, pedestrian friendly scale;
- * Richly textured and visually engaging facades, and
- * Lush landscaping and border plantings.

Evaluation of the appearance of buildings and their conformance with these standards shall be based on the quality of design and relationship to the surroundings.

The following building design standards shall apply to all office and neighborhood commercial development which occurs within the West Lake Grove Design District:

- a. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest as follows:

....

ix. ~~Building rain~~ Rain protection is encouraged throughout the Design District and shall be afforded to the Office-Commercial/Neighborhood Commercial Zone pursuant to Appendix 50.67-A, Figure 6. Rain protection shall consist of fabric awnings or metal canopies. Vinyl awnings are prohibited.

15. Street and Pathway Lighting: Street and pathway lighting shall be provided per Appendix 50.67-A, Figure 7. Street and parking lot lighting shall consist of historic style fixtures. Cobra-head and contemporary fixtures are prohibited:

....

Section 50.68.010 Variance Standards.

1. The reviewing authority may grant a variance from the requirements of this Code, except as expressly prohibited, if it is established that:

- a. Class 1 (Minor) Variance Standards.
 - i. The granting of the variance will not be detrimental to the public health or safety, or materially injurious to properties or improvements within 300 feet of the property.
 - ii. The proposed development will not adversely affect existing physical and natural systems such as traffic, drainage, Oswego Lake, hillsides, designated sensitive lands, historic resources, or parks, and the potential for abutting properties to use solar energy devices any

more than would occur if the development were located as specified by the requirements of the zone.

b. Class 2 Variance.

i. Class 2 Variance Standards.

(1) The request is necessary to prevent unnecessary hardship; and,
(2) Development consistent with the request will not be injurious to the neighborhood in which the property is located or to property established to be affected by the request; and,

(3) The request is the minimum variance necessary to make reasonable use of the property; and,

(4) The request is not in conflict with the Comprehensive Plan.

ii. Class 2 Variance Factors and Considerations.

In evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances:

(1) Relevant factors to be considered in determining whether a hardship exists include:

(A) Physical circumstances related to the piece of property involved.

(B) Whether a reasonable use similar to like properties can be made of the property without the variance.

(C) Whether the hardship was created by the person requesting the variance.

(D) The economic impact upon the person requesting the variance if the request is denied.

(2) Relevant factors to be considered in determining whether development consistent with the request is injurious include:

(A) An analysis of the physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.

(B) The perceptions of residents and owners of property in the neighborhood concerning the incremental impacts occurring as a result of the proposed variance.

c. Class 3 Variances

(1) The applicant and proposed use meet the qualifications for applicability under a state or federal law that may require the City to waive, adjust, or reasonably accommodate land use regulations.

(2) The requested variance is necessary to comply with state or federal law requirements for adjustment, waiver or reasonable accommodation of land use regulations, e.g., Federal Fair Housing Act; Americans with Disabilities Act; Rehabilitation Act, Religious Land Use and Incarcerated Persons Act.

(3) The variance is the minimum necessary to comply with the applicable state or federal law.

2. A determination of whether the standards set forth in subsection 1(b)(i) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in subsection 1(b)(ii) (1) and (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.

50.68.015 Classification of Variances.

A variance which would allow development not in conformance with the requirements of the development standards may be granted.

1. Class 1 (minor) variances are small changes from the Code requirements and which will have little or no effect on adjacent property or users.

Class 1 (minor) variances include:

...

p. Limitation on maximum height of solar system (panels). LOC 50.22.015(3).

2. Class 2 variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users.

Class 2 variances include:

....

e. Variances from the lot coverage or floor area ratio (FAR) for other than a single-family residential dwelling or its associated accessory structures.

....

3. Class 3 variances are variances to any requirement of this Code required by state or federal law.

34. The City Manager shall decide the classification of any Class 1 or Class 2 variance application. An applicant must specifically designate a request for Class 3 variance in the application.

~~4. For Class 1 (minor) variances, the City Manager shall have the authority to require an applicant to fulfill the requirements of LOC 50.77.025 at his/her discretion. This authority is solely at the discretion of the City Manager and is not subject to appeal.~~

Section 50.68.017 Variances Not Allowable; Expiration of Class 3 variances.

1. No Class 1 or Class 2 variance shall be granted that will permit a use not permitted in the applicable zoning district or that will increase the allowable residential density in any zone.

2. No Class 1 or Class 2 variance to a zone requirement for which an exception was granted pursuant to LOC 50.17.015(2) shall be granted to a lot within a planned development where an exception to the zone requirement was granted from the underlying zone requirements by the planned development overlay approval.

3. No Class 1 or Class 2 variance shall be granted to a setback or buffer required under LOC Article 50.16 (Sensitive Lands Overlay District). This provision does not prevent modification of buffer as permitted by LOC 50.16.070(3), or setbacks as permitted by LOC 50.16.040.

4. Notice of Duration of Class 3 Variances; Expiration

a. Notice of the condition(s) / event(s) that would terminate the Class 3 variance shall be recorded in the county deed records.

b. Class 3 variances that allow use of a lot not otherwise permitted by this Code but required under state or federal law shall expire upon termination of the occupancy of the lot by the activity, use, or individual/entity qualifying for the use variance under state or federal law.

c. Class 3 variances relating to the placement of the structure, the dimensional standards of the lot, or other variances relating to the structure (other than to the use of the structure) shall expire when the portion of the structure that received the variance is damaged or destroyed and occupancy of the lot by the activity, use, or individual/entity qualifying for the variance under state or federal law has ceased.

Section 50.69.015 Procedure.

1. Application. Application for a conditional use shall be made on forms provided by the City for that purpose and shall be signed by the property owner, or shall be accompanied by the owner's written authorization. The application shall include:

- a. Name, address and telephone number of applicant,
- b. Map number and/or subdivision block and lot.
- c. Narrative concerning the proposed request explaining how the applicable criteria are complied with.
- d. Copy of deed, signed earnest money agreement, or other document showing ownership or interest in property.
- e. Vicinity map.
- f. Comprehensive Plan and zoning designations.
- g. One map showing existing uses and a second map drawn in the same scale showing proposed development, placement of lot lines, etc. A survey map is not required.
- h. Detailed plans for the specific project (working drawings are not required).
- i. Names and addresses of property owners whose property is within 300 feet of the applicant's property which is the subject of the application or contiguous property owned by the applicant.
- j. Proof of payment of the applicable fees.
- k. Additional drawings, topographic surveys, photographs or other material necessary to understand the proposed use, and of its relationship to surrounding properties, may be required. The City Manager shall determine the completeness of an application ~~within seven days~~. Variances may be applied for and considered concurrently with a conditional use application. All notifications for the conditional use application or hearing shall specifically state that variances have been applied for and clearly describe the proposed variances in terms understandable to a person of ordinary intelligence.

2. The City Manager shall prepare a report to the hearing body evaluating the application for conformance with applicable requirements and standards, including the City Manager's recommended conditions of approval and commission action. ~~The staff report shall be made available to the applicant, the hearing body, the public and the affected recognized neighborhood association, not less than 10 days prior to the public hearing. The staff report shall contain factual findings and information supporting its conclusions and recommendations.~~

~~3. The hearing body shall hold a public hearing within approximately 30 days of the filing of a completed application for conditional use in accordance with the hearings and notification procedures in LOC Articles 50.82 and 50.83.~~

Section 50.69.050 Specific Standards for Churches, Convent and Related Facility.

1. Access streets have capacity to carry the projected traffic volumes.
2. The site has adequate area for proposed parking needs.
3. The structure may exceed the maximum height limitation of the zone, to a structure height of no more than 50 feet, ~~provided that the FAR for the project does not exceed 1.5:1 and the requirements of subsection (4) are met.~~
4. The lot is sufficient size to allow all required yards to be equal to at least two-thirds the height of the principal structure.
5. Public services are adequate to serve the facility

Section 50.69.055 Specific Standards for Skilled Nursing Facilities in the R-0, R-2.5, R-3 and R-5 Zones. Standards for Skilled Nursing Facilities.

1. Any site to be used for a skilled nursing shall abut a major or minor arterial street. Access to the development site shall be by the street(s) with the highest classification unless prohibited by access constraints.
2. Any site to be used for a skilled nursing facility shall be at least one-half acre in size. All property, which is in one ownership or the subject of a joint application involving more than one ownership, shall be considered as the site.
3. All requirements of the underlying zone, such as lot coverage, height limitations, setbacks and of the Lake Oswego Code generally shall be complied with unless modified by this section. However, there are no density limitations on the number of beds or rooms within a skilled nursing facility provided all the other requirements of the Lake Oswego Code and other governmental regulatory agencies are met.
4. ~~[reserved]. Applications for skilled nursing facilities shall be processed according to the requirements of the Planned Development (PD) Overlay District (LOC Article 50.17).~~
5. Any building(s) to be occupied as a skilled nursing facility shall be designed or renovated specifically for this use.
6. All public services shall be available and have the capacity to serve the facility.
7. Minimum Setbacks shall be as follows:
 - a. Twenty-five feet for the front and rear yards and 15 feet for side yards.
 - b. Twenty-five feet from property lines abutting or adjacent to a residential zone or the setback required by the zone, which ever is greater. If an abutting or adjacent residential zone has been developed for a use other than for residential purposes the smaller setbacks shall apply.
8. The maximum height of a skilled nursing facility shall conform to the height requirements of the applicable zone.
9. Any of the requirements of LOC 50.30.020 may also be applied to applications for skilled nursing facilities by the reviewing authority as necessary to comply with LOC 50.69.010.
10. On sites bordered by residential zones, the approval authority may apply additional conditions to:
 - a. Mitigate the effects of traffic caused shift changes, particularly noise and the safety of pedestrians, particularly school children.

b. Maintain residential neighborhood scale in regard to size of structures, location and width of driveways, signage, exterior lighting, and location of parking, loading and service facilities.

11. Any buildings and the development site to be used for a skilled nursing facility shall be designed with a residential character and theme. To achieve a residential character and theme, the review authority may require design elements including, but not limited to, any or all of the following:

- a. Complex massing and asymmetrical building composition;
- b. Use of masonry, wood or wood appearing composites as exterior cladding materials;
- c. Use of harmonious building materials and earth and muted tone colors and compatible color accents;
- d. Lush landscaping including the use of border plantings and trees throughout the development site.

12. Monotony of design in single or multiple skilled nursing facility buildings shall be avoided. Variation of detail, form, and building siting shall be used to enhance design quality. To achieve these objectives, the review authority may impose requirements including, but not limited to, any or all of the following:

- a. No continuous blank walls shall be allowed along the public front of the buildings and shall not exceed 25 linear feet without windows, recess, or change of plane. Appropriate use of windows shall be made to provide scale with the amount of fenestration or glazing proportional to the mass of the building facade.
- b. Architectural features and accents such as bay windows, gables, dormers and projecting eaves shall be used to break up roof expanses. Verandas and projecting balconies shall be used where safe and practical.

c. Roof materials shall consist of cedar shingles, tiles, or three tab composite shingles in dark gray, green or black colors. Metal roofs and colored roofs, other than those mentioned above and mansard or decorative roof forms are prohibited. 13. Buildings to be used for a skilled nursing facility shall use materials that are architecturally harmonious for all walls and exterior components. To achieve this objective, the review authority may impose requirements including, but not limited to the following:

- a. Materials for building walls may consist of wood shingle, brick, horizontal wood or composite wood siding, stone, masonry, concrete block which mimics stone, brick or other masonry. Stucco and timbers shall be allowed on gable ends only.
- b. The following exterior materials are not allowed: EIFS or other synthetic stucco material; metal panels; flagstone; plywood paneling; vinyl cladding; mirrored glass; standard form concrete block; backlighted fabrics.

50.69.057 Specific Standards Applicable to Residential Care Housing Facilities and Congregate Housing in R-7.5, R-10, and R-15 Zones.

The following criteria and standards shall be applicable to residential care housing and congregate housing facilities in R-7.5, R-10, and R-15 Zones:

- 1. Any site to be used for residential care housing or congregate housing in an R-7.5, R-10 or R-15 zone shall be at least one-half acre in size.

2. Any site to be used for residential care housing or congregate housing and proposed to be located on a neighborhood or major collector street shall also have the following characteristics in addition to the other specific standards in LOC 50.69.057:

a. There are higher intensity land uses the vicinity of the site proposed for residential care housing such as:

- i. Commercial uses.
- ii. Institutional uses such as schools, churches, or
- iii. Multi-family residential development.

b. The proposed residential care housing or congregate housing project would be a transitional land use between more intense land uses and the collector streets(s) and abutting or adjacent residential uses;

c. Public parks or useable public open spaces are easily accessible via public or private bus service or are within walking distance, and

d. Retail and professional services and churches are within a short distance from the development site and can be walked to or are easily accessible by public or private bus service.

~~23.~~ All abutting property, which is in one ownership or the subject of a joint application involving more than one ownership, shall be considered as one site.

~~34.~~ All setback and height requirements of the underlying zone shall be complied with unless modified by this section. However, there are no limitations on the number of residential care or congregate housing living units, which may be developed, provided all the other requirements of the code and other governmental regulatory agencies are met.

~~45.~~ Maximum lot coverage shall be 40 percent.

~~56.~~ Except as modified by this section all of the requirements of LOC 50.30.020 shall also be applied to applications for residential care or congregate housing.

~~67.~~ The reviewing authority may apply additional conditions to:

~~a.~~ Mitigate/Minimize to the extent practicable the effects of traffic caused by shift changes, particularly noise and the safety of pedestrians, particularly school children.

~~b8.~~ Maintain any existing surrounding residential neighborhood scale and character in regard to lot coverage, design and size of structures, landscaping, buffering and screening, location and width of driveways, signage, exterior lighting, and location of parking, loading and service facilities.

Section 50.69.060 Specific Standards for Schools.

