

TDC 5.020. - Assumptions.

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[...]

(4) Locate higher density development where it is convenient to the City's commercial core, near schools **and transit corridors**, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial ~~Overlay~~-District.

TDC 5.030. - General Objectives.

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TDC 6.030. - Objectives.

The following are general objectives used to guide the development of this Plan:

[...]

~~(9) To work with the applicable jurisdictions and agencies to develop the Durham Quarry Site and Durham Quarry Area with high quality development. It is appropriate to apply an overlay district on the Durham Quarry Site and Durham Quarry Area to allow mixed commercial/residential uses. It is appropriate to enter into an intergovernmental agreement with the City of Tigard and Washington County to allow the City of Tualatin to review and decide land use applications and building permit applications for the portion of the Durham Quarry Site in the City of Tigard.~~

TDC 6.040. - Commercial Planning District Objectives.

This section describes the purpose of each commercial planning district.

[...]

(5) General Commercial Planning District (CG). To provide areas suitable for a full range of commercial uses, including those uses that are inappropriate for neighborhood, office or central commercial areas. This district is particularly suitable for automobile/service-oriented businesses, excluding automobile, truck and machinery sales and rental, located along the freeway and major arterials. Because of their location, these uses are highly visible to large numbers of passing motorists. Commercial development along the freeway provides perhaps the only lasting impression of Tualatin for many travelers. Therefore, careful attention shall be given to site and structure design for development in this district, including signs, choice of materials, and landscaping, particularly in and around parking areas. ~~This District is suitable for mixed commercial and residential uses through the Mixed Use Commercial Overlay District on the Durham Quarry Site and in the Durham Quarry Area.~~

(6) Mixed-Use Commercial Planning District (MUC). To provide areas suitable for a mix of office, retail commercial, and high-density housing. Development standards in this district shall encourage a range of complementary and integrated uses oriented toward pedestrian activity.

~~(6 7)~~ Mid Rise/Commercial Office Planning District (CO/MR). To provide areas suitable for professional Class A Mid Rise offices. The CO/MR District shall be applied to appropriate lands west of Interstate 5 and south of the Tualatin River. Since the potential application of this district extends over most of the City's incorporated area, considerations such as proximity to established residential districts and preservation of significant views and visual corridors shall be encouraged.

~~(7 8)~~ Medical Center Planning District (MC). To provide areas for major medical centers providing medical facilities and health care services for the residents of Tualatin and the surrounding area, and to provide limited supporting retail and service uses for the convenience of patients, patient visitors and staff. The Medical Center District shall be no less than 25 acres and front on an arterial as designated in TDC Chapter 11, Tualatin Community Plan.

TDC 31.060. - Definitions.

As used in this Code, the masculine includes the feminine and the neuter, and the singular includes the plural. For the purposes of the TDC, the following words and phrases, unless the context otherwise requires, mean:

[...]

Adjacent Property. A property or unit of land which is touching, or which is across from a public right-of-way, easement, small creek, or small stream, from the extension of the property lines of the subject property.

Aisle. The corridor by which cars enter and depart parking spaces.

Alley. A narrow street through a block, primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

Animal, Small. A domestic animal, such as a dog, cat, rabbit, or guinea pig, accepted by the American Veterinary Medical Association as a household pet.

Antenna. A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. It is typically mounted on a supporting tower, pole, mast, or building.

Applicant. The owner of land proposed to be developed, or a representative, who has express written authority to act on behalf of the owner.

Arborist. A professional listed as a certified arborist or a registered consulting arborist.

Arcades. A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

Architectural Feature or Architectural Features. The portion of a structure or remodeling activity which is regulated or controlled by the objectives, criteria and standards for architectural, graphic and landscaping design, which are subject to Architectural Review, and includes all aspects of an Architectural Review Plan which are not Utility Facilities.

Architectural Focal Element. A publicly-owned structure whose primary function is to attract attention and create a special sense of place.

Assembly. As used in the Manufacturing Planning districts, assembly means the putting together of a final product using parts and components that have been fabricated elsewhere and shipped in. See also Manufacturing.

Awning. A shelter supported entirely by the exterior wall of a building and composed of nonrigid materials except for a supporting framework.

Barriers. Physical or topographic conditions that make a street or accessway connection impracticable. Such conditions include but are not limited to freeways; railroads; steep slopes; wetlands or other bodies of water where a connection could not reasonably be provided; where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; and where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection, or the requirements of Titles 3 and 13 of the Metro Urban Growth Management Functional Plan (UGMFP).

Bike (Bicycle) Facilities. On and off street improvements and facilities designed to accommodate bicycles.

Bike (Bicycle) Lane. A portion of roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bike (Bicycle) Parking, Long-term. Facilities for parking bicycles for stays of more than four hours.

Bike (Bicycle) Parking, Short-term. Facilities for parking bicycles for stays of less than four hours.

Bike (Bicycle) Path. A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the public street right-of-way or within an independent right-of-way or easement.

Bikeway. Any street, road, path or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.

Buffer. A landscaped portion of land established to separate and protect incompatible land uses.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

Building Coverage. That portion or percentage of a lot utilized by a building or structure, excluding parking lots and driveways or sidewalks.

Building Official. The person charged by a municipality with responsibility for administration and enforcement of the state building code in the municipality as defined by ORS 455.715.

Business. All of the activities carried on by the same legal entity on the same premises, whether or not the enterprise operates for profit, and includes freemasonry, fraternal, religious, educational or social organizations. "Legal entity" includes, but is not limited to, individual proprietorships, partnerships, corporations, nonprofit corporations, associations, and joint stock companies.

Business Occupant. A nonresidential use of real property by an owner or lessee. Each user is considered a separate business occupant if the user has an independent or distinct property right in the real property.

Bus Stop. See Transit Stop.

Caliper. The diameter of a tree trunk measured at a prescribed height.

Canopy. A rigid non-movable roof-like structure supported only by columns or posts permanently affixed to the ground, or by a building at one or more points or extremities and by columns or posts in the ground at other points or extremities.

Central Design District. The Central Design District as identified in Section F of the Central Urban Renewal Plan.

Certificate of Appropriateness. A final written decision of approval, approval with conditions or denial from the City Manager or City Council for demolition, relocation, alteration, or new construction concerning a landmark.

Child Care:

Child Care Center. A child care facility that is certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.

Child Care Facility. Any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before and after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.

Certified Child Care Provider. A person licensed by the State of Oregon to provide Child Care ORS329A.280.

Family Child Care Home, Registered. The residence of the provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters, as provided by ORS 329A.330.

Family Child Care Provider, Registered. An individual who operates a family child care home that is registered under ORS 329A.330.

Children's Play Area. An area designated for the recreation of children. Such areas may include sand boxes, bark chip areas, areas containing play structures, basketball courts, hard surface courts and wading pools.

Citizen Involvement Organization. As provided in the Tualatin Municipal Code Chapter 11-9 Citizen Involvement Program.