All Public/public, private or parochial, elementary, secondary, preschools, nursery schools, kindergartens and day-care centers shall provide the following are included.:

~~1.~~ See LOC 50.59.010 and LOC Article 42 for requirements relating to Walkways/walkways. both on and off-site, will be provided as necessary for safe pedestrian access to.

~~2.~~ Sight-obscuring fence of four to six feet in height shall be provided to separate the play area from adjacent residential uses.

~~3.~~ Public services are adequate to serve the facility.

~~42.~~ Safe loading and ingress and egress will be provided on and to the site.

Section 50.69.070 Specific Standards for Major Public Facilities and Institutional Uses Not Covered by Other Specific Standards.

1. Utilities, streets or other necessary improvements to the public facility or institutional use shall be provided by the agency constructing the use.
2. When located in a residential zone, access should be located on a collector street if practical. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. A traffic study will be required of the applicant to identify the projected average daily trips to be generated and their distribution pattern. Uses which are estimated to generate fewer than 20 trips per week shall be exempted from the requirements of this subsection (2).
3. When located in a residential zone, lot area shall be sufficient to allow required yards which are at least two-thirds the height of the principal structure.
4. The height limitation of a zone may be exceeded to a maximum height of 50 feet provided the FAR does not exceed 1.5:1 and subsection (3) is met.
5. Noise generating equipment shall be sound buffered when adjacent to residential areas.
6. Lighting shall be designed to avoid glare on adjacent residential uses.
7. Levels of operations shall be adjusted to avoid conflict with adjacent uses where practical.

Section 50.69.085 Specific Standards for ~~non-profit~~ office uses in Structures on the City's Historical Landmarks List and which are Located on Arterial Streets.

1. Public services are adequate to serve the facility.
2. ~~The site has adequate area for the anticipated parking needs or off-site, shared use parking is available within 500 feet of the site.~~ Notwithstanding LOC 50.55.010, the required parking for office uses in historic landmarks shall be determined in the conditional use approval. In applying the general conditional use criteria under LOC 50.69.010(1)(c) and (d), the on-site parking may be reduced to protect the historic character of the landmark.
3. Access should be located on an arterial street, if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. A traffic study will be required of the applicant to identify the projected average daily trips to be generated and their distribution pattern. Uses which are estimated to generate fewer than 20 trips per week shall be exempted from the requirements of this subsection (3).
4. Noise generating equipment shall be sound buffered when abutting a residential use.
5. Exterior lighting and signage shall be designated to avoid glare onto adjacent residential uses.
6. Levels of operations shall be adjusted to avoid conflict with adjacent uses, where practicable.
7. The historical designation of the property shall be maintained throughout the period of the conditional use. The property owner shall provide a deed restriction with the application

which ensures that the property owner will not remove the property from the City's Historical Landmark List for the duration of the conditional use permit. Request for removal from the list shall void the conditional use permit.

Section 50.71.015 Purpose of Overall Development Plan and Schedule.

The purpose of the ODPS is to:

1. Assure that the proposed development, considered as a whole, will conform to the Comprehensive Plan and Development Standards;
2. Assure that individual phases will be properly coordinated with each other and can be designed to meet the Development Standards;
3. Provide preliminary approval of the land uses, limit uses permitted within the ODPS, maximum potential intensities or densities, arrangement of uses, open space and resource conservation and provision of public services of the proposed development; and
4. Provide the developer a reliable assurance of the City's expectations for the overall project as a basis for detailed planning and investment.

Section 50.71.040 Content of the Approved Final Overall Development Plan and Schedule.

The approved overall Development Plan and Schedule shall consist of the following documents:

1. A site plan showing location and type of all approved land uses proposed, approximate acreage and approximate number of units or square footage of uses.
2. A general utility plan showing streets, utilities, drainage management measures, bike and pedestrian ways and transit locations.
3. A statement acknowledging need for off-site improvements as required.
4. A schedule of the overall phasing and development to occur within each phase.

These documents shall be prepared subsequent to hearing body approval and shall be approved by the City Manager. If the City Manager finds that the final submittal does not accurately reflect the hearing body action, then the documents shall be returned to the hearing body for approval.

Upon approval, the documents will be stamped "Approved Final Plan" and filed in the ODPS project file.

Section 50.77.020 Pre-application Conference

1. A pre-application conference with the City Manager is required for minor and major development permit applications.
2. A pre-application conference is not required for other development applications, but may be scheduled at the request of the applicant or when required by the City Manager.
3. The purpose of the pre-application conference is to discuss the proposal, the applicable criteria and the requirements for completing an application. A copy of an adopted neighborhood plan shall also be provided to the applicant, regardless whether its provisions constitute criteria for the proposed development or not.

An applicant may request one or more additional pre-application conferences in order to discuss any changes in the applicable criteria and application requirements that may occur between the date of the pre-application conference and the filing of the development permit application.

4. The development permit application must be filed within one year from the date of the pre-application conference; if the development permit application is not filed within one year, a

new pre-application conference is required unless the applicant requests and the City Manager approves a waiver of the additional pre-application conference.

Section 50.77.025 Neighborhood Contact and Notice Required for Certain Applications

Following a pre-application conference pursuant to LOC 50.77.020, and Prior prior to submittal of an application for:

- a. ~~to~~ A partition, subdivision or a major development, or
- b. Any other development permit if the City Manager deems neighborhood contact to be beneficial,

the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. ~~The City Manager may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the City Manager deems neighborhood contact to be beneficial.~~

1. Purpose. The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended result in a better application and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The City expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application. The City expects the neighborhood association to work with the applicant to provide such input.

The City recognizes that potential impacts of development, such as storm water runoff, traffic, noise or impacts on natural resources, may affect not only the area immediately surrounding the site of the proposed development, but the neighborhood in which the site is located, and adjacent neighborhoods.

2. Selecting Date, Time and Location of Neighborhood Meeting. In establishing the date, time and location of the meeting with neighbors and with the neighborhoods:

a. Procedure. ~~The applicant shall follow the applicable procedure in subsections (i) and (ii) below.~~

i. Recognized Neighborhood Association. Where the proposed development is within the boundaries of a recognized neighborhood association, the applicant shall provide the chair of the neighborhood in which the site proposed for development is predominately located three alternative meeting options (on three different days, with at least 7 days between the first and the last date proposed).

ii. County CPOs. Where the proposed development is within the boundaries of a county-recognized CPO, or equivalent, the applicant shall provide the chair of the County CPO in which the site proposed for development is predominately located three alternative meeting options (on three different days, with at least 7 days between the first and the last date proposed).

iii. Homeowners Association. Where the proposed development is not within the boundaries of a recognized neighborhood association or County CPO, but is within the boundaries of a homeowners association registered with the Oregon Secretary of State, Corporation Division, the applicant shall provide the chair, president or registered agent of the homeowners association (according to the records of the Oregon Secretary of State) three

alternative meeting options (on three different days, with at least 7 days between the first and the last date proposed);

iv. Other. Where the proposed development is not within the boundaries of a recognized neighborhood association, County CPO, or registered homeowners association, if the site proposed for development is located where there is no recognized or forming neighborhood association, the applicant shall provide the neighborhood chair of the recognized or forming neighborhood association closest to the site proposed for development, with the three alternative dates (on three different days, with at least 7 days between the first and the last date proposed).

The chair of the recognized neighborhood association or County CPO, or chair, president or registered agent of the homeowners association, as provided above in subsections (i), (ii), or (iii), shall choose from the three alternatives within 7 days of either the date of the applicant mailed the request to establish the date and time of the neighborhood contact meeting or upon personal receipt of the written or oral request, whichever is earlier. If the chair, president, or registered agent, as applicable, fails to select the date and time of the meeting within the 7-day period, the applicant may establish the date and time of the meeting from one of the proposed alternatives.

b. Date, Time, and Location. Unless approved by the chair of a recognized neighborhood association:

i. The meeting shall not be held on a legal holiday or the day before, as defined in ORS 187.010 (Sundays and listed holidays are "legal holidays").

ii. The meeting shall be scheduled to commence during the evening after between 6:00 p.m. and 8:00 p.m. or on the weekend not less than 20 days from the date of mailing of the notice.

iii. The meeting shall be held at a location open to the public within the boundaries of the association, County CPO, or homeowners association, as applicable under subsections (a), (i - ii) above, in which the proposed development is predominately located or at a public facility within the City of Lake Oswego.

iv. If the meeting is held at a private residence or business, it shall be posted at the time of the meeting as the meeting place and shall note that the meeting is open to the public and all interested persons may attend.

3. Notice to Neighborhoods, Property Owners and Residents of Neighborhood Meeting.

a. The applicant shall contact by letter:

i. All recognized neighborhood associations whose boundaries contain all or part of the site of the proposed development,

ii. All adjacent recognized neighborhood associations that are adjacent to (adjacent recognized neighborhood association are those associations which share boundaries with those neighborhood(s) described to subsection i. above, and additionally those recognized neighborhood associations that are separated from the neighborhood association(s) described to subsection i. by a street, canal or stream), and

iii. All property owners and residents within 300 feet of the site, provided however, if there are less 50 properties (excluding City-owned properties) within 300 feet of the boundaries of the site, the notice area pursuant to this subsection shall be expanded, by 10-foot

increments outward from the 300 foot boundary, until at least 50 properties (excluding City-owned properties) are included in the notice area.

The letter shall briefly describe the nature and location of the proposed development, and invite the associations and interested persons to a meeting to discuss the proposal in more detail. ~~If no recognized neighborhood association is established, but one is in the process of forming, the applicant shall contact the forming association. For the purpose of this section, a "forming association" is a group that has approached the City in writing and begun the process to form a recognized neighborhood association, as determined by the City Manager.~~

b. On the same date the letters described in subsection (3)(a) of this section are mailed, the applicant shall provide and post notice on the property subject to the proposed application. The notice shall be posted at a location visible from the public right of way. The notice shall state that the site may be subject to a proposed development (e.g. partition, subdivision, major development, or as otherwise required by the City Manager~~variance, condition use~~) and shall set forth the name of the applicant and a telephone number where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the meeting.

4. Manner of Providing Letter Notice of Neighborhood Meeting Pursuant to Subsection (3)(a).

a. Mailed Notice. The letters required by subsection (3)(a) above shall be sent as follows:

i. For ~~recognized or forming~~ neighborhood associations described in subsections (3)(a)(i) and (ii) above:

(1) By certified mail, return receipt requested, to the Chairs of the neighborhood associations, County CPO, or homeowner ~~or forming~~ associations, and,

(2) By regular mail to the other officers of the recognized neighborhood associations; and

ii. For property owners ~~and residents~~ pursuant to subsection (3)(a)(iii) above, by regular mail. The names and mailing addresses of the property owners shall be as shown by the most recent property tax assessment roll.

5. Recording the Neighborhood Meeting. The neighborhood associations, the applicant, and any interested person shall have the option of audio-taping the meeting. However, it is not a requirement that the meeting be audio-taped.

6. Applicant's Presentation at Neighborhood Meeting. The applicant shall provide details in the neighborhood meeting that convey the appearance (materials and colors), site design, density, natural resources protection areas, arrangement of uses, access and other relevant visual information that would be included in a complete application for the type of development proposed.

7. Meeting Minutes / Neighborhood Association Concerns.

a. The applicant shall prepare minutes of the neighborhood meeting. The minutes shall contain a record of any verbal comments made at the meeting.

b. The applicant shall send a copy of the written minutes of the neighborhood meeting to the respective neighborhood association chairs that received notice of the meeting, pursuant to subsection (3)(a)(i) and (ii) above, and if applicable pursuant to subsection (2)(b) or (c), the

chair of the Country CPO or chair, president or registered agent of the homeowners association, within 14 days following the meeting.

c. Each neighborhood association chair, chair of the Country CPO, or chair, president or registered agent of the homeowners association, as applicable, or the chair's representative thereof, shall submit a list of the respective neighborhood's concerns, if any, to the City and the applicant within 14 days following the mailing of the minutes by the applicant to the neighborhood association chair or the chair's designated representative.

d. The neighborhood association chairs, chair of the Country CPO, or chair, president or registered agent of the homeowners association, as applicable shall be allowed to supplement the record with any additional comments regarding the content of the meeting, as long as such comments are filed before the record is closed.

8. Applicant's Documents Filed with Application. An application shall not be accepted for filing unless and until the applicant demonstrates compliance with this section by including with the application:

a. A copy of the certified letter to the recognized neighborhood associations, County CPO, or homeowners or forming association, with the a copy of return receipt;

b. A copy of the letter to officers of the associations and to property owners and residents pursuant to subsection (4) above, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;

c. A copy of the required posted notice, along with an affidavit of posting; and

d. A copy of the minutes of the meetings, and copies of any written comments from property owners, residents, and neighborhood association members.

e. A copy of the materials that were presented at the neighborhood association meeting.

Section 50.77.045 Modification of Pending Application

a. Modifications of a pending application shall be considered under the standards in effect at the time the application was filed, if the modification:

1. Does not increase the amount of required parking, square footage, or the number of dwelling units; or

2. Does not change the form of a structure;

b. Any modification which does not comply with subsection (a) above shall be considered a new application.

Section 50.79.005 – Exempt Development Classification

No development permit pursuant to this code is required for exempt development. Exempt Developments include:

1. Landscaping or landscape alterations, unless:

a. Such landscaping or alterations would modify or violate a condition of approval of a prior permit. In such instance, the permit shall be processed as a modification of the prior permit;

b. located within the Greenway Management Overlay District; or

c. located within an RP or RC Overlay District, an RC Protection, or its associated buffer and not exempt from the requirements of the RP or RC District pursuant to LOC 50.16.015(3).

2. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping or utilities.

3. Construction of a structure that does not require a building permit.

4. Interior remodeling which does not change a structure's occupancy classification or change the structure to a use that does not qualify as a permitted use in the zone.

5. Exterior remodeling of a structure that does not require a building permit.

6. Street vacations.

7. Temporary structures and uses listed in LOC 50.14.010 or which are for relief of victims of disaster or in an emergency.

8. Where an awning is the only change to the façade of an existing building, and the awning is funded or partially funded utilizing a financial incentive grant, provided by or obtained through the authority of the City of Lake Oswego or LORA, "Financial incentive" includes a grant, fee waiver, revolving loan, tax abatement, property exchange or similar financial incentive provided by or secured through the City or LORA.

Section 50.79.010 Ministerial Development Classification

1. A ministerial development is a development which requires a permit or review from the City where the decision:

a. Is made pursuant to land use standards which do not require interpretation or the exercise of policy or legal judgment;

b. Approves or denies a building permit issued under clear and objective land use standards; or

c. Determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations.

2. Ministerial developments include:

...

c. Exterior modification of a structure other than a detached single family dwelling, duplex, zero lot line dwelling or structure accessory to such structures which:

i. Does not increase building footprint or height; or

ii. Does not modify, either by itself or cumulatively with prior modifications after [effective date of the Ordinance], more than 25% of the facade, as the facade existed on [effective date of this Ordinance]

Exclusion: Change of color of façade is not included in determining the change of façade percentage.

or,

iii. if [if] the property abuts property zoned for residential use, does not modify any portion of the facade visible from the residentially zoned property; or

iv. Does not modify any façade, including change of color of façade, for a building that was the subject of a prior development review approval (“change of color” occurs when the new color is not within the shades or tones of the approved color); or

v. Does not result in additional illumination of the façade, including accent lighting, for a building that was the subject of a prior development review approval,
and

viii. Complies with LOC 50.79.010 (2)(b)(i) through (viii).

...

k. Delineation of a RC resource boundary pursuant to LOC 50.16.035 (5).

...

n. Change of Use / Parking Effect

(1) A change of use from one permitted use to another, including from the use assumed in a development review approval, that increases on-site parking or loading requirements under LOC 50.55.010 and Appendixes 50.55-A and -C [cumulative numerical requirement parking spaces] and there are sufficient number of parking spaces available [off-street parking, or if in the Downtown Redevelopment Design District, also on-street parking, pursuant to LOC 50.65.055(1)(e)], applying the reductions permitted in Appendix 50.55-C, except for reductions permitted by a parking study; or

(2) The use of a parking easement to provide some or all of the parking or loading requirements under LOC 50.55.010 and Appendixes 50.55-A and -C.

o. Mitigation required under LOC 50.16.105 for exempt development or under LOC 50.16.015(6) (Sensitive Lands Violation Mitigation).

p. Developments in parks, on Park and Natural Area (PNA) zoned land, when the development is in accordance with a Master Plan adopted pursuant to LOC 50.13B.035, including parks within Willamette River Greenway Overlay District.

q. Landscaping or landscape alterations that are not “exempt development” per LOC 50.79.005. (No ministerial permit shall be required; city manager review and approval shall be sufficient for the ministerial decision.)

3. Ministerial decisions are made without notice or the opportunity for appeal.

50.79.015 Review Criteria for Ministerial Developments

A ministerial development shall comply with the requirements of the zone, including overlay zones, in which the subject lot or parcel is located, and shall comply with the following sections of the Development Standards:

1. Parking Standard - LOC Article 50.55.010 (1), and (2); 50.55.015; and 50.55.020.

2. LOC Article 50.40.

3. LOC 50.43.015 (3),(4),(5); 50.43.020; 50.43.030(5), (6), (7).

4. On-Site Circulation - Driveways and Fire Access Roads - LOC Article 50.58.020.

5. If the ministerial development involves placement of a manufactured home, Manufactured Homes - LOC Article 50.48.

6. Building Design Standard, LOC 50.45.010(1)(g)[mechanical equipment screening].

~~6~~7. If located in the Flood Management Area, Flood Management Area - LOC Article 50.44.

Section 50.79.020 Minor Development Classification

1. A Minor Development is a development which requires a permit from the City that requires a more discretionary level of review than a ministerial decision. "Minor Development" is intended to include decisions defined as "limited land use decisions" pursuant to ORS 197.015 (12).

2. "Minor Development" includes:

...

k. Change of Access / Parking Study.

(1) A change of use from one permitted use to another, including from the use assumed in a development review approval, that increases on-site parking or loading requirements or which changes access requirements pursuant to LOC Article 50.55 or that will result in the construction of private streets, driveways; or.

(2) The use of a parking study under LOC 50.55.

....

p. Variances, Class 1, or Class 2, or Class 3.

....

s. Minor changes to Minor or Major Development Review Permits, pursuant to LOC 50.86.025.

t. Delineation of an RP District.

u. Modification of dimensional standards and setbacks pursuant to LOC 50.16.040 (Sensitive Lands), and RP District buffer exceptions / modifications pursuant to LOC 50.16.070.

v. Within the Greenway Management Overlay District: development which is not classified as ministerial development.

w. Expansion of existing parking lot.

3. Minor developments are initially decided by the City Manager subject to notice, the opportunity to request a hearing, and appeal as provided by LOC Article 50.81.

Section 50.79.025 Review Criteria for Minor Developments.

1. A minor development shall comply with:

a. The requirements of the zone in which it is located;

b. The Development Standards applicable to minor developments;

c. Any additional statutory, regulatory or Lake Oswego Code provisions which may be applicable to the specific minor development application, as provided for in this Community Development Code (LOC Chapter 50), such as the variance provisions, the Streets and Sidewalk Chapter (LOC Chapter 42), the Sign Code (LOC Chapter 47), the Tree Cutting Chapter (LOC Chapter 55), the Solar Access Chapter (LOC Chapter 57), and the Historic Preservation Chapter (LOC Chapter 58); and

d. Any applicable condition of approval imposed pursuant to an approved ODPS or prior development permit affecting the subject property.

~~e. The Building Design Standard (LOC Article 50.45) for developments in the DD Zone.~~

~~2. For the purpose of application of the Development Standards and pursuant to subsections (1)(b) and (1)(c) of this section, partitions involving the creation of a public or private street, construction or alteration of structures as described in LOC 50.79.020 (2)(f) and subdivisions shall be considered to be "major developments."~~

Section 50.79.030 Major Development Classification.

1. A Major Development is a development which requires a permit from the City involving the greatest level of review.
2. "Major Development" includes:
 - a. Conditional uses.
 - b. Any development defined as major development pursuant to this section which is proposed to be phased pursuant to adoption of an Overall Development Plan and Schedule (ODPS).
 - c. Any development which requires a quasi-judicial Comprehensive Plan and/or Zoning map amendment, or Community Development Code text amendment.
3. A Major Development is subject to public notice, hearing and opportunity for appeal as described in Articles 50.82 and 50.83.

Section 50.81.010 Notice of Minor Development Application.

1. Except as set forth in subsection (3) below, prior to making a final decision on a minor development permit application, notice of the opportunity to comment upon an application and, if applicable, the date of a public hearing upon the application, shall be given as follows:
 - a. Notice to Property Owners. the City Manager shall provide written notice to property owners of property within 300 feet of the entire contiguous site for which the application is made. If there are less than 50 properties (excluding City-owned properties) within 300 feet of the site, the notice area shall be expanded, by 10 foot increments outward from the 300 foot boundary, until at least 50 properties (excluding City-owned properties) are included in the notice area. The list shall be compiled from the most recent property tax assessment roll.
 - b. Notice to Neighborhood Associations. Notice shall also be sent to:
 - aj. Any recognized neighborhood association(s) whose boundaries either contain part or all of the site, and
 - bij. All adjacent recognized neighborhood associations (adjacent recognized neighborhood associations are those associations which share boundaries with the neighborhood(s) identified in subsection (1)(~~ab~~)(i) above, and additionally those recognized neighborhood associations that are separated from the neighborhood association(s) identified in subsection (1)(~~ab~~)(i) by a street or stream).
 - c. Oregon Department of Transportation and the affected railroad company, if the application indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application.
 - d. Posting. Within 3 business days after the date mailing of the notices in subsection (1)(a) and (b), the City shall post notice on the property subject to the proposed application. The notice shall be posted at a location visible from the public right of way. The notice shall state:

- i. that the site is the subject of a proposed development application
- ii. the name of the applicant,
- iii. the name and telephone number of the staff coordinator for the application,
- iv. the deadline for submission of written comments,
- v. the date of the public hearing, if applicable,
- vi. that a copy of the mailed notice (which includes a listing of the criteria for the decision) can be obtained from the planning coordinator.

The site shall remain posted until the conclusion of the date for submission of comments and, if applicable, the date set for the first evidentiary public hearing upon the application.

The City Manager shall certify that such notice was given.

2. The notice required by subsection (1)(a)-(c) of this section shall:
 - a. Provide a 14 day period for submission of comments prior to the decision;
 - b. State the place, date and time that comments are due;
 - c. State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised with sufficient specificity to enable the City to respond to the issue;
 - d. List, by commonly used citation, the applicable criteria for a decision;
 - e. Set forth the street address or other easily understood geographical reference to the subject property;
 - f. State that copies of all evidence relied on by the applicant are available for review, and that copies can be obtained at cost; and
 - g. Include the name and phone number of the City Manager or such other City staff person as may be assigned by the City Manager to review the application.

3. For development processed through the Residential Infill Design Review process (LOC Article 50.72), the City Manager shall provide written notice of a preliminary decision as follows:

a. To Property Owners. Notice to ~~owners of~~ property owners within 300 feet of the entire contiguous site for which the application is made shall be given. The list shall be compiled from the most recent property tax assessment roll. In addition to the notice requirements of subsection (2) above, the notice of the preliminary decision shall include the requirements of LOC 50.81.020 (1) through (4), and shall state that if no written comments are received within the 14 day comment period, the decision will become final. The notice shall also describe the appeal process following finalization of the decision.

b. To Neighborhood Associations. Notice shall be given to recognized neighborhood associations in the same manner as subsection (1)(b) above.

c. Posting. Notice shall be posted upon the subject property in the same manner as subsection (1)(c) above.

d. Oregon Department of Transportation and the affected railroad company, if the application indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application.

~~Notice shall also be sent to parties identified in subsections (1) (a) and (b) above.~~

Section 50.81.015 Final Decision

1. The City Manager shall make a final decision on a minor development application following expiration of the 14 day comment period. The City Manager shall approve, approve with conditions or deny the application based upon the applicable criteria and the evidence submitted by the applicant and other interested persons during the comment period. Approval or denial of an application shall be accompanied by written findings that explain the criteria and standards considered relevant to the decision, state the facts relied upon in rendering the decision and explain the justification for the decision based on the criteria, standards and facts set forth. The date of the decision for purposes of appeal is the date on which the City Manager signs the written findings.

2. For development processed through the Residential Infill Design Review Process (LOC Article 50.72), the City Manager’s preliminary decision will become final if no written comments are received within the 14 day comment period, and no opportunity for appeal shall exist. In such cases, no additional notice of a final decision will be required. If written comments are received within the 14 day comment period, the City Manager shall then make a Final Decision and provide notice in accordance with LOC 50.81.015 and 50.81.020.

Section 50.82.020 Notice of Public Hearing

1. Notice of a public hearing before a hearings body containing the information required by subsection (3) shall be mailed at least twenty days before the initial public hearing as follows:

- ~~a. To the applicant: mailed at least twenty days before the initial public hearing~~
- ~~b. To Property Owners: in the same manner, as provided in LOC 50.81.010(1)(a). :~~
- ~~a. To the applicant and the owners of record on the most recent property tax assessment roll of property located within 300 feet of the subject property. If there are less than 50 properties within 300 feet of the site, the notice area shall be expanded, by 10 feet increments outward from the 300 foot boundary, until at least 50 properties are included in the notice area;~~
- ~~bc. To Neighborhood Associations: in the same manner, as provided in LOC 50.81.010(1)(b); To any recognized neighborhood association(s) entitled to notice a pre-application neighborhood meeting, pursuant to LOC 50.77.025 (3)(a)(i) and (ii);~~
- ~~d. Oregon Department of Transportation and affected railroad company: to the Oregon Department of Transportation and affected railroad company If if the application indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application, to the Oregon Department of Transportation and the affected railroad company; and~~
- ~~ee. Persons filing comments within any comment period: If the hearing regards an appeal of a City Manager decision on a minor development application, to the appellant if different than the applicant and to any person not otherwise required to be notified by this section who submitted comments during the 14 day comment period provided by LOC 50.81.010 (2).~~

2. Nothing in subsection (1) of this section shall preclude the City Manager from providing additional public notice as City Manager deems appropriate.

3. Except as otherwise provided in subsection (4) below, The the notice shall:

- a. Explain the nature of the application and the use or uses which could be authorized;
- b. List the applicable criteria from the ordinance and plan that apply to the application at issue;
- c. Set forth the street address or other easily understood geographical reference to the subject property;
- d. State the date, time and location of the hearing;
- e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the hearings body an opportunity to respond to the issue precludes appeal to the City Council and the Oregon State Land Use Board of Appeals on that issue;
- f. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
- g. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- h. State that a copy of the staff report will be available for inspection at no cost at least ten days prior to the hearing and will be provided at reasonable cost; and
- i. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

4. ~~In addition to the mailed notice above, notice shall be given by posted upon the subject property in the same manner as required by LOC 50.81.010(1)(c) At the time notice is mailed pursuant to subsection (1) of this section, a notice shall be posted on the site subject to the application at a location readily visible from a public right of way, if available. The notice shall state that the site is subject to an application for a development permit and the telephone number of the City department to call for further information about the application.~~

5. The failure of a person entitled to notice as provided in this section to receive notice shall not invalidate such proceedings if the City Manager can demonstrate by affidavit that such notice was given.

Section 50.83.010 Time Limits on Testimony.