City. The City of Tualatin, Oregon, a municipal corporation.

City Manager. The person appointed by the City Council as the City Manager, or the City Manager's designee.

Civic Rooms. Outdoor areas that are open to the public where the space is defined by the locations of buildings, landscaping, or accessways.

Clean Water Services (CWS). A special service district (formerly known as the Unified Sewerage Agency) that serves as a separately managed and financed public utility and provides stormwater and wastewater services in partnership with 12 member cities in Washington County, including Tualatin. CWS maintains and enhances the public drainage system to meet public needs and to comply with strict water quality regulations set for the Tualatin River drainage area by the Oregon Department of Environmental Quality (DEQ).

Commercial Use. See Chapter 39 (Use Categories).

Common Wall Dwellings. Dwelling units characterized by shared wall structures, including, but not limited to, duplexes, triplexes, rowhouses, townhouses, multi-family dwellings, and condominiums.

Compliance Agreement. A contract entered into by the owner and the City Manager, on behalf of the City, by which the owner promises to complete the required public improvements relating to a subdivision or partition within a specified time period in exchange for the City granting final subdivision or partition plat approval prior to completion of required public improvements.

Condominium. A property with a building or group of buildings, submitted to the provisions for condominiums in state statutes, in which units are owned individually, and common areas, structures, facilities, easements, rights and appurtenances belonging to the property are owned by all the owners on a proportional, undivided basis.

Congregate Care Facility. See Residential Structure Types.

Core Area Parking District. The Core Area Parking District as identified in Section D of the Central Urban Renewal Plan.

Core Area Parking District (CAPD) Parking Standards. Off-street motor vehicle parking requirements for development within the CAPD.

Craft of Building. Using skill and expertise in the design and quality of the construction of the building, especially in the building's architectural details.

Cross Access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Cul-de-sac. A dead end street terminating in a turnaround.

Customer Entry Area. For the Mixed Use Commercial Overlay District only, a customer entry area is defined as the area up to five feet on each side of the customer entry doors and extending perpendicular no further than ten feet from the doors.

Decibel.

- Decibel (dB) means to a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter).
- "dBA" refers to the standard "A" weighting network as specified in the American National Standard Specification for Sound Level Meters (ANSI §1.4—1971).

Demolition. Raze, destroy, dismantle, or in any other manner cause significant partial or total destruction of a building, structure, or landmark.

Density Transfer Project. A residential development in a Medium Low Density Residential (RML) Planning District consisting of an area of single family development wherein the single family development consists of detached and attached (zero lot line) single family dwellings each on a separate lot approved through a Subdivision or Partition application, or consisting of both an area of single family development and an area of multi-family development in an identified project area wherein (1) the single family development consists of detached and attached (zero lot line) single family dwellings each on a separate lot approved through a Subdivision or Partition application, (2) the multi-family development consists of multi-family dwellings on a lot or lots approved through a Subdivision or Partition application and (3) an amount of unused density from the area of single family dwellings may be transferred to and used in the area of multi-family dwellings.

Developable Area. The privately owned land area upon which site improvements are to be placed, including but not limited to buildings, landscaping, parking, loading, vehicular circulation areas, outdoor storage, and water quality facilities. Developable areas do not include public rights-of-way and wetlands.

Development or Redevelopment. A planning or construction project involving property improvement, or a change of land-use character within the site; the act of using land for building or extractive purposes.

Development Application. The application form and checklist which sets forth all submittal requirements for approval of development proposals, including but not limited to architectural review, subdivision, partition and property line adjustment.

Development Project. A defined and planned undertaking for the physical development or redevelopment of real property, and subject to a submitted or approved development application.

Drip Line. The outside boundary of the branches of a tree, projected downward to the ground. For the purposes of this Development Code, a drip line will be assumed to be circular rather than irregular, elliptical or whatever its actual shape might be. While the drip line need not be centered on the tree trunk, in the instance of an irregularly shaped tree, the minimum distance radius from the trunk of the tree shall be measured so that the drip line area is most advantageous to the tree's health.

Drive-through Facility. A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

Driveway. A private way providing ingress and egress from private property to a public or private street.

Duplex. See Residential Structure Types.

Dwelling Unit. See Residential Structure Types.

Easement. A nonpossessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and to protection from interference with this use.

Election. The time designated by law for voters to cast ballots for candidates and measures.

ESEE Analysis. A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. The analysis examines competing values to determine what the controlling value should be for the individual resources being examined. The analysis considers economic, social, energy and environmental values.

Evergreen. Having foliage that remains green until the formation of new foliage.

Exterior Major Remodeling. Modifications to the exterior of a building or placement of new mechanical equipment which are visible from a public right-of-way such as installation of new exterior material, addition of canopy or installation of dust collectors or storage tanks.

Family. A person living alone or two or more related or unrelated persons living together in a single dwelling unit.

Final Approval. The official action taken on a preliminarily approved subdivision, partition or property line adjustment, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required public improvements have been installed, or where satisfactory security to assure completion of such improvements has been properly posted.

Fish and Wildlife Habitat Area. An area in the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or in a Clean Water Services Vegetated Corridor.

Floor area. The total floor area of a building, both above and below ground with a clear ceiling height of at least seven feet. Floor area is measured from the interior walls of a building or structure and does not include the following:

1. **Roof area;**
2. **Roof top mechanical equipment;**
3. **Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two (42) inches in height, for fifty (50) percent or more of their perimeter; and**
4. **Vents, shafts, courtyards, stairwells, elevator shafts, rooms designed and used for the purpose of storage and operations of maintenance equipment and enclosed or covered parking areas.**

Floor Area Ratio. The ratio of the total amount of enclosed gross floor area within a structure to the amount of buildable acreage. For purposes of calculation, both floor area and net site area shall be converted to square feet. Total gross floor area is measured from the exterior faces of a building or structure, and does not include basement or semi-subterranean areas used for storage or parking.

Frontage. See Lot Line, Front.

Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

Garage. A building or portion thereof designed for the storage of a motor vehicle licensed to operate on public highways.

Gateway Tower Element. A tall structure, rectilinear or round in plain view, that rises to a greater height than the surrounding buildings and which is located in a 3.0 acre or larger commercial center development that is in the General Commercial (CG) Planning District and within a 1,000 foot radius of either (1) the intersection of the centerline of SW Nyberg Street with the centerline of Interstate 5, or (2) the intersection of the centerline of SW Lower Boones Ferry Road with the centerline of Interstate 5.

Governmental Structure. A structure to be used by a federal, state or local government or municipality, special district, or agency of any such government, excepting public transportation shelter structure.

Green Building. The use of natural vegetation, alternative building products using natural or recycled materials, or energy efficient design in the construction of buildings, structures, or sites.

Green Design. The use of natural vegetation, alternative building products using natural or recycled materials, or energy efficient design in the design of buildings or structures.