1. The purpose of time limits on testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that the hearing can be conducted in an efficient and expeditious manner. The following time limits on testimony shall be observed during a hearing conducted by a hearings body, subject to the right of the Chair, with hearing body consent, to amend or waive the time limits:

- a. 20 minutes for the applicant's presentation;
- b. 10 minutes for a representative of a recognized neighborhood association, homeowner association, government or government agency, or other incorporated public interest organization.
- c. 5 minutes for other persons.
- d. 5 minutes for rebuttal.

2. The time limits set forth in subsection (2)(a) of this section shall not include time taken up resolving objections or by questions or response to questions from the hearing body.

3. As a general guideline, if the Chair decides to increase or decrease the time limits for testimony, the chair shall do so in equal proportion for both the appellant and the applicant. The Chair may increase the time limit for rebuttal without increasing other time limits on testimony, however, in cases where the testimony in opposition is so complex or extensive that 5 minutes would not give the applicant an adequate opportunity to respond to the testimony.

4. Any person in attendance at the hearing may cede his or her time for testimony to a representative or another person and thereby increase that representative's or other person's time for testimony. No person's or other representative's testimony may be increased to greater than 10 minutes. No person may cede his or her time to the applicant or the appellant.

Section 50.84.005 Appeal of Minor Development Decision.

1. Except for a Residential Infill Design Review preliminary decision pursuant to LOC 50.81.015(2), A final decision of the City Manager on a minor development application, may be appealed to a hearing body by the applicant or any person aggrieved by the decision. An appeal shall be made by filing a written request for a hearing with the City Recorder within fifteen calendar days of the date of decision.

2. A written request for a hearing shall contain:

- a. A reference to the City application number and date of the final decision;
- b. A request that a hearing be held on the application;
- c. The name, address, and signature of the appellant; and
- d. A filing fee. The filing fee shall be set by resolution of the City Council, but shall

be no more than authorized by state law. The filing fee shall be refunded if the appellant prevails at the hearing or on a subsequent appeal. The filing fee requirement shall not apply to appeals filed by the Oregon State Department of Land Conservation and Development or to appeals filed by recognized neighborhood associations entitled to receive notice of a pre-application neighborhood meeting pursuant to LOC 50.77.025 (3)(a)(i) and (ii).

3. The City Recorder shall reject the appeal if it is not filed within the 15 day appeal period set forth in subsection (1) of this section, is not filed in the form required by subsection (2) of this section, or does not include the filing fee required by subsection (2) of this section. If the City Recorder rejects an appeal, the City Recorder shall so notify the appellant by letter. This letter shall include a brief explanation of the reason why the City Recorder rejects the appeal. A decision of the City Recorder to reject an appeal pursuant to this section is final and is not subject to appeal to the hearing body or the City Council. An appeal rejected pursuant to subsection (2) of this section may be corrected if it is refiled within the 15 day appeal period set forth in subsection (1) of this section.

4. An appeal of a City Manager decision regarding a minor development shall be heard de novo by the hearing body pursuant to LOC Articles 50.82 and 50.83.

Section 50.84.010 Filing an Appeal of a Hearing Body Decision

1. A final decision of a hearing body may be appealed to the Lake Oswego City Council by the applicant or any person who appeared before the hearing body either orally or in writing regarding the application. An appeal shall be made by filing a Notice of Intent to Appeal with the City Recorder within 15 calendar days of the date of the hearing body's final decision.

2. A Notice of Intent to Appeal shall be in writing and shall contain:
 - a. A reference to the City application number and date of the final decision;
 - b. A statement that demonstrates the appellant is the applicant or appeared either orally or in writing in front of the hearing body;
 - c. The name, address, and signature of the appellant or the appellant's representative;
 - d. An appeal fee, if applicable; and
 - e. A discussion of the specific issues raised for Council's consideration and the specific reasons why the appellant contends that the hearing body decision is incorrect or not in conformance with the applicable criteria. This requirement shall not limit, however, the right of the appellant or others persons appearing at the hearing from raising other issues which were raised before the hearing body.
3. The appeal fee shall be set by resolution of the City Council. The appeal fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal.
4. The City Recorder shall reject the appeal if it is not filed within the 15 day appeal period set forth in subsection (1) of this section, is not filed in the form required by subsection (2) of this section, or does not include the filing fee required by subsections (2) and (3) of this section. If the City Recorder rejects an appeal, the City Recorder shall so notify the appellant by letter. This letter shall include a brief explanation of the reason why the City Recorder rejects the appeal. A decision of the City Recorder to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to a hearings body or the City Council. The appellant shall be allowed to correct a failure to comply with subsections (2) or (3) of this section if the correction can be made and is made within the 15 day appeal period provided in subsection (1) of this section.

Section 50.84.045 Time Limits on Testimony.

1. The purpose of time limits on testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that the hearing can be conducted in an efficient and expeditious manner. The following time limits on testimony shall be observed during an appeal hearing conducted by the Council, subject to the right of the Mayor, with Council consent, to amend or waive the time limits:
 - a. If the appellant is the applicant.
 - i. 15 minutes for the applicant's presentation;
 - ii. 10 minutes for a representative of a recognized neighborhood association, homeowner association, government or government agency, or other incorporated public interest organization.
 - iii. 5 minutes each for other persons.
 - iv. 5 minutes for the applicant's rebuttal.
 - b. If the appellant is not the applicant
 - i. 15 minutes for the appellant's presentation. If there is more than one appellant, the appellants shall have a total of 15 minutes, unless the time is expanded by the Mayor pursuant to subsection (3) below.

ii. 15 minutes for the applicant's presentation, except if the time is expanded by the Mayor pursuant to subsection (3) below.

iii. 10 minutes for a representative of a recognized neighborhood association, homeowner association, government or government agency, or other incorporated public interest organization

iv. 5 minutes each for other persons.

iv. 5 minutes for the applicant's rebuttal.

2. The time limits set forth in subsection (1) of this section shall not include time taken up resolving objections or by questions or response to questions from the Council.

3. As a general guideline, if the Mayor decides to increase or decrease the time limits for testimony, the Mayor shall do so in equal proportion for the total time for the appellant(s) and the applicant or other persons, if the applicant is the appellant. The Mayor may increase the time limit for rebuttal or for testimony in response to the appeal without increasing other time limits on testimony, however, in cases where the testimony in favor or in opposition to the appeal is so extensive that the allotted time period would not give the appellant or other persons, including the applicant, if the applicant is not the appellant, an adequate opportunity to respond to the testimony.

4. Any person in attendance at the hearing and entitled to testify on appeal may cede his or her time for testimony to another person entitled to testify and thereby increase that person's time for testimony. No person's testimony may be increased to greater than 10 minutes. No person may cede his or her time to the appellant's, or to the applicant, if the applicant is not the appellant.

Section 50.86.025 Modification of Approved Permit.

~~The City Manager may approve minor changes in any development permit, provided that such change:~~

~~1. Does not increase the intensity of any use, or the density of residential use; and,~~

~~2. Meets all requirements of the development standards and other legal requirements; and,~~

~~3. Does not significantly affect other property or uses; will not cause any deterioration or loss of any natural feature, process or open space; nor significantly affect any public facility; and~~

~~4. Does not affect any condition specifically placed on the development by action of a hearing body or City Council.~~

~~Any change not meeting the criteria set forth above shall be processed as a new application.~~

~~A change meeting the criteria shall be processed as a minor development.~~

For ministerial and minor development permits, modifications to a development permit are classified as the same type of development as the original permit, and shall be reviewed under the applicable review criteria in LOC Article 50.79 for that classification of development, except that the review criteria shall be limited to criteria that are affected by the requested modification.

Section 50.86.035 - Expiration of Development Permit

(1) Except as otherwise provided in LOC 50.17.025, 50.69.025, 50.87.010 or other provision of this Code, or as may be otherwise specifically stated as a condition of approval of a development permit, any permit issued under this Code shall expire three years following the final decision and effective date of any order constituting or approving the development permit unless:

_____ a. _____ If development involves the construction of a structure, at least 15% of the structural construction has occurred within three years of the date of the final decision; and

_____ b. _____ Development authorized by the permit is commenced and work has reasonably continued to completion of the development.

_____ Upon expiration, no further work on the development or use authorized by the development permit may be undertaken without obtaining a new development permit.

(2) Upon written application, prior to expiration of the three-year period, the City Manager, shall, in writing, grant a one-year extension.

(3) If the City Manager believes that work on the development has ceased prior to completion or has otherwise been abandoned, the City Manager may, at any time, require the applicant to demonstrate that the applicant is proceeding with efforts to commence or to continue the development.

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Section 3. Appendix 50.02.005-[Master Plant List].

The following appendix is adopted as the Lake Oswego Master Plant List.

Appendix 50.02.005-[Master Plant List]

LAKE OSWEGO MASTER PLANT LIST

The Lake Oswego Master Plant List identifies plants appropriate for landscaping in specific areas, i.e., resource areas, street trees, West Lake Grove Overlay District, or for other purposes as established in this Code or elsewhere in the Lake Oswego Code, that either identifies plants that:

- a. Are adapted to local soils and growing conditions, provide food and shelter for native wildlife, and generally do not require fertilizers or pesticides, and do not require long-term irrigation, which can increase erosion and sedimentation; or
- b. Are detrimental to existing vegetation, or to the functions and values where located, or to the character of the area where planted; or
- c. Meet the requirements of plants as specified in the particular sections of this Code, or elsewhere in the Lake Oswego Code.

This plant list is divided in the following subsections:

1. Native plants
2. Invasive plants
3. Street trees – Prohibited
4. Street trees – Approved [Applicable to LOC Article 50.66 Old Town Design Standards only]
5. Solar Friendly plants [See LOC Chapter 57 Solar Code].

1. Native plants

The plants below are native to the Willamette Valley. They are adapted to local climate and soils. Planted in the right location, they should thrive with little or no maintenance.

Scientific Name	Common Name
Native Tall Shrubs / Small Trees	
<i>Acer circinatum</i>	vine maple
<i>Amelanchier alnifolia</i>	western serviceberry / Saskatoon
<i>Berberis (Mahonia) aquifolium</i>	tall Oregon grape
<i>Cornus stolonifera</i>	redosier dogwood
<i>Corylus cornuta</i>	hazelnut
<i>Crataegus douglasii</i>	Douglas hawthorn
<i>Euonymus occidentalis</i>	western wahoo
<i>Holodiscus discolor</i>	oceanspray
<i>Lonicera involucrata</i>	black twinberry
<i>Malus fusca</i>	western crabapple
<i>Oemleria cerasiformis</i>	indian plum
<i>Philadelphus lewisii</i>	mockorange
<i>Physocarpus capitatus</i>	Pacific ninebark
<i>Prunus virginiana</i>	chokecherry
<i>Ribes sanguineum</i>	red-flowering currant
<i>Rosa gymnocarpa</i>	baldhip rose
<i>Rosa nutkana</i>	Nootka rose
<i>Rosa pisocarpa</i>	clustered wild rose
<i>Rubus parviflorus</i>	thimbleberry
<i>Rubus spectabilis</i>	salmonberry

Scientific Name	Common Name
Native Trees	
<i>Abies grandis</i>	grand fir
<i>Arbutus menziesii</i>	madrone
<i>Acer macrophyllum</i>	bigleaf maple
<i>Alnus rubra</i>	red alder
<i>Cornus nutallii</i>	Pacific dogwood
<i>Fraxinus latifolia</i>	Oregon ash
<i>Pinus contorta</i>	shore pine
<i>Pinus ponderosa</i>	ponderosa pine
<i>Populus trichocarpa</i>	black cottonwood

<i>Prunus emarginatus</i>	bitter cherry
<i>Pseudotsuga menziesii</i>	Douglas-fir
<i>Quercus garryana</i>	Oregon white oak
<i>Rhamnus purshiana</i>	cascara
<i>Salix fluviatilis</i>	Columbia river willow
<i>Salix lasiandra</i>	Pacific willow
<i>Salix scouleriana</i>	Scouler's willow
<i>Salix sitchensis</i>	Sitka willow
<i>Taxus brevifolius</i>	western yew
<i>Thuja plicata</i>	western red cedar
<i>Tsuga heterophylla</i>	western hemlock
<i>Sambucus cerulea</i>	blue elderberry
<i>Sambucus racemosa</i>	red elderberry
<i>Spiraea douglasii</i>	Douglas spiraea
<i>Symphoricarpos albus</i>	snowberry
<i>Vaccinium parvifolium</i>	red huckleberry
<i>Vaccinium ovatum</i>	evergreen huckleberry

Native Low Shrubs	
<i>Berberis (Mahonia) nervosa</i>	low Oregon grape
<i>Gaultheria shallon</i>	salal
<i>Rubus leucodermis</i>	blackcap

Native Herbaceous Flowering Plants	
<i>Achillea millefolium</i>	white yarrow
<i>Achlys triphylla</i>	vanillaleaf
<i>Alisma plantago-aquatica</i>	American water plantain
<i>Anaphalis margaritacea</i>	Pearly-everlasting
<i>Anemone deltoidea</i>	western white anemone
<i>Anemone oregana</i>	Oregon anemone
<i>Aquilegia formosa</i>	red columbine
<i>Arctostaphylos uva-ursi</i>	kinnikinnik
<i>Asarum caudatum</i>	wild ginger
<i>Aster chilensis</i>	Hall's aster
<i>Brodiaea congesta</i>	northern Saitas
<i>Brodiaea coronaria</i>	harvest brodiaea
<i>Brodiaea Howellii</i>	Howell's brodiaea
<i>Brodiaea hyacintha</i>	hyacinth brodiaea
<i>Calypto bulbosa</i>	Fairy Slipper
<i>Camassia leichtlinii</i>	Leichtlin's camas
<i>Camassia quamash</i>	common camas
<i>Campanula scouleri</i>	Scouler's Bellflower

<i>Cornus canadensis</i>	bunchberry
<i>Cryptantha intermedia v. grandiflora</i>	Common Forget-me-mot
<i>Cynoglossum grande</i>	Pacific Hound's-tongue
<i>Disporum hookeri</i>	Hooker fairy-bell
<i>Disporum smithii</i>	fairy lantern
<i>Eriophyllum lanatum</i>	Woolly Sunflower
<i>Erythronium oregonum</i>	giant fawn lily
<i>Fragaria vesca</i>	wild strawberry
<i>Fragaria virginiana</i>	Virginia strawberry
<i>Geum macrophyllum</i>	Oregon avens
<i>Heracleum lanatum</i>	cow-parsnip
<i>Hydrophyllum tenuipes</i>	Pacific waterleaf
<i>Iris tenax</i>	Oregon iris
<i>Lilium columbianum</i>	Columbia lily
<i>Lonicera ciliosa</i>	trumpet vine
<i>Lupinus bicolor</i>	two color lupine
<i>Lupinus polyphyllum</i>	bigleaf lupine
<i>Lysichitum americanum</i>	skunk cabbage
<i>Mimulus guttatus</i>	yellow monkeyflower
<i>Montia parvifolia</i>	little-leaf montia
<i>Montia perfoliata</i>	miner's lettuce

Native Grasslike: grass, sedge, rush	
<i>Agrostis exarata</i>	spike bentgrass
<i>Agrostis oregonensis</i>	Oregon bentgrass
<i>Agrostis scabra</i>	hair/rough bentgrass
<i>Alopecurus Aequalis</i>	shortawn foxtail
<i>Alopecurus geniculatus</i>	water foxtail
<i>Beckmania syzigachne</i>	slough grass
<i>Bromus carinatus</i>	California/mountain brome
<i>Bromus sitchensis</i>	Alaska brome
<i>Bromus vulgaris</i>	Columbia brome
<i>Carex aperta</i>	Columbia sedge
<i>Carex densa</i>	dense sedge
<i>Carex deweyana</i>	Dewey's sedge
<i>Carex hendersonii</i>	Henderson's sedge
<i>Carex obnupta</i>	slough sedge
<i>Carex stipata</i>	sawbeak sedge
<i>Deschampsia caespitosa</i>	tufted hairgrass
<i>Eleocharis ovata</i>	ovoid spike-rush
<i>Eleocharis palustris</i>	common spike-rush
<i>Elymus glaucus</i>	blue wildrye
<i>Festuca idahoensis</i>	bunchgrass fescue
<i>Festuca occidentalis</i>	western fescue

<i>Festuca rubra</i>	red fescue
<i>Glyceria occidentalis</i>	western mannagrass
<i>Hierocloe occidentalis</i>	California sweetgrass
<i>Hordeum brachyantherum</i>	meadow barley
<i>Juncus balticus</i>	Baltic rush
<i>Juncus effusus</i>	common(soft)rush
<i>Juncus ensifolius</i>	daggerleaf rush
<i>Juncus tenuis</i>	slender rush
<i>Leersia oryzoides</i>	rice cutgrass
<i>Scirpus acutus</i>	hardstem bulrush
<i>Scirpus microcarpus</i>	small-flowered bulrush
<i>Scirpus validus</i>	softstem bulrush
<i>Typha latifolia</i>	common cattail

Ferns	
<i>Adiantum pedantum</i>	northern maidenhair fern
<i>Athyrium felix-femina</i>	ladyfern
<i>Blechnum spicant</i>	deer fern
<i>Gymnocarpium dropteris</i>	oak fern
<i>Polypodium glycyrrhiza</i>	Licorice Fern
<i>Polystichum munitum</i>	swordfern
<i>Pteridium aquilinum</i>	bracken fern
<i>Thelypteris nevadensis</i>	wood fern

2. Invasive Plants

These plants tend to dominate plant communities, crowding out other native plants. They generally have low value to wildlife, and some are considered harmful to humans. These plants are not good choices for landscaping. They may not be planted in resource areas. This prohibition also applies to sub-species and cultivars.

Scientific Name	Common Name
Shrubs	
<i>Cytisus scoparius</i>	Scotch broom
<i>Ilex Aquifolium</i>	English holly
<i>Prunus laurocerasus</i>	English / Portuguese laurel
<i>Rhus diversiloba</i> *	poison oak
Herbaceous Plants	
<i>Buddleia davidii</i>	butterfly bush
<i>Carduus alanthoides, Carthamus baeticus, C. lanatus, Cirsium vulgare, C. arvense</i>	thistles (plumless, smooth distaff, woolly distaff, bull, Canadian)
<i>Geranium lucidum, G. robertianum</i>	Shining Crane's-bill, Herb Robert
<i>Hypericum perforatum</i>	St. John's wort

*

<i>Lythrum salicaria</i>	Purple loosestrife
<i>Vinca major and v. minor</i>	Periwinkle / vinca
Vines	
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's joy
<i>Convolvulus sepium</i>	Morning glory
<i>Hedera</i> genus, including all cultivars of <i>hedera helix</i> and <i>hedera hibernica</i>	Ivy, including English ivy
<i>Polygonum sachalinense</i> and <i>P. cuspidatum</i>	Giant knotweed, Japanese knotweed
<i>Rubus armenicus</i>	Himalayan blackberry
<i>Rubus ursinus</i> *	Trailing blackberry
Grasses	
<i>Phalaris arundinacea</i>	Reed canarygrass
various genera	running-type bamboo

3. Street Trees – Prohibited:

The following trees are prohibited as street trees, except those cultivars that do not have the characteristics identified by its species below:

SCIENTIFIC NAME	COMMON NAME
<i>Acer macrophyllum</i> Leaves block drainage, roots buckle sidewalks	Big-leaf Maple
<i>Acer negundo</i> Insects, weak wooded	Box Elder
<i>Acer rubrum</i> Shallow rooted	Red Maple
<i>Acer saccharinum</i> Shallow rooted, weak wooded	Silver Maple
<i>Aesculus hippocastanum</i> Messy fruits	Common Horsechestnut
<i>Betulus species</i> Insects, weak wooded	Birches
<i>Carya species</i> Fruits cause litter and safety problems	Hickories
<i>Catalpa species</i> Seed pods cause litter problems	Catalpas
<i>Corylus species</i> Fruits cause litter and safety problems	Filberts
<i>Crataegus species</i> Thorns, fruits cause litter and safety problems	Hawthorns
<i>Fraxinus species</i>	Ashes

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Seed pods cause litter problems	
<i>Gleditsia triacanthos</i> Seed pods cause litter problem	Honey Locust (species) (does not include horticultural variants)
<i>Juglans species</i> Fruits cause litter problems	Walnuts
<i>Morus species</i> Fruits cause litter and safety problems	Mulberries
<i>Populus species</i> Weak wooded, shallow roots	Poplars
<i>Robinia species</i> Weak wooded, suckers	Locusts
<i>Salix species</i> Weak wooded, shallow roots	Willows
<i>Ulmus fulva</i> Insects, weak wooded, shallow roots	Slippery Elm
<i>Ulmus pumila</i> Weak wooded, shallow roots	Siberian Elm

4. Street Trees – Approved
Applicable to Old Town Design Standards, LOC Article 50.66
See LOC 50.66.030(2)(b).

TREES FOR PLANTING STRIP SIZE UP TO 4 FEET							
TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Crimson Sentry Norway Maple <i>Acer platanoides</i> 'Crimson Sentry'	25'	12'	Very Upright Dense	Red		Maroon to Reddish-Bronze	
Allegheny Serviceberry <i>Amelancier laevis</i>	25'	15'	Upright Oval	Green	White Clusters	Orange	Purplish Blue
Pyramidal Serviceberry <i>Amelanchier canadensis</i> <i>Pyramidalis</i>	30'	12'	Very Upright	Dark Green	White Racemes	Brilliant Reds & Orange	Maroon Purple Heavy Fruits

Lavalle Hawthorn <i>Crataegus X Lavellei</i>	30'	20'	Upright to Vase	Dark Green	White Clusters	Bronze	Orange to Red
Crimson Cloud Hawthorn <i>Crataegus laevigata 'Crimson Cloud'</i>	25'	18'	Oval	Glossy Green	Bright Red White Centers		Bright Red
Columnar Hawthorn <i>Crataegus monogyna stricta</i>	30'	10'	Tightly Upright	Green	Double White	Yellow	Red
Flowering Ash <i>Fraxinus ornus</i>	30'	15'	Pyramidal to Round	Medium Green	Off White Heavily Scented	Yellow	
Columnar Goldenrain <i>Koelreuteria paniculata Fastigiata</i>	30'	6'	Narrow Fastigate	Green	Yellow	Yellow	Yellow Pods
Goldenchain <i>Laburnum Vossi</i>	30'	20'	Upright to Vase	Green	Yellow Racemes	Yellow	
Blireiana Plum <i>Prunus X Blireiana</i>	20'	20'	Round	Purple-Green	Bright Pink	Reddish-Bronze	
Newport Plum <i>Prunus cerasifera 'Newport'</i>	20'	20'	Oval to Round	Dark Purple	Light Pink	Reddish	

Japanese Tree Lilac <i>Syringa reticulata</i>	25'	15'	Pyramidal	Green	White Panicle		Yellow Brown
Trident Maple <i>Acer buergeranum</i>	25'	20'	Oval to Round	Dark Green		Yellow Orange	
Paperbark Maple <i>Acer griseum</i>	30'	20'	Round	Green above & Silvery under		Bright Red Orange	
Amur Maple <i>Acer ginnala</i>	20'	20'	Upright Round	Green		Yellow	
Hedge Maple <i>Acer campestre</i>	25'	25'	Round	Dark Green		Yellow	
Glorybower Tree <i>Clerodendrum trichotomum</i>	20'	20'	Round	Dark Green	White Fragrant Clusters		Blue Green
Rocky Mountain Glow Maple <i>Acer grandidentatum</i> 'Schmidt'	25'	15'	Oval	Dark Green		Bright Red	

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TREES FOR PLANTING STRIP SIZE 4 FEET TO 5-1/2 FEET

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Queen Elizabeth Maple <i>Acer campestre</i> 'Queen Elizabeth'	35'	30'	Upright	Dark Green		Yellow	
Cleveland II Norway Maple <i>Acer platanoides</i> 'Cleveland'	40'	25'	Upright	Medium Green		Bright Yellow	
Parkway Norway Maple <i>Acer platanoides</i> 'Columnar Broad'	40'	25'	Oval	Dark Green		Yellow	
Paperbark Maple <i>Acer griseum</i>	30'	20'	Round	Green above & Silver under		Bright Red-Orange	
Variegated Norway Maple <i>Acer platanoides</i> 'Drummondii'	35'	25'	Broadly Oval	Light Green White Margin			
Pacific Sunset Maple <i>Acer truncatum</i> X A. <i>Platanoides</i> 'Warrenred'	30'	25'	Upright	Dark Green			

Chinese Dogwood <i>Cornus kousa Chinensis</i>	30'	30'	Round	Green	White	Red	Red Pink
September Goldenrain <i>Koelreuteria paniculata 'September'</i>	30'	25'	Flat Topped Open	Green	Yellow	Yellow	
Red Bud <i>Cercis Canadensis</i>	20'	25'	Spreading	Medium Green	Pink	Yellow	
American Hophornbeam <i>Ostrya virginiana</i>	35'	25'	Oval	Medium Green		Yellow	
Newport Plum <i>Prunus cerasifera 'Newport'</i>	20'	20'	Oval to Round	Dark Purple	Light Pink		Red
Capital Pear <i>Pyrus calleryana 'Capital'</i>	35'	12'	Columnar	Medium Green	White Clusters	Reddish Purple	
Chanticleer Pear <i>Pyrus calleryana 'Glen's Form'</i>	40'	15'	Pyramidal	Glossy Green	White Clusters	Orange Red	
Rocky Mountain Glow Maple <i>Acer grandidentatum 'Schmidt'</i>	25'	15'	Oval	Dark Green		Bright Red	
Japanese Stewartia <i>Stewartia pseudo-camellia</i>	40'	20'	Pyramidal	Dark Green	White Orange Center	Dark Red	

Rancho Linden <i>Tilia cordata</i> 'Rancho'	45'	20'	Pyramidal	Dark Green	Yellow Fragrant	Yellow	
Chancellor Linden <i>Tilia cordata</i> 'Chancellor'	35'	20'	Pyramidal	Dark Green		Yellow	
Lavalle Hawthorn <i>Crataegus X</i> <i>Lavellei</i>	30'	20'	Upright	Dark Green	White	Bronze Red	Red
Flowering Ash <i>Fraxinus</i> <i>ornus</i>	30'	15'	Pyramidal to Round	Medium Green	Off White Fragrant	Yellow	
Pyramidal Hornbeam <i>Carpinus</i> <i>betulus</i> <i>fastigiata</i>	35'	20'	Broadly Oval	Dark Green		Yellow	
Olmsted Columnar Norway Maple <i>Acer</i> <i>platanoides</i> <i>columnar</i> 'Olmsted'	40'	20'	Upright	Dark Green		Yellow	
Armstrong II Red Maple <i>Acer rubrum</i> 'Armstrong'	45'	15'	Narrow Fastigate	Light Green		Yellow Orange-Red	
Gerling Red Maple <i>Acer rubrum</i> 'Gerling'	35'	20'	Pyramidal	Green		Orange-Red	

Saratoga Ginkgo <i>Ginkgo biloba</i> 'Saratoga'	30'	30'	Compact Spreader	Greenish-Gold		Yellow	
Columnar Sargent Cherry <i>Prunus sargentii columnaris</i>	30'	10'	Fastigate	Green	Deep Pink	Orange-Red	
Glorybower Tree <i>Clerodendrum trichotomum</i>	20'	20'	Round	Dark Green	White Fragrant Clusters		Blue-Green
Globe Sugar Maple <i>Acer saccharum globosum</i>	15'	20'	Round	Medium Green		Yellow & Orange	
Globe Serviceberry <i>Amelanchier Canadensis oblongifolia</i>	20'	20'	Round	Green	White	Bright Yellow-Red	Maroon Purple
Saucer magnolia <i>Magnolia soulangiana</i>	20'	20'	Upright-Rounded	Green	Red/White	Yellow Brown	