Green Streets. The use of natural vegetation, alternative building products using natural or recycled materials or energy efficient design in the construction of streets, sidewalks, or parking areas.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building or structure measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.

Gross Leasable Area. The total floor area designed for tenant occupancy and exclusive use, expressed in square feet and measured from the center-line of joining partitions and from outside wall faces.

Group Living:

Congregate Care Facility. Retirement housing with common dining facilities and housekeeping services.

Group Living Unit. In assisted living facilities, residential facilities and congregate care facilities, a room, apartment, cottage or other area set aside for the use of a resident individual or couple.

Nursing Facility. A State of Oregon Licensed Intermediate or Long-term care facility including facilities identified as a nursing home, skilled nursing facility, or convalescent care as defined in Oregon Revised Statutes (ORS) Chapter 678 and Chapter 442.

Residential Facility. A residential facility providing residential care, training or treatment for six or more individuals exclusive of staff, as defined in ORS 443.400.

Height, Structure. Height of a structure is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum must be elected by either of the following, whichever yields a greater height of building: (1) the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade; (2) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than ten feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Highway. When used in reference to railroad-highway grade crossing, "highway" includes all roads, streets, alleys, avenues, boulevards, parkways and other places in this state actually open and in use, or to be opened and used for travel by the public.

Home Occupation. A home occupation is a lawful business, occupation or activity undertaken for financial gain that: (1) is conducted in a residential planning district in or on the premises of a dwelling unit that serves as its principal place of business; (2) by a resident of the dwelling unit; (3) who is the sole proprietor, owner, partner, franchise owner or holder of the business, occupation or activity; and (4) is secondary and incidental to the use of the dwelling for dwelling purposes.

Household. One or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons, who live together in one dwelling unit.

Housing Density. The number of dwelling units per acre of land, rounded to the nearest whole number. (For example, 12.5 is rounded to 13 and 12.49 is rounded to 12.)

Improvement Types:

Landscape Improvements (excluding greenways, parks and other Parks and Recreation Department roadside improvements). Addition or modification of landscape materials to a site which has not obtained prior Architectural Review approval or installation of landscape material which is substantially different than approved through a prior Architectural Review.

Private Improvements. Includes any drainage ditch, roadway, parkway, bikeway, walkway, pedestrian way, tree, lawn, off-street parking area, lot improvement, water utility, sanitary sewer utility, storm drainage utility, street or other facility which the property owner, and not a governmental authority, is responsible for maintaining and operating.

Public Improvements. Includes any drainage ditch, roadway, parkway, bikeway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water utility, sanitary sewer utility, storm drainage utility, street or other facility constructed in compliance with the Public Works Construction Code for which the City or other governmental authority will ultimately assume the responsibility for maintenance and operation.

Industrial Master Plan. A plan, approved by the Tualatin City Council, that guides development within the boundaries of an Industrial Master Plan Area defined by that plan and located within a Manufacturing Park Planning District.

Industrial Master Plan Area. The area within the boundaries of an Industrial Master Plan.

Industrial Use. See Chapter 39 (Use Categories).

Joint Access (or Shared Access). A driveway connecting two or more contiguous sites to the public street system.

Joint Use Parking. Vehicle parking where two or more separate developments are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times.

Landmark or Landmark Related. See TDC Chapter 68 (Historic Preservation).

Landscape Improvement See *Improvement Types*.

Landscaped Plaza. An open space which may consist of trees, plants and lawn combined with decorative features such as fountains, paving bricks, benches or other site furniture.

Landscaping. The improvement of land by such means as contouring, planting of lawn, groundcover plants, shrubs or trees, and by the location of outdoor structures, courtyards, planters, raised beds, walkways and other similar features.

Limited Land Use Decision. Defined in ORS 197.015 and outlined in ORS 197.195 means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns: (1) the approval or denial of a tentative subdivision or partition, as described in ORS Chapter 92.040 (Application for approval of subdivision or partition); (2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

Limited Land Use Decision does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

L-max. A maximum noise level, measured in dBA and occurring over any duration or amount of time.

Local Government Unit. Any unit of local government, including a city, county, incorporated town or village, school district, any other special district, or any other municipal or quasi-municipal corporation, intergovernmental authority created pursuant to ORS 190.010, a district as defined in ORS 198.010, 198.180, and 198.210 or an urban renewal agency established under ORS 457.035.

Lot Area. The total horizontal area, calculated in square feet, within the property lines of the lot.

Lot Coverage. The proportional amount of land on a lot covered by buildings.

Lot Line. The property line bounding a lot. (Also known as a property line).

Front Lot Line. The lot line separating the lot from the street other than an alley.

Rear Lot Line. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or other-shaped lot, a line ten feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street is considered a rear lot line.

Side Lot Line. Any lot line not a front or rear lot line.

Lot Line Adjustment. The relocation of a common property line between two abutting properties. (Also known as Property Line Adjustment.)

Lot of Record. A lot of record is a plot of land: (1) which was not created through an approved subdivision or partition; (2) which was created and recorded before July 26, 1979; and (3) for which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.

Lot Types:

Corner Lot. A lot abutting two intersecting streets other than an alley.

Double Frontage Lot. A lot having public right-of-way frontage on two sides, but is not a corner lot; or a lot having frontage on three sides.

Flag Lot. A lot the major portion of which has access to a public street by means of a narrow strip of the lot.

Lot. A unit of land that is created by a subdivision of land as set forth in ORS 92.010—92.190.

Primary Condominium Lot. A large lot, usually held in common ownership by condominium owners, and containing secondary condominium lots.

Reserve Frontage Lot. A lot which is required by the City to take access across a specified lot line to separate residential development from railroad tracks or crossings, arterial or collector streets, adjacent non-residential uses, or to overcome specific disadvantages of topography and orientation.

Secondary Condominium Lot. A small, individually owned lot, usually encompassing the perimeter of a dwelling unit and located inside the primary condominium lot.

Through Lot. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

Lot Width. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.

Average Lot Width. The sum of the length of the front lot line and the rear lot line divided by 2.

Major Driveway. Access is considered a major driveway when controlled by a traffic signal.

Major Remodeling. Any man-made exterior modifications to improved or unimproved real property, including but not limited to the construction, installation, or alteration of a building or other structure; any remodeling that substantially changes the exterior appearance of the building (including painting); any site alteration which substantially alters the topography or appearance of the site; and any change in occupancy from single family use to commercial or industrial use.

Major Transit Stop. See Transit Stop, Major.

Manufactured Dwelling Types.

Manufactured Dwelling, as defined in state law ORS 446.003. A residential trailer, mobile home or manufactured home, but not including any building or structure subject to the State of Oregon Structural Specialty Code adopted pursuant to ORS 55.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed after June 15, 1976 and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Manufactured Dwelling Park (includes Mobile Home Park). Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same

ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person consistent with state law ORS 446.003.

Marijuana. All parts of the plant of the Cannabis family Cannabaceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational marijuana as defined by Oregon law.