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TREES FOR PLANTING STRIP SIZE 6 FEET TO 8 FEET							
TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Urbanite Ash <i>Fraxinus pennsylvanica</i> 'Urbanite'	50'	40'	Broadly Pyramidal	Lustrous Green		Bronze	
Marshall Ash <i>Fraxinus pennsylvanica lanceolata</i>	50'	40'	Broadly Oval	Dark Green		Yellow	
Skyline Ash <i>Fraxinus Americana</i> 'Skyline'	45'	35'	Oval	Medium Green		Orange Red	
European Hornbeam <i>Carpinus betulus</i>	50'	35'	Oval to Round	Dark Green		Gold Yellow	
Hackberry <i>Celtis occidentalis</i>	45'	35'	Oval	Dark Green		Yellow	
Katsura Tree <i>Cercidiphyllum japonicum</i>	40'	35'	Oval	Bluish – Green		Yellow to Scarlet	
Sourwood <i>Oxydendrum arboreum</i>	50'	25'	Pyramidal	Green	White	Brilliant Scarlet	Golden
Macho Cork Tree <i>Phellodendron amurense</i> 'Macho'	40'	30'	Broadly Vase	Medium Green		Yellow	
Tricolor Beech <i>Fagus sylvatica</i> 'Rosed – Marginata'	40'	30'	Broadly Oval	Purple, Light Pink Border			

Yellowwood <i>Claprastis lutea</i>	40'	35'	Round	Yellow-Green to Bright Green	White Fragrant Clusters	Orange to Yellow	
Skyline Honeylocust <i>Gleditsia triacanthos 'Skyline'</i>	50'	35'	Broadly Pyramidal	Medium Green		Golden	
Shademaster Honeylocust <i>Gleditsia triacanthos 'Shademaster'</i>	45'	35'	Vase	Dark Green		Yellow	
Scarlet Oak <i>Quercus coccinea</i>	50'	40'	Broadly Oval	Glossy Green		Scarlet	
Glenleven Linden <i>Tilia cordata 'Glenleven'</i>	45'	30'	Pyramidal	Medium Green		Yellow	
Halka Zelkova <i>Zelkova serrata 'Halka'</i>	45'	30'	Vase	Medium Green		Yellow	
Globe Norway Maple <i>Acer platanoides globosum</i>	15'	18'	Round	Medium Green		Yellow	
Globe Sugar Maple <i>Acer saccharum globosum</i>	15'	20'	Round	Medium Green		Yellow & Oranges	
Saratoga Ginkgo <i>Ginkgo biloba 'Saratoga'</i>	30'	30'	Round	Green Gold		Yellow	

Emerald Queen Norway Maple <i>Acer platanoides</i> 'Emerald Queen'	50'	40'	Oval	Dark Green		Bright Yellow	
Crimson King Norway Maple <i>Acer platanoides</i> 'Crimson King'	40'	35'	Round	Deep Purple		Reddish Orange	
Superform Maple <i>Acer platanoides</i> 'Superform'	45'	40'	Oval	Medium Green		Yellow	
Red Sunset Red Maple <i>Acer rubrum</i> 'Franksred'	45'	35'	Oval	Dark Green		Orange Red	
October Glory Maple <i>Acer rubrum</i> 'October Glory'	40'	35'	Broadly Oval	Medium Green		Red to Purple	
Embers Red Maple <i>Acer rubrum</i> 'Embers'	50'	40'	Open	Green		Bright Red	
Saucer magnolia <i>Magnolia soulangiana</i>	20'	20'	Upright-Rounded	Green	Red/White	Yellow Brown	
* Douglas-fir, <i>Pseudotsuga menziesii</i>	100'			Dark Green		Evergreen	
Lodgepole Pine <i>Pinus contorta</i>	100'			Dark Green			

Shore pine <i>Pinus contorta</i> <i>var. contorta</i>	25'		Upright- Irregular	Dark Green		Evergreen	
*Western red cedar <i>Thuja plicata</i>	100' +		Pyramidal			Evergreen	
*Grand fir <i>Abies grandis</i>	100' +			Dark Green		Evergreen	
Noble fir, <i>Abies procera</i>	90'			Bluish Green		Evergreen	
Sitka spruce, <i>Picea</i> <i>sitchensis</i>						Evergreen	
* Western hemlock, <i>Tsuga</i> <i>heterophylla</i>	100'		Narrow- Pyramidal			Evergreen	
Incense cedar, <i>Libocedrus</i> <i>decurrens</i>	90'		Narrow- Pyramidal	Dark Green		Evergreen	

* Tree is on the Native Plants List (subsection A of this listing).

TREES FOR PLANTING STRIP SIZE 8 1/2 FEET AND LARGER							
TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Catalpa <i>Catalpa</i> <i>speciosa</i>	75'	50'	Round	Green	White	Yellow	
Katsura Tree <i>Cercidiphyllu</i> <i>m japonicum</i>	40'	35'	Oval	Bluish Green		Yellow to Scarlet	
Sourwood <i>Oxydendrum</i> <i>arboretum</i>	50'	25'	Pyramidal	Green	White	Brilliant Scarlet	Golden

5. Solar Friendly Trees [See LOC Chapter 57 Solar Access Code]

Section 4. Appendix 50.06-A

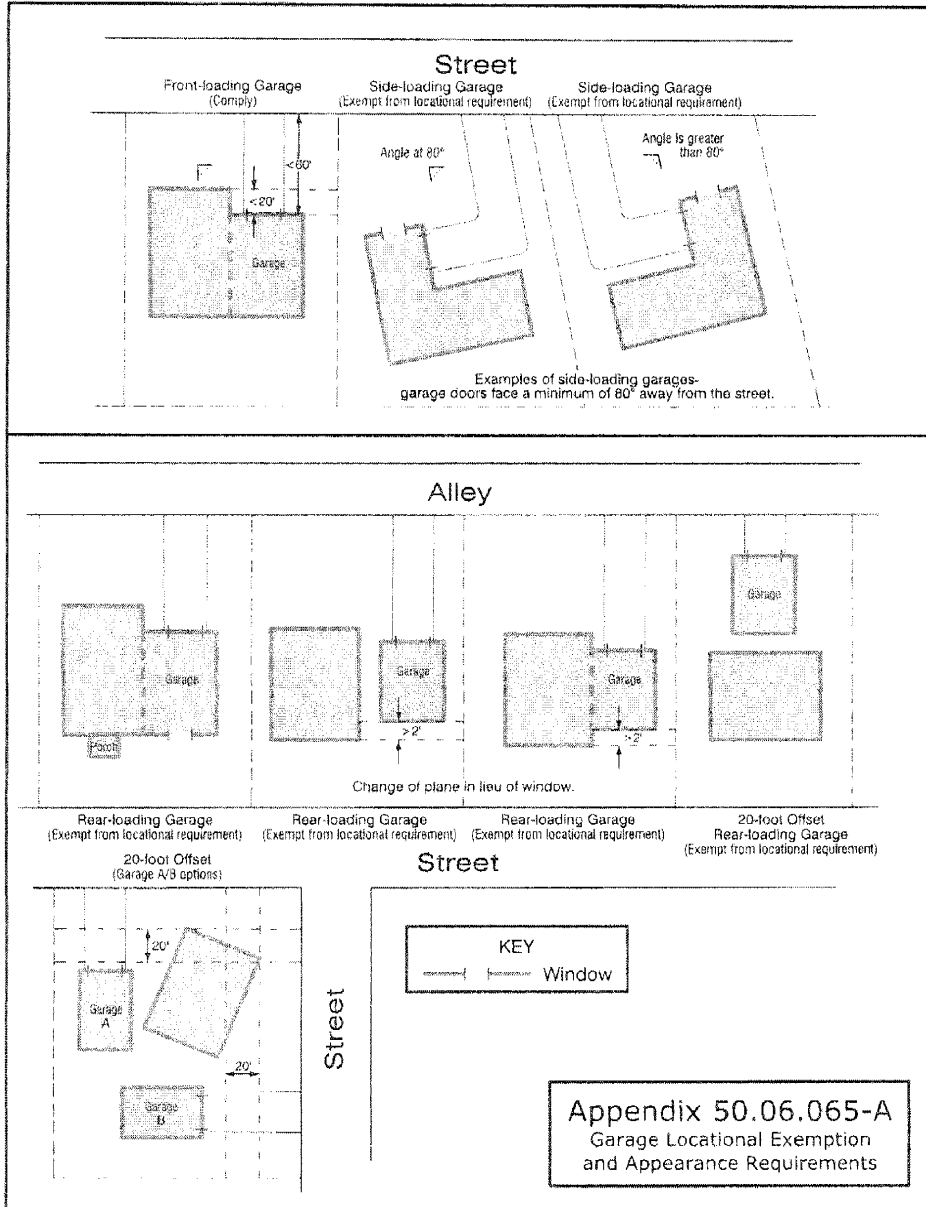
Appendix 50.06-A is deleted in its entirety.

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Section 5 Appendix 50.06.065-A

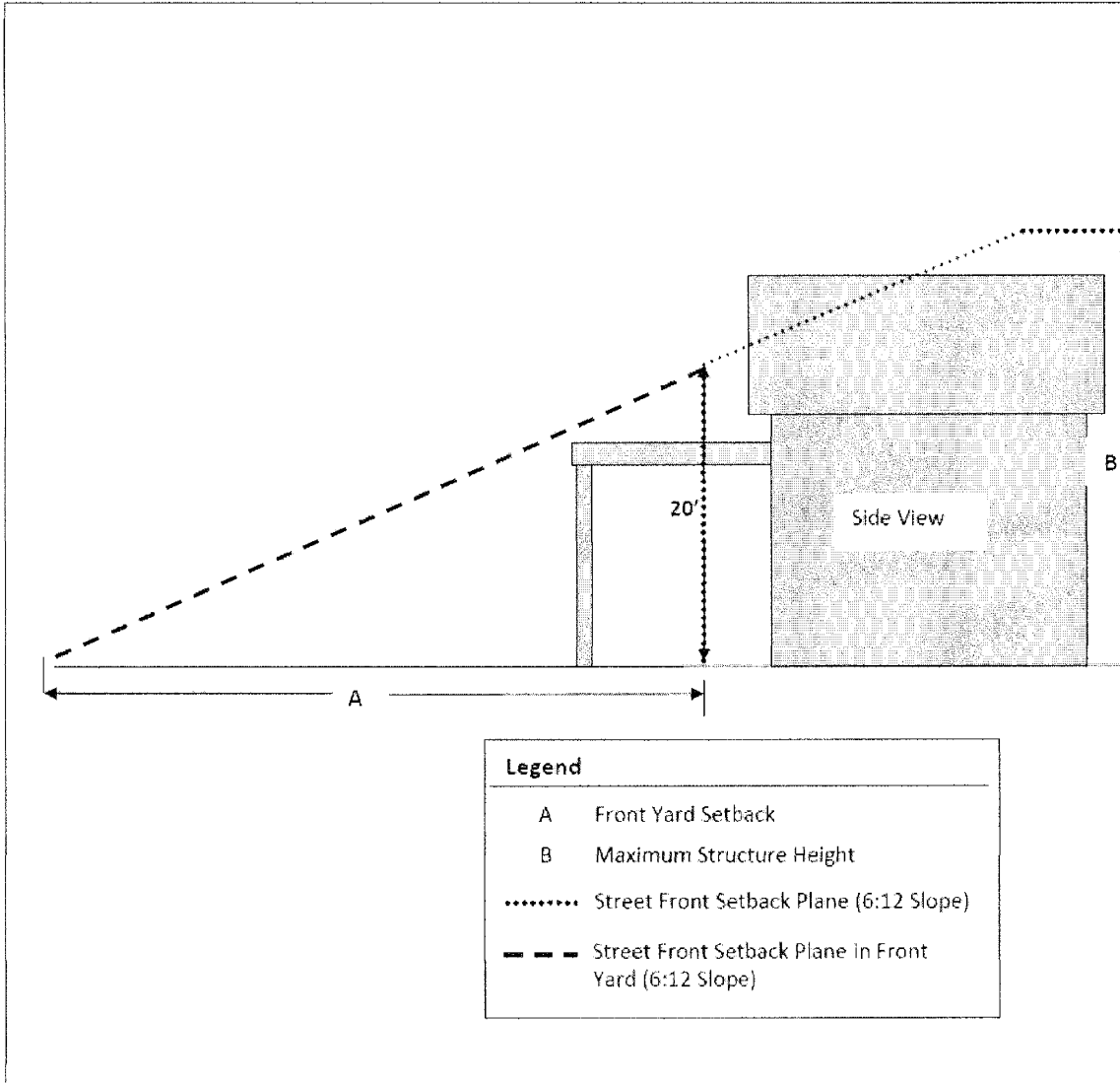
Appendix 50.06.065-A below is added to LOC Article 50.06.



Section 5. Appendix 50.07-C, Front Setback Plane.
Appendix 50.07-C, Front Setback Plane is deleted.