Edible Marijuana. Edible product that contains marijuana.

Homegrown Marijuana. Marijuana grown or made by a person 21 years of age or older for noncommercial purposes.

Marijuana Extract. A product obtained by separating resins from the marijuana plant by solvent extraction.

Marijuana Facility. A commercial or public use or structure where marijuana is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

Marquee. A projecting, permanent, roofed structure attached to and supported only by a building.

Mixed Solid Waste. Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for further use.

~~*Mixed Use Development.* A tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, retail, manufacturing, public, or entertainment, in a compact urban form.~~ The development of a lot, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, commercial, or entertainment, in a compact urban form.

~~*Mixed Use Residential Development.* A mixed use development containing one or more residences.~~

Mobile Home. See Manufactured Dwelling Types.

Mobile Home Park. See Manufactured Dwelling Park.

Modular Home. See Residential Structure Types.

Multi-Family Dwelling. See Residential Structure Types.

Mural. A pictorial or graphic decoration, illustration, visual representation or art work which is applied directly to a wall and does not contain letters, numbers, logos, brand names or trademarks. Murals are Architectural Features which are reviewed through the Architectural Review process.

Net acres. The area proposed for development measured to the property lines of the parcel(s) or development site boundary or lot after all deductions are made. Deductions include:

(1) The following sensitive land areas:

(a) Land within the 100-year flood-plain that is preserved in a tract;

(b) Land exceeding 25 percent slope;

(c) Drainage ways; and

(d) Wetlands and associated buffers.

(2) Land dedicated to the public for park purposes; and

(3) Land dedicated to the public for rights-of-way and stormwater facilities. When actual information is not available, the following formulas may be used:

(a) Single-family development: allocate 20 percent of gross acres;

(b) Multi-family development including but not limited to apartments, condominiums and townhouses: allocate 15 percent of gross acres.

Nonconforming Situations, Development, or Lots. See TDC Chapter 35 (Nonconforming Situations).

Off-Site. Any area not located within the property to be developed, whether or not in the common ownership of the applicant for development approval.

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CHAPTER 38 – SIGN REGULATIONS

TDC 38.060. - Sign Permit Required.

(1) Except as provided in (2) below, no person shall erect, construct, modify, relocate, use or replace a sign, change a sign face, or alter a sign or sign structure unless a sign permit and any required building permit and electrical permit have been issued.

(2) The following signs are not required to obtain a sign permit; however, they shall comply with applicable sign regulations:

- (a) Exempt signs in accordance with TDC 38.050;
- (b) A directory sign's change of readerboard copy of two inches or less in height;
- (c) Lawn signs;
- (d) Temporary window signs and displays that do not meet the definition of a sign, for example, murals;
- (e) Inlaid floor signs in the Mixed Use Commercial ~~Overlay~~ District; and
- (f) Directional signs in the Mixed Use Commercial ~~Overlay~~ District.

TDC 38.105. - Definitions.

For the purposes of the Chapter, the following words and phrases mean:

[...]

Inlaid Floor Sign. For the Mixed Use Commercial ~~Overlay~~ District only, a sign on private property that is incorporated into the floor/walkway area in a customer entry area. This sign is intended to be seen only by people looking down who are at a customer entry area and not to be seen by people in a public right-of-way or a public access parking lot. An Inlaid Floor Sign is not a wall sign or a freestanding sign.

[...]

Plaque Sign. For the Mixed Use Commercial ~~Overlay~~ District only, a type of wall sign associated with and located near a customer entry area.

Project Sign. For the Mixed Use Commercial ~~Overlay~~ District only, a type of sign to identify a project. For the purposes of this definition a project is a functionally integrated and coordinated development on at least ten acres that may include more than one lot and be separated by a public street. The project is reviewed through the Architectural Review process as one application, as two or more simultaneous applications, or as two or more applications for phases of the same development.

TDC 38.110. - Sign Types.

[...]

(4) *Shingle Sign, Blade and Small Projecting Sign Provisions.* Shingle signs and blade signs may be erected in the Mixed Use Commercial ~~Overlay~~ District subject to TDC 38.225. Shingle Signs, Blade Signs and Small Projecting Signs may be erected in the Central Design District and in Major Commercial Centers and on Multi-story Buildings in the Central and General Commercial Planning Districts subject to TDC 38.220(2)(b,e) and to the following limitations after first obtaining a sign permit.

TDC 38.220. - Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.

(1) ~~TDC 38.220 does not apply to the Mixed Use Commercial Overlay District, see TDC 38.225.~~ Additional sign types are allowed on Multi-story Buildings, on buildings within a Major Commercial Center, and within the Central Design District. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

TDC 38.225. - Signs Permitted in the Mixed Use Commercial Overlay **MUC Planning** District.

(1) No sign shall be permitted in the ~~Mixed Use Commercial Overlay~~ **MUC Planning** District for permitted and conditional uses except the following:

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CHAPTER 54 - GENERAL COMMERCIAL ZONE (CG)

TDC 54.100. - Purpose.

The purpose of this district is to provide areas in the City that are suitable for the widest range of commercial uses and retail businesses. This district is particularly suitable for automobile-related businesses and businesses needing direct freeway access. ~~This zone is also suitable for the Mixed Use Commercial Overlay District to be applied in a specific area in accordance with TDC Chapter 57.~~

[...]

TDC 54.310. - Additional Development Standards.

(1) Gateway Tower Elements. Gateway Tower Elements are permitted in the CG Planning District, subject to the following restrictions. ~~A Gateway Tower Element must not be located within a Mixed Use Commercial Overlay District (MUCOD).~~

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CHAPTER 57 – MIXED-USE COMMERCIAL OVERLAY DISTRICT ZONE (MUC)

TDC 57.005. Definitions.

As used in this chapter, the following definitions apply. Unless the context otherwise requires, the following words and phrases shall mean:

Abut/Abutting Lots, Adjacent/Adjoining Lots, Contiguous Lots. Two or more lots joined by a common boundary line or point.

Access. The place, means or way by which pedestrians, bicycles and vehicles enter or leave property. A private access is an access not in public ownership and is controlled by means of deed, dedication or easement.

Access, alternative. The ability to enter a highway or other public street indirectly through another improved roadway rather than direct driveway entrance from the public right-of-way frontage.

Addition. A modification to an existing building or structure which increases the site coverage.

Aisle. The corridor by which cars enter and depart parking spaces.

Alteration, structural. Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders.

Amenity. A natural or created feature that enhances the esthetic and functional quality, visual appeal, or makes more attractive or satisfying a particular property, place or area.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building Envelope. That portion of a buildable area exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

Building, primary. A building in which the primary use of the property is conducted.

Caliper. The diameter of a tree trunk measured at a prescribed height.

Complex. A structure or group of structures developed on one or more contiguous lots of record and developed as part of an overall development plan.

Dedication. The limited grant by a property owner allowing the use of property by the public for specified purposes.

Drive-through Facility. A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

Driveway. A private way providing ingress and egress from one or two lots, parcels or tracts to a public or private street.

Durham Quarry Area. Shown on Figure 57-1. The tax lots shown on Fig. 57-1 on the effective date of this definition were: Tax Lots 100, 200, 300, 400, 501, 600, 900, 1000 and 1300 on Assessor's Map 2S1-13DC and Tax Lots 400, 401, 500, 600, 700, 701, 900, 1000, 1100, and 1400 on Assessor's Map 2S1-13DB.

Durham Quarry Site. Shown on Figure 57-2. The tax lots shown on Fig. 57-2 on the effective date of this definition were: Tax Lots 100, 1200 and 1300 on Assessor's Map 2S1-13DB and the approximately one acre of Oregon Department of Transportation property at the immediate north-west corner of SW Bridgeport Road and SW 72nd Avenue. Note that Tax Lots 100 and 1200 on Assessor's Map 2S1-13AC north of the northern dashed line are owned by Washington County and are in the City of Tigard.

Enlargement. An increase in size of an existing structure or use, affecting the physical size of the property, building, parking and other improvements.

Exception. Permission to depart from a specific design standard in the TDC.

Fence, sight-obscuring. A barrier consisting of wood, metal, masonry or similar materials which obstructs vision one hundred percent.

Floor Area Ratio. The gross floor area of all buildings or structures on a lot divided by the total lot area.

Glare. The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Habitable Floor Area. The total floor area of all the habitable rooms in a dwelling unit.

Household. A group of related or unrelated individuals living together in a single dwelling unit.

Household Living. Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping and hygiene. Tenancy is longer than one month. Includes most types of senior housing, e.g. congregate care, assisted living, if residents live in self-contained units. The maximum number of people who may reside in any given dwelling unit shall be determined by the Oregon Structural and Specialty Code.

Mixed Use Development. The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, research and development, retail, public or entertainment, in a compact urban form.

Projection. Part of a building or structure that is exempt from the bulk requirements of the TDC.

Remodel. An internal or external modification to an existing building or structure which does not increase the site coverage.

TDC 57.100. - Purpose.

The purpose of this district is to recognize and accommodate the changing commercial/residential marketplace by allowing commercial and residential mixed uses in the Durham Quarry Site and Durham Quarry Area. The initial application of the District is only to the Durham Quarry Site. Possible future application of the Mixed Use Commercial Overlay District is the Durham Quarry Area through the Plan Text Amendment process. Retail, office, business services and personal services are emphasized, but residential uses are also allowed. A second purpose is to recognize that when developed under certain regulations, commercial and residential uses may be compatible in the General Commercial District. The Mixed Use Commercial Overlay District allows flexibility in the uses permitted for properties in the Durham Quarry Site and Durham Quarry Area.

The purpose of this district is to provide areas of the City that are suitable for a mix of office, retail commercial, and high-density housing. Retail uses should be located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented toward the street with clearly marked entrances. The use of alternative modes of transportation such as transit, pedestrian, and bicycle activity are to be promoted within the district.

TDC 57.40. - Application of the Mixed Use Commercial Overlay District (MUCOD).

(1) The MUCOD is applied to:

(a) The Durham Quarry Site (see Fig. 57-2).

(b) Tax Lot 1300 on Assessor's Map 2S1 13DC within the Durham Quarry Area (see Fig. 57-1).

(c) Tax Lots 1800 and 1900 on Assessor's Map 2S1 13DC within the Durham Quarry Area (see Fig. 57-1).

(2) In the future, the MUCOD may be applied to additional tax lots within the Durham Quarry Area (see Fig. 57-1) through the Plan Text Amendment application process. The City or another applicant would propose amending Subsection (1), above, to apply the MUCOD to additional lands in Fig. 57-1.

~~(3) When the MUCOD is applied to the Durham Quarry Site, or in the future to the Durham Quarry Area, where TDC Chapter 57 does not include a particular regulation or standard, the existing regulation or standard from TDC Chapter 54, 73 or elsewhere in the TDC shall apply.~~

TDC 57.200. - Permitted Uses **Categories**

The following are permitted uses:

~~(1) Residential.~~

~~(a) Household living limited to single units, attached, and multi-family including but not limited to apartments, attached condominiums, townhouses and rowhouses.~~

~~(b) Home occupation.~~

~~(2) Commercial.~~

~~(a) Commercial lodging.~~

~~(b) Eating and drinking establishments.~~

~~(c) Indoor entertainment, including but not limited to cinemas and theaters.~~

~~(d) General retail:~~

~~(i) Sales-oriented.~~

~~(ii) Personal services.~~

~~(iii) Repair-oriented, provided the building footprint is no larger than 60,000 square feet of gross floor area.~~

~~(iv) Bulk sales, provided the building footprint is no larger than 60,000 square feet of gross floor area.~~

~~(e) Offices, including research and development (R&D) provided the R&D square footage is less than the office square footage.~~

~~(f) Non-accessory parking.~~

~~(g) Cultural institution.~~

~~(h) Day care.~~

~~(i) Emergency services.~~

~~(j) Postal services.~~

~~(k) Social/fraternal clubs/lodges.~~

~~(l) Animal-related.~~

~~(m) Wireless communication facilities, attached.~~

~~(n) Utility corridors.~~

~~(3) Transportation facilities and improvements.~~

(1) Use Categories. Table 57-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MUC. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 57-1 and restrictions identified in TDC 57.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

**Table 57-1
Use Categories in the MUC**

<u>USE CATEGORY</u>	<u>STATUS</u>	<u>LIMITATIONS AND CODE REFERENCES</u>
<u>RESIDENTIAL USE CATEGORIES</u>		
<u>Household Living</u>	<u>P/C</u>	<u>Permitted housing types subject to TDC 57.220</u>
<u>COMMERCIAL USE CATEGORIES</u>		
<u>Commercial Lodging</u>	<u>P</u>	=
<u>Commercial Recreation</u>	<u>P</u>	=
<u>Commercial Parking</u>	<u>P</u>	=
<u>Durable Goods Sales</u>	<u>P/C (L)</u>	<u>Permitted uses limited to: Retail sale of furniture and large appliances, pursuant to TDC 57.210</u> <u>Conditional uses limited to: Outdoor sales subject to TDC 57.210.</u>
<u>Eating and Drinking Establishments</u>	<u>P</u>	
<u>Medical Office</u>	<u>P (L)</u>	<u>Accessory research and development square footage must be less than the primary office use square footage.</u>
<u>Office</u>	<u>P (L)</u>	<u>Accessory research and development square footage must be less than the primary office use square footage.</u>
<u>Other Educational and Vocational Servicing</u>	<u>P</u>	=
<u>Quick Vehicle Servicing</u>	<u>C (L)</u>	<u>Conditional uses limited to: Automobile service station subject to TDC 57.210.</u>
<u>Retail Sales and Services</u>	<u>P/C (L)</u>	<u>Pet day care without outdoor activity area is permitted outright.</u> <u>Mortuary not permitted.</u> <u>Conditional uses limited to: Outdoor sales subject to TDC 57.210.</u> <u>All other retail sales and service uses permitted outright.</u>