Section 6. Appendix 50.07.040-A.
Appendix 50.07.040-A below is added to LOC Article 50.07

Appendix 50.07.040-A
Street Front Setback Plane

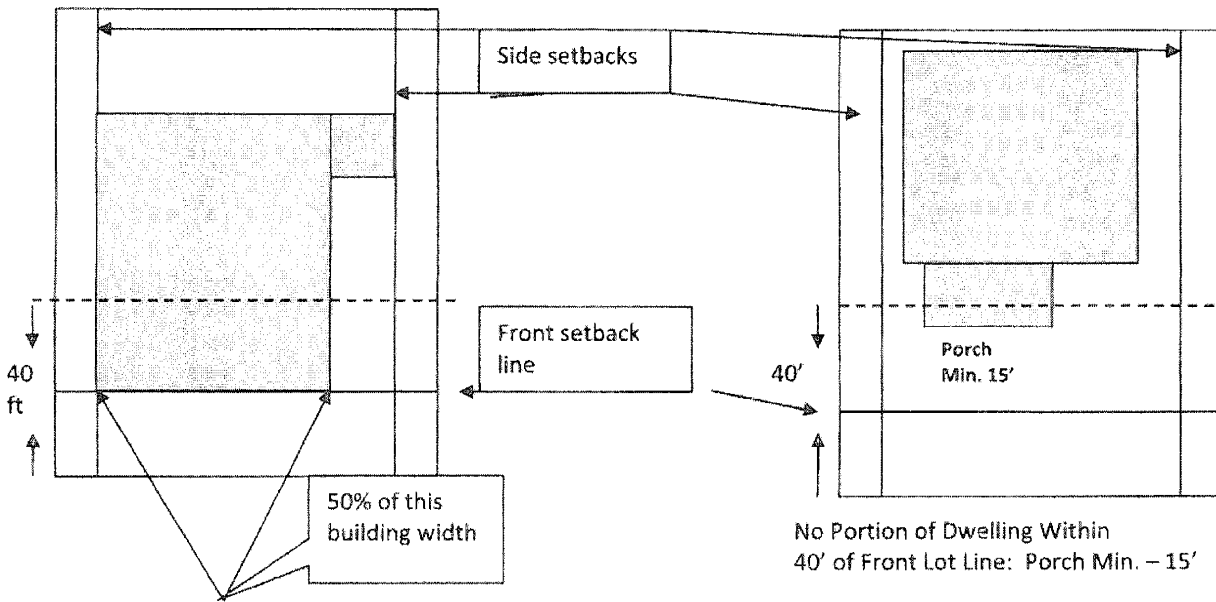


Section 7 Appendix 50.07.040-B - Minimum Front Porch Width

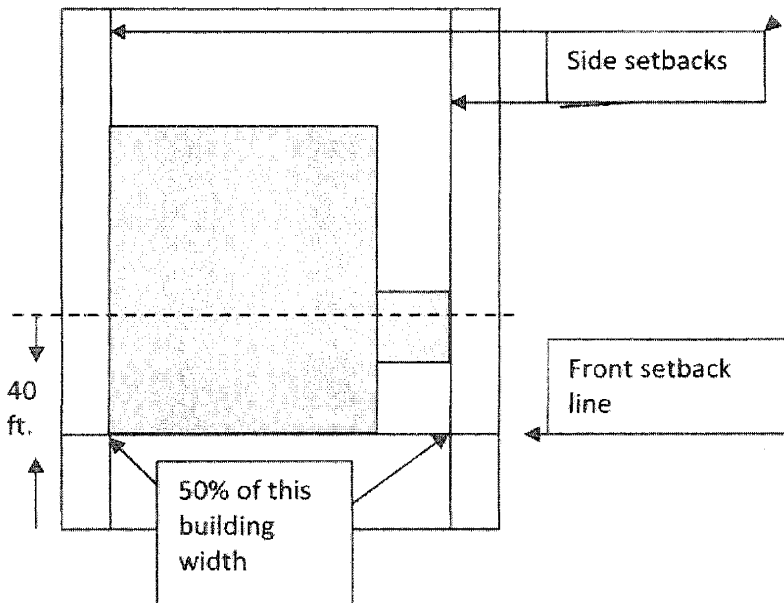
Appendix 50.07.040-B Minimum Front Porch Width below is added to LOC Article 50.07.

Appendix 50.07.040-B Minimum Front Porch Width

Example 1: Full Building Width Occurring More Than 40 ft. From Front Lot Line

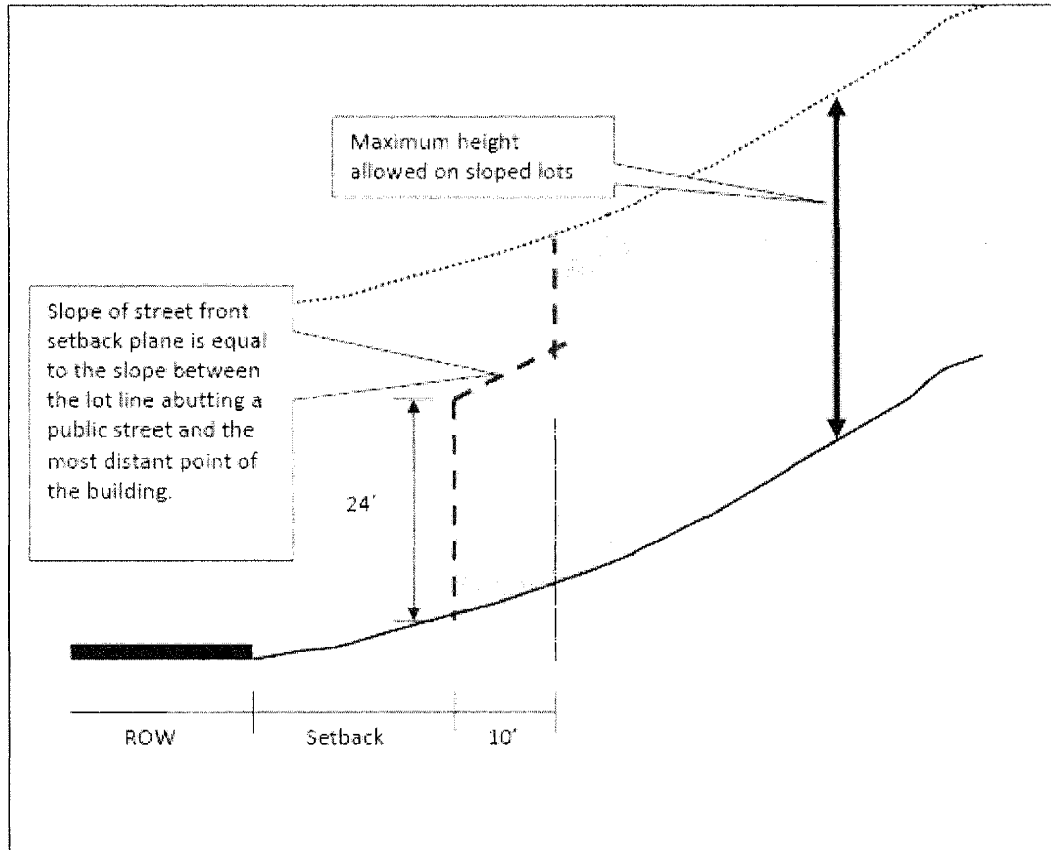


Example 2: Full Building Width Occurring Within 40 ft. From Front Lot Line



Section 8. Appendix 50.07-K Street Front Setback Plane – Upslope Lots
Appendix 50.07-K is replaced with the following:

**Appendix 50.07-H
Front Setback Plane – Upslope Lots**

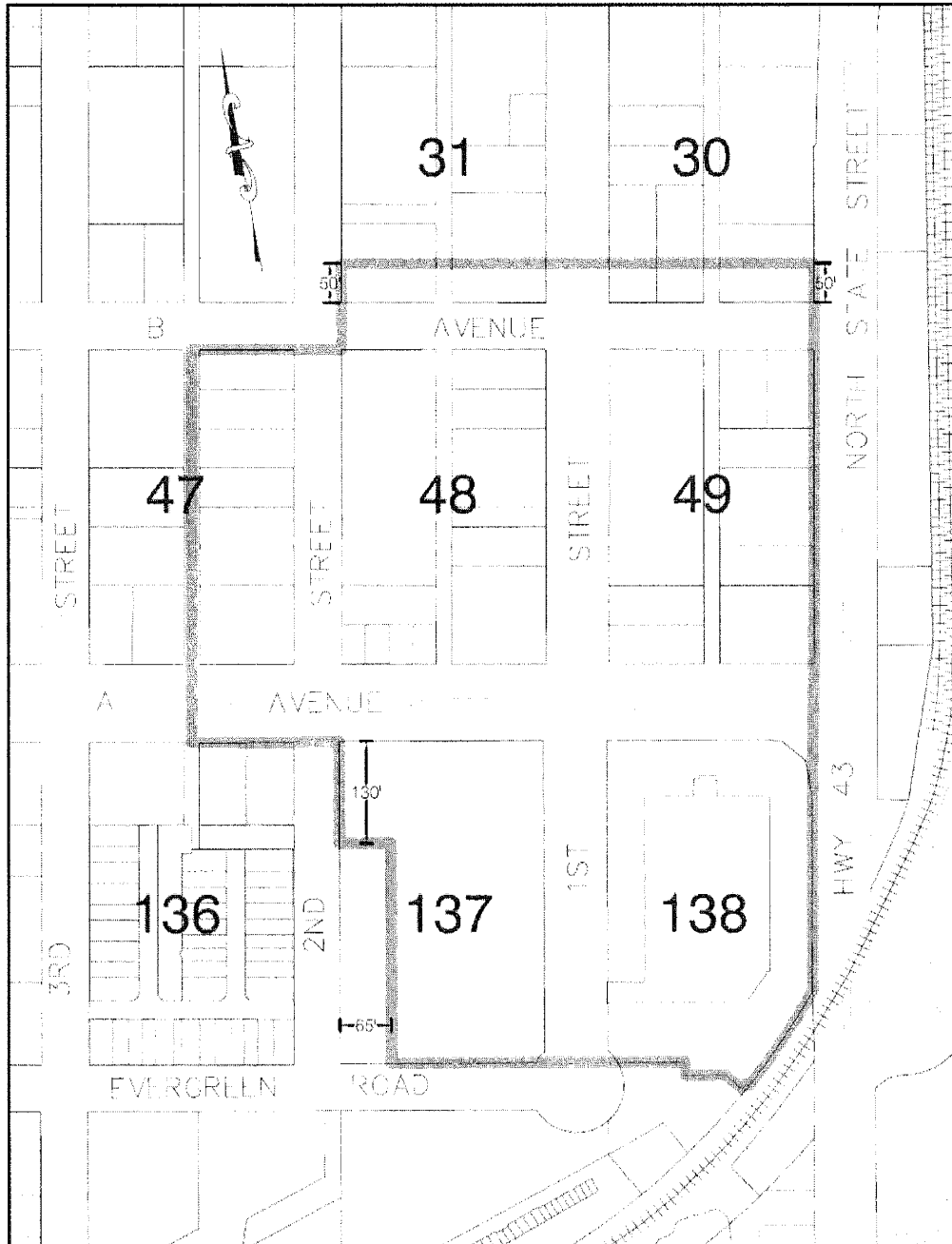


Section 9. LOC Appendix 50.11.010(1)-B.

LOC Appendix 50.11.010(1)-B is added as an appendix to LOC Article 50.11.

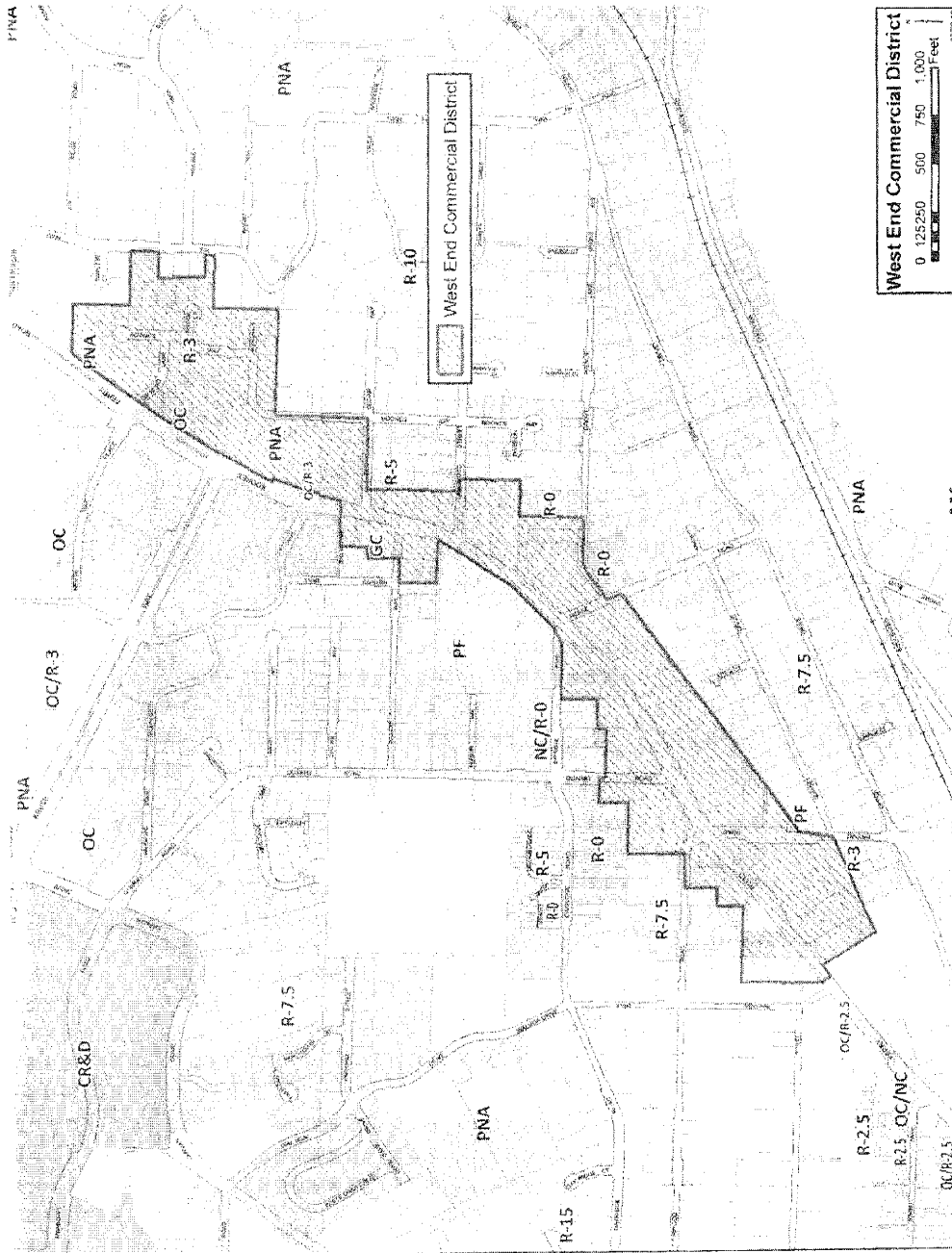
Appendix 50.11.010(1)(B)