<u>INSTITUTIONAL USE CATEGORIES</u>		
<u>Assembly Facilities</u>	<u>C (L)</u>	<u>Conditional uses limited to: Religious institutions or major event entertainment.</u>
<u>Colleges, Universities, and Private Career Schools</u>	<u>C</u>	<u>=</u>
<u>Community Services</u>	<u>P</u>	<u>=</u>
<u>Medical Centers</u>	<u>C</u>	<u>=</u>
<u>Schools</u>	<u>C</u>	<u>=</u>
<u>INFRASTRUCTURE AND UTILITIES CATEGORIES</u>		
<u>Basic Utilities</u>	<u>P (L)</u>	<u>Permitted uses limited to sewer and water pump stations; pressure reading stations.</u>
<u>Greenways and Natural Areas</u>	<u>P</u>	
<u>Parks and Open Space</u>	<u>P (L)</u>	<u>Golf courses and country clubs prohibited. All other uses permitted outright.</u>
<u>Public Safety Facilities</u>	<u>P/C (L)</u>	<u>Conditional uses limited to: Fire stations; and publicly- and privately-operated ambulance facilities.</u> <u>All other uses permitted outright.</u>
<u>Transportation Facilities</u>	<u>P</u>	<u>=</u>
<u>Wireless Communication Facility</u>	<u>P (L)</u>	<u>Permitted uses limited to: Wireless communication facility attached.</u>

TDC 57.030. – Conditional Uses.

The following are conditional uses:

- (1) ~~Group living and Transitional housing.~~
- (2) ~~Civic (institutional).~~
 - (a) ~~Colleges.~~
 - (b) ~~Medical center.~~
 - (c) ~~Religious institution.~~
 - (d) ~~School.~~
- (3) ~~Commercial.~~
 - (a) ~~Major event entertainment, excluding outdoor entertainment.~~
 - (b) ~~Motor vehicle retail fuel sales.~~
 - (c) ~~Outdoor sales for permitted out-right uses.~~

TDC 57.210. - Additional Limitations on Uses.

(1) Durable Goods Sales. Uses limited to retail sale of furniture and large appliances subject to the following standards:

(a) The building footprint is less than 60,000 square feet of gross floor area.

(b) Incidental repair of appliances is permitted as an accessory use.

(2) Outdoor uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)—(b), below.

(a) Temporary Uses. Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.

(b) Conditional Uses. Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:

(i) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.

(ii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.

(iii) The outdoor area must abut a wall of the store.

(iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.

(v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

(3) Major event entertainment. Requires a conditional use permit and are subject to the following standards:

(a) Excludes outdoor entertainment.

(4) Automobile Service Station. Requires a conditional use permit and are subject to the following standards:

(a) The minimum street frontage on each street on a corner lot is 120 feet.

(b) The minimum street frontage on an interior lot is 150 feet.

(c) The minimum building setback from any street right-of-way is 40 feet.

(d) The minimum pump island set-back from any lot line is 15 feet.

(e) Only two access points are allowed for an interior lot. A corner lot and a through lot are allowed only one access per street frontage.

(f) The storage and display of merchandise such as tires and batteries offered for sale must be conducted in the station building. However, small items such as oil and windshield wiper blades may be displayed outside the building.

(g) Outside storage or sale of any vehicles is not permitted.

(h) Must comply with TDC Chapter 34.200.

TDC 57.220. - Housing Types.

Table 57-2 lists housing types permitted in the Mixed-Use Commercial District. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N).

Table 57-2
Housing Types in the MUC

<u>USE CATEGORY</u>	<u>STATUS</u>	<u>LIMITATIONS AND CODE REFERENCES</u>
<u>Single-Family Dwelling</u>	<u>N</u>	
<u>Accessory Dwelling Unit</u>	<u>N</u>	
<u>Duplex; Townhouse (or Rowhouse)</u>	<u>P</u>	
<u>Multi-Family Structure</u>	<u>P</u>	
<u>Manufactured Dwelling</u>	<u>N</u>	
<u>Manufactured Dwelling Park</u>	<u>N</u>	
<u>Retirement Housing Facility</u>	<u>C</u>	<u>Subject to TDC 34.400</u>
<u>Residential Home</u>	<u>N</u>	

TDC 57.05300. - Development Standards.

- (1) ~~Development shall comply with applicable development standards, except where variances and minor variances are granted in accordance with TDC Chapter 33.~~
- (2) ~~Development standards:~~
 - (a) ~~Minimum lot area: None.~~
 - (b) ~~Minimum building setbacks: None.~~
 - (c) ~~Except as determined in the Architectural Review Process, maximum building setbacks are:~~
 - (i) ~~Commercial: ten feet front and street side; 0 interior side and rear, except when the side and rear abut a residential district it is 20 feet.~~
 - (ii) ~~Residential: 20 feet front; 0 rear and interior side, except when the side and rear abut a residential district it is 20 feet; 20 feet street side.~~
 - (d) ~~Minimum structure height: Except for theaters and cinemas which can be one story, 20 feet.~~
 - (e) ~~Maximum structure height:~~
 - (i) ~~Any portion of a structure within 100 feet of the Durham Quarry Site Boundary, except that portion of the Boundary contiguous with the City of Tigard, 50 feet.~~
 - (ii) ~~Any portion of a structure greater than 100 feet from the Durham Quarry Site Boundary and that portion of the Boundary contiguous with the City of Tigard, 70 feet.~~
 - (iii) ~~Any portion of a structure within the Durham Quarry Area, 50 feet.~~
 - (f) ~~Maximum site coverage: 90 percent.~~
 - (g) ~~Minimum landscape coverage: ten percent.~~

- (h) ~~Density requirements. For determining floor area ratio (FAR) and residential densities, TDC 57.060 shall be used to establish the lot area.~~
- (i) ~~The minimum FAR for non-residential development and mixed-use development which includes a residential component is 0.50. In mixed-use developments, residential floor area is included in the calculations of FAR.~~
- (ii) ~~The minimum density for residential-only projects is 25 dwelling units per net acre. There is no FAR for residential-only projects.~~
- (iii) ~~The maximum density for residential-only projects is 50 dwelling units per net acre.~~

Development standards in the MUC zone are listed in Table 57-3. Additional standards may apply to some uses and situations, see TDC 57.400.

**Table 57-3
Development Standards in the MUC District**

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>LIMITATIONS AND CODE REFERENCES</u>
<u>MINIMUM LOT SIZE</u>		
<u>All Uses</u>	<u>None</u>	
<u>MINIMUM SETBACKS</u>		
<u>Front</u>	<u>None</u>	
<u>Interior Side and Rear</u>	<u>0-20 feet</u>	<u>Setbacks are 20 feet where the site abuts a residential district.</u>
<u>Corner</u>	<u>None</u>	
<u>MAXIMUM SETBACKS</u>		
<u>Commercial Uses</u>		
<u>Front/ Corner</u>	<u>10 feet</u>	
<u>Residential Uses</u>		
<u>Front/ Corner</u>	<u>20 feet</u>	
<u>MINIMUM STRUCTURE HEIGHT</u>		
<u>All uses</u>	<u>20 feet</u>	<u>Except for theaters and cinemas which can be one story.</u>
<u>MAXIMUM STRUCTURE HEIGHT</u>		
<u>All uses</u>	<u>70 feet</u>	<u>Refer to Figure 57-1</u>
<u>MINIMUM FLOOR AREA RATIO</u>		
<u>All uses</u>	<u>0.5</u>	<u>There is no FAR for residential-only projects.</u>
<u>DENSITY</u>		
<u>All uses with a residential component</u>	<u>25-50 units per acre</u>	

MAXIMUM LOT COVERAGE		
<u>All uses</u>	<u>90%</u>	

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Figure 57-1
100 Foot Maximum Structure Height



~~TDC 57.060. – Determining Net Acres.~~

~~Net acres shall be determined by subtracting the following land areas from the gross acres (all of the land included in the legal description of the property to be developed):~~

- ~~(1) The following sensitive land areas:
 - ~~(a) Land within the 100-year flood plain;~~
 - ~~(b) Land exceeding 25 percent slope;~~
 - ~~(c) Drainage ways; and~~
 - ~~(d) Wetlands.~~~~
- ~~(2) Land dedicated to the public for park purposes;~~
- ~~(3) Land dedicated to the public for rights-of-way. When actual information is not available, the following formulas may be used:
 - ~~(a) Single family development: allocate 20 percent of gross acres;~~
 - ~~(b) Multi-family development including but not limited to apartments, condominiums and townhouses: allocate 15 percent of gross acres; and~~~~
- ~~(4) Land proposed for private streets.~~

~~TDC 57.100. – Access.~~

~~Except as provided below, no lot shall be created without provision for access to the public right-of-way in accordance with TDC 73.400 and TDC Chapter 75. Such access may be provided by lot frontage on a public street or by creating uninterrupted vehicle and pedestrian access between the subject lot and the public street. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street.~~

~~TDC 57.200. – Design Standards.~~

- ~~(1) Purpose and Applicability.
 - ~~(a) Design Principles.~~ Design standards for public street improvements for the Mixed Use Commercial Overlay District (MUCOD) address several important guiding principles, including creating a high quality mixed use area, providing a convenient pedestrian and bikeway system and utilizing streetscape to create a high quality image for the area.
 - ~~(b) Development Conformance.~~ New development, including remodeling and renovation projects resulting in non-single family residential uses, are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the TDC and Oregon Structural and Specialty Code, developments may be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects within and surrounding the MUCOD.~~
- ~~(2) Conflicting Standards.~~ In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73, and other applicable Chapters conflict or are different, they shall be resolved through the Architectural Review process. The criteria for resolving conflicts are:
 - ~~(a) Deference should be given to using the TDC Chapter 57 requirement, and~~

~~(b) Use the standard that will yield the highest quality development.~~

~~(3) Site Design Standards. Development shall meet the following site design standards:~~

~~(a) *Building Placement on Major and Minor Arterials.* Buildings shall occupy a minimum of 50 percent of Major and Minor Arterial street frontages. Buildings shall be located at public street intersections on Major and Minor Arterials.~~

~~(b) *Building Setbacks.* See TDC 57.050(2).~~

~~(c) *Front Yard Setback Design.* For setbacks greater than 0 feet, landscaping, an arcade, or a hard-surfaced expansion of the sidewalk shall be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to an L-1 standard on public streets and an L-2 standard on accessways. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are required. These areas shall contribute to the minimum landscaping requirements.~~

~~(d) *Walkway Connection to Building Entrances.* A walkway connection is required between a building's entrance and a public street or accessway. The walkway shall be at least six feet wide and paved with scored concrete or modular paving materials. Building entrances at a corner near a public street intersection are required. These areas shall contribute to the minimum landscaping requirements.~~

~~(e) *Parking Location and Landscape Design.* Parking for buildings or phases adjacent to public street rights-of-way shall be located to the side or rear of newly constructed buildings. When buildings or phases are adjacent to more than one public street, primary street(s) shall be identified where this requirement applies. If located on the side, parking is limited to 50 percent of the street frontage and must be behind a landscaped area constructed to an L-1 Landscape Standard. The minimum depth of the L-1 landscaped area is five feet or is equal to the building setback, whichever is greater. Interior side and rear yards shall be landscaped to a L-2 Landscape Standard, except where a side yard abuts a public street, where it shall be landscaped to an L-1 Landscape Standard.~~

~~(4) Building Design Standards.~~

~~(a) Non-residential buildings shall comply with the following:~~

~~(i) *Ground floor windows.* Street-facing elevations within the Building Setback (0–10 feet) along public streets shall include a minimum of 50 percent of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50 percent of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.~~

~~(ii) *Building Facades.* Facades that face a public street shall extend no more than 50 feet without providing at least one of the following features:~~

~~(A) A variation in building materials;~~

~~(B) A building offset of at least one foot;~~

~~(C) A wall area that is entirely separated from other wall areas by a projection, such as an arcade, or~~

~~(D) By other design features that reflect the building's structural system.~~

~~(E) No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building.~~

~~(iii) *Weather Protection.* Weather protection for pedestrians, such as awnings, canopies and arcades, shall be provided at building entrances. Weather protection is encouraged along~~

~~building frontages abutting a public sidewalk or a hard surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.~~

~~(iv) *Building Materials.* Plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding shall not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.~~

~~(v) *Roofs and Roof Lines.* Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.~~

~~(vi) *Roof mounted Equipment.* Roof mounted equipment shall be screened from view from adjacent public streets. Satellite dishes and other communication equipment shall be set back or positioned on a roof so that exposure from adjacent public streets is minimized.~~

~~(b) *Residential only, and Mixed-Use Buildings where at least 50.1 percent of the gross floor area of the building is residential, shall comply with TDC 57.300, Design Compatibility Standards.*~~

~~(5) *Landscaping and Screening.*~~

~~(a) *Applicable Levels.* Two levels of landscaping and screening standards are applicable. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in TDC Chapter 57. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.~~

~~(i) *L-1 Low Screen.* For general landscaping of landscaped and screened areas within parking lots and along collectors and local streets, the planting standards of TDC 57.400 apply. In addition, the L-1 standard applies to setbacks on major and minor arterials. Where the setback is a minimum of five feet between the parking lot and a major or minor arterial, deciduous trees of at least 3½ inch caliper measured four feet above grade shall be planted at a maximum of 28 feet on center. Shrubs shall be of a variety that will provide a three-foot high screen and a 90 percent opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.~~