EC Zone Area Where Residential Use Is Not Allowed On Ground Floor
Blocks 48, 49, 138, and portions of Blocks 30, 31, 47, and 137



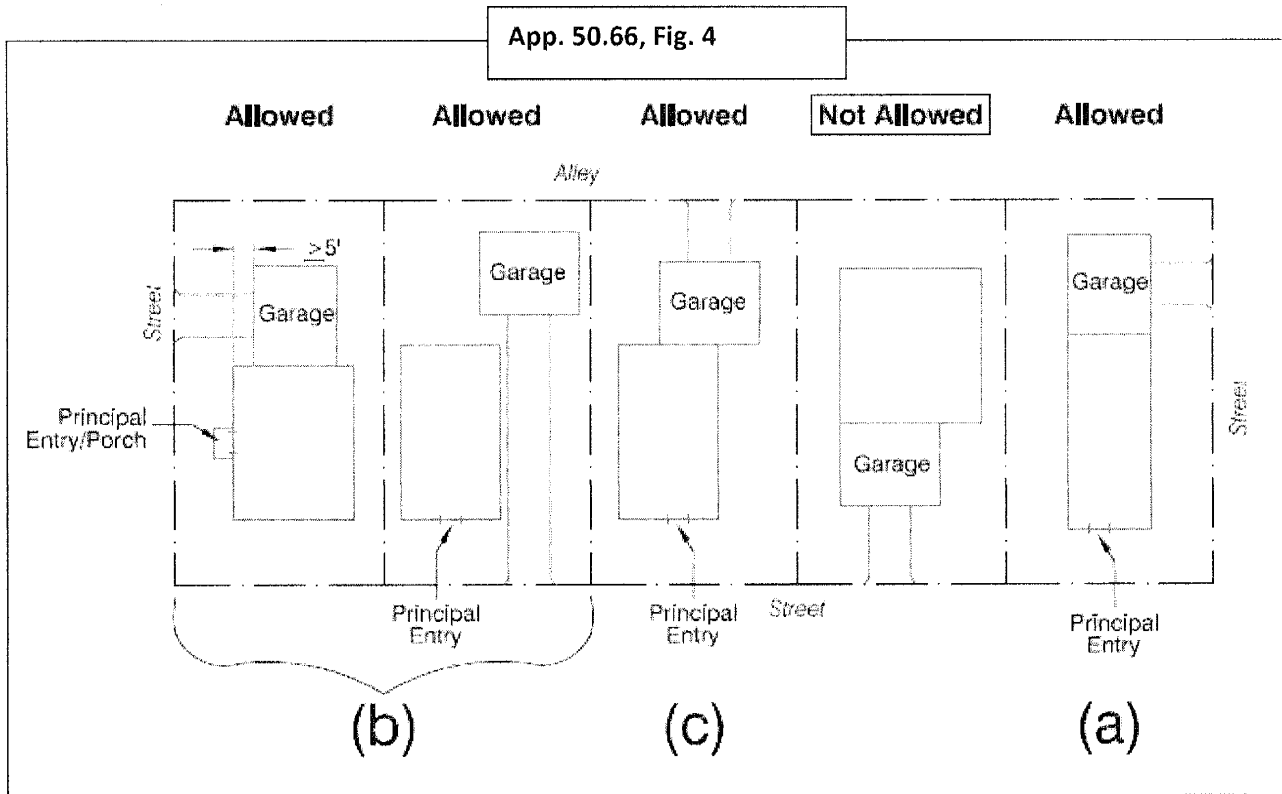
Section 10 LOC Appendix 50.14.005-A.

LOC Appendix 50.14.005-A West End Commercial District is added as an appendix to LOC Article 50.14



Section 11. Appendix 50.66-A, Figure 4 [Garage Placement in Old Town District]

Appendix 50.66-A, Figure 4 is replaced with the following graphic.



Section 12. Effective Date of Revisions to LOC 50.21.005.

The revisions to LOC 50.21.005 stated in Section 2 above shall take effect upon the effective date of a new LOC 42.03.130 Vision Clearance Triangle section.

Section 13. Labeling and Numbering of Tables, Graphics, or Appendixes

(1) The City Recorder may place tables, graphics, or appendixes now existing or as adopted as a part of this Ordinance into the codified section of the Community Development Code to which the table, graphic or appendix relates. In instances in which a single table, graphic, or appendix relates to more than one section within the Code, the City Recorder may assign a number or renumber, and label or re-label the table, graphic, and appendix and refer to the graphic, table, or appendix by that number in other sections of the Code that reference that table, graphic or appendix.

(2) The City Recorder shall modify any provisions of this Ordinance or of the existing codification of the Community Development Code that refers to tables, graphics, or appendixes to refer to the appropriate numbered or renumbered table, graphic or appendix.

Section 14. Severability. The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

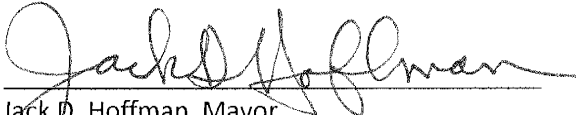
Enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 1st day of November, 2011.

AYES: Mayor Hoffman, Tierney, Jordan, Moncrieff

NOES: Olson, Kehoe, Gudman

ABSTAIN: none

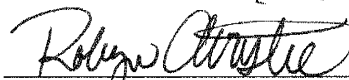
EXCUSED: none



Jack D. Hoffman, Mayor

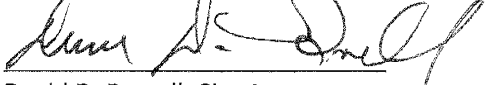
Dated: 11/3/11

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



David D. Powell, City Attorney

BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO

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A REQUEST FOR COMMUNITY) LU 10-0043-1769
DEVELOPMENT CODE (LOC CHAPTER 50)) (City of Lake Oswego)
AMENDMENTS TO CLARIFY AND UPDATE)
VARIOUS SECTIONS,) FINDINGS AND CONCLUSIONS
[ORDINANCE NO. 2525])

NATURE OF PROCEEDING

This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to amend numerous sections of the Community Development Code, LOC Chapter 50, as part of an effort to periodically improve the readability and transparency of the code provisions, correct errors, eliminate text ambiguity, update for Oregon statutory changes, and clarify code text so as to create consistent application of the code.

HEARINGS

The Planning Commission held numerous public hearings from 2008 – 2011 [see pages 1 and 2 of the Planning Commission’s Findings, Conclusions, and Order (Exhibit B)], and at its May 23, 2011 meeting adopted Findings, Conclusions, and Order [Exhibits B and A-1.2], recommending amendments to the Community Development Code. The City Council held a study session on June 14, 2011, a Public Hearing on July 19, 2011 to consider the Planning Commission’s recommendations, and deliberated at its meeting on October 4, 2011.

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1 **CRITERIA AND STANDARDS**

2
3 A. City of Lake Oswego Comprehensive Plan:

- 4
- 5 Goal 1 Citizen Involvement, Policies 1 and 5
- 6 Goal 2 Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 23
- 7

8 B. City of Lake Oswego Community Development Code:

- 9
- 10 LOC 50.75.005 Legislative Decision Defined.
- 11 LOC 50.75.010 Criteria for Legislative Decision
- 12 LOC 50.75.015 Required Notice to DLCD
- 13 LOC 50.75.020 Planning Commission Recommendation Required
- 14 LOC 50.75.025 City Council Review and Decision
- 15

16 C. Statewide Planning Goal or Administrative Rule adopted pursuant to ORS Chapter 197

- 17
- 18 Goal 1 Citizen Involvement
- 19 Goal 2 Land Use Planning
- 20

21 **FINDINGS AND REASONS**

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23 The City Council incorporates the staff Council Reports dated October 25, September 14,

24 July 15, July 8, and May 31, 2011 for LU 08-0052 (with all exhibits) as support for its decision,

25 together with the Findings and Conclusions of the Planning Commission in this matter, the staff

26 memoranda to the Planning Commission, including those dated April 22, 2011, August 2, 2010,

27 July 6, 2010, May 14, 1020, May 5, 2010, April 30, 2010, January 29, 2010, January 15, 2010,

28 and September 9, 2010, Exhibit B (including the explanatory annotations of the Planning

29 Commission and section commentary used and produced by the Commission during the review

30 process), with the exception of commentary regarding “Invasive Plants” and “Lake Oswego

31 Master Plant List” on page 17, and “Native Plants” on page 19, Exhibit B [See Council Report

32 dated July 15, 2011, Attachment 3, pg. 8], and Exhibit F-5, by reference. To the extent they are

1 consistent with the approval granted herein, the City Council also adopts by reference its oral
2 deliberations in this matter as further findings in support of this decision.

3 The City Council concurs with the Planning Commission, except for the proposed
4 amendments to LOC 50.02.005 (“Public Transportation Facilities”), 50.16.060, 50.16.075
5 relating to the addition of “trails designated as a regional, community connector, or local
6 access trails on the City’s Trails and Pathway Master Plan,” and the proposed amendment to
7 LOC 50.46.020, and finds that:

8 1. Amending LOC Chapter 50, as proposed, will improve the readability and
9 transparency of the Code, correct errors, eliminate text ambiguity, update for Oregon statutory
10 changes, and clarify text so as to create consistent application of the Code, for the reasons set
11 forth in the referenced Council Reports, Staff memoranda, and Exhibits B and F-5.

12 2. Extensive public testimony was received and considered by the Planning Commission
13 during its deliberations, as evidenced in the minutes of its meetings listed in Exhibit B.

14 3. Questions and concerns raised by public testimony before the City Council on July 19,
15 2011 are summarized and addressed as set out in the staff Council Report dated September 14,
16 2011, and in the additional amendments by the Council to the Planning Commission’s
17 recommended version of Ordinance 2525, as listed in the Council Report dated October 25,
18 2011.

19 4. The City Council finds that a limited height exception for roof-mounted solar systems
20 (panels) will allow residents and property owners to generate additional energy without
21 material detrimental impact to surrounding properties, for the reasons set forth in the

1 testimony of the Lake Oswego Sustainability Advisory Board (Exhibit G-12) and Andre DeBar
2 (Exhibit G-13).

3 5. The City Council finds that in regards to proposed amendments to LOC 50.02.005 to
4 add “trails designated as a regional, community connector, or local access trails on the City’s
5 Trails and Pathway Master Plan,” to the definition of “Public Transportation Facilities,” and to
6 LOC 50.16.060(3)(a)(iii)(B) and 50.16.075(2)(iv)(D) to allow community connector trails or local
7 access trails on the City’s Trails and Pathway Master Plan within an RC Overlay District (Tree
8 Groves) or RP Overlay District (Stream Corridors and Wetlands), a broader policy discussion
9 should first be conducted by the Planning Commission, and then by the City Council, rather
10 than being considered at this time as a part of Ord. 2525. The Council notes that City’s Trails
11 and Pathway Master Plan Map has not been adopted as a land use regulation and that it may
12 need to be revised to be consistent with the Transportation System Plan. Finally, because these
13 amendments are in the Sensitive Lands section of the Community Development Code, the
14 Council requests additional review by the Planning Commission of the impacts to the existing
15 Sensitive Lands program. Accordingly, the Code amendments recommended by the Planning
16 Commission for LOC 50.02.005 (to add “trails designated as a regional, community connector,
17 or local access trails on the City’s Trails and Pathway Master Plan”) and in LOC 50.16.060 and
18 50.16.075 to allow community collector and local access trails as permitted development within
19 the RP and RC Overlay Districts should be stricken from proposed Ord. 2525.

20 The City Council requests that the Planning Commission undertake additional review of
21 the proposed amendments to LOC 50.02.005 (“Public Transportation Facilities” definition, to

1 add “trails designated as a regional, community connector, or local access trails on the City’s
2 Trails and Pathway Master Plan”), and to LOC 50.16.060(3)(a)(iii)(B) and 50.16.075(2)(iv)(D)
3 regarding allowing community connector trails or local access trails on the City’s Trails and
4 Pathway Master Plan within the RP and RC Overlay Districts, and make recommendations to the
5 Council.

6 6. The City Council finds that further review of the proposed amendment relating to
7 maintenance standards for lands designated as “open space” land pursuant to LOC Article 50.46
8 may be beneficial, and therefore finds that the amendment to LOC 50.46.020 should be stricken
9 from proposed Ord. 2525. Currently the maintenance standards for “open space” lands are
10 achieved through conditions of approval, and thus provide the opportunity for staff and the
11 developer to tailor the maintenance standards to the specific needs of the open space land
12 within the proposed development. The Council notes that proposed Ord. 2525 was intended
13 for Community Development Code amendments with minor policy implications; the Council
14 finds that the proposed amendment to codify open space maintenance standards may have
15 broad policy implications.

16 The City Council requests that the Planning Commission undertake additional review of
17 the proposed amendment to LOC 50.46.020 and make recommendations to the Council.

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1 **CONCLUSION**

2 The City Council concludes that LU 08-0052-1769, as modified to be consistent with
3 these findings, complies with all the applicable criteria, including applicable Statewide Planning
4 Goals and Lake Oswego Comprehensive Plan Policies.