~~(ii) *L-2 General Landscaping.* For general landscaping of landscaped and screened areas within parking lots and along collectors and local streets, the planting standards of TDC 57.400 apply. In addition, deciduous trees of at least 2½ inch caliper measured four feet above grade shall be planted at a maximum of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.~~

~~TDC 57.300. Design Compatibility Standards.~~

~~In accordance with TDC 57.200(4)(b) the following apply to residential only and mixed-use buildings where at least 50.1 percent of the gross floor area of the building is residential.~~

~~(1) *Front Facades.* All primary ground floor common entries or individual unit entries of street frontage units shall be oriented to the street, not to the interior or to a parking lot. The front elevation of large structures must be divided into smaller areas or planes of 500 square feet or less. Projecting features such as porches, balconies, bays and dormer windows and roof pediments are encouraged for structures facing a street to create visual interest.~~

~~(2) *Main Entrance.* Primary structures must be oriented with their main entrance facing the street upon which the project fronts. If the site is on a corner, it may have its main entrance oriented to either street or at the corner.~~

~~(3) *Unit Definition.* Each dwelling unit shall be emphasized by including a roof dormer or bay windows on the street facing elevation, or by providing a roof gable or porch that faces the street. Ground level dwelling units shall include porches that shall be at least 48 square feet in area with no dimension less than six feet.~~

- ~~(4) *Roof Lines.* Roofline offsets shall be provided at intervals of 40 feet or less to create variety in the massing of structures and to relieve the effect of a single, long roof. Roof line offsets shall be a minimum 4-foot variation either vertically from the gutter line or horizontally.~~
- ~~(5) *Trim Detail.* Trim shall be used to mark all building roof lines, porches, windows and doors that are on a primary structure's street-facing elevation(s).~~
- ~~(6) *Mechanical Equipment.* Roof-mounted mechanical equipment, other than vents or ventilators, shall be located and constructed so as to be screened from ground-level view. Screening shall be integrated with exterior building design.~~
- ~~(7) *Parking.* Parking and loading areas may not be located between the primary structure(s) and the street upon which the structure fronts. If there is no alley and motor vehicle access is from the street, parking must be provided:~~
- ~~(a) In a garage that is attached to the primary structure;~~
 - ~~(b) In a detached accessory structure located at least 50 feet from the front property line; or~~
 - ~~(c) In a parking area at the side or rear of the site.~~
- ~~(8) *Pedestrian Circulation.*~~
- ~~(a) The on-site pedestrian circulation system shall be continuous and connect the ground-level entrances of primary structure(s) to the following:
 - ~~(i) Streets abutting the site;~~
 - ~~(ii) Common buildings such as laundry and recreation facilities;~~
 - ~~(iii) Parking areas;~~
 - ~~(iv) Shared open space and play areas;~~
 - ~~(v) Abutting transit stops; and~~
 - ~~(vi) Any pedestrian amenity such as plazas, resting areas and viewpoints.~~~~
 - ~~(b) There shall be at least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage.~~

~~TDC 57.400. – Landscaping and Screening.~~

- ~~(1) *General Provisions.*~~
- ~~(a) *Obligation to Maintain.* Unless otherwise provided by the lease agreement, the owner, tenant and their agent(s), if any, shall be jointly and severally responsible for the maintenance of all landscaping and screening which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, shall be replaced or repaired as necessary, and shall be kept free from refuse and debris.~~
 - ~~(b) *Pruning Required.* All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:
 - ~~(i) It will not interfere with the maintenance or repair of any public utility;~~
 - ~~(ii) It will not restrict pedestrian or vehicular access; and~~
 - ~~(iii) It will not constitute a traffic hazard because of reduced visibility.~~~~
 - ~~(c) *Installation Requirements.* The installation of all landscaping shall be as follows:
 - ~~(i) All landscaping shall be installed according to accepted planting procedures;~~
 - ~~(ii) The plant materials shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock (ANSI Z60, 1-1986); and~~
 - ~~(iii) Landscaping shall be installed in accordance with this title.~~~~

- ~~(d) *Certificate of Occupancy.* A Certificate of Occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a bond.~~
- ~~(e) *Protection of Existing Vegetation.* Existing vegetation on a site shall be protected as much as possible:
 - ~~(i) The developer shall provide methods for the protection of existing vegetation to remain during the construction process; and~~
 - ~~(ii) The plants to be saved shall be noted on the landscape plans (e.g., areas not to be disturbed can be fenced, as in snow fencing which can be placed around individual trees).~~~~
- ~~(f) *Care of Landscaping along Public Rights-of-Way.* Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights-of-way unless otherwise required for emergency conditions and the safety of the general public.~~
- ~~(g) *Conditions of Approval of Existing Vegetation.* The review procedures and standards for required landscaping and screening shall be specified in the conditions of approval during development review and in no instance shall be less than that required for conventional development.~~
- ~~(h) *Height Restrictions Abutting Public Rights-of-Way.* No trees, shrubs or plantings more than 18 inches in height shall be planted in the public right-of-way abutting roadways having no established curb and gutter.~~
- ~~(2) *Buffering and Screening:*
 - ~~(a) *General Provisions:*
 - ~~(i) It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.~~
 - ~~(ii) Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter, Tables 57-1 and 57-2. The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses abut one another, except for separation by a right-of-way, buffering, but not screening, shall be required as specified in Tables 57-1 and 57-2.~~
 - ~~(iii) In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the Director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.~~~~
 - ~~(b) *Buffering and Screening Requirements:*
 - ~~(i) A buffer consists of an area within a required setback adjacent to a property line and having a depth equal to the amount specified in Tables 57-1 and 57-2 and containing a length equal to the length of the property line of the abutting use or uses;~~
 - ~~(ii) A buffer area may only be occupied by utilities, screening, sidewalks, bikeways, and landscaping. No buildings, accessways or parking areas shall be allowed in a buffer area except where an accessway has been approved by the City;~~
 - ~~(iii) The minimum improvements within a buffer area shall consist of combinations of landscaping and screening as specified in Tables 57-1 and 57-2. In addition, improvements shall meet the following specifications:
 - ~~(A) At least one row of trees shall be planted. They shall have a minimum caliper of two inches at four feet in height above grade for deciduous trees and a minimum height of~~~~~~~~

~~five feet high for evergreen trees at the time of planting. Spacing for trees shall be as follows:~~

- ~~(1) Small or narrow stature trees, under 25 feet tall or less than 16 feet wide at maturity shall be spaced no further than 15 feet apart;~~
- ~~(2) Medium-sized trees between 25 feet to 40 feet tall and with 16 feet to 35 feet wide branching at maturity shall be spaced no greater than 30 feet apart;~~
- ~~(3) Large trees, over 40 feet tall and with more than 35 feet wide branching at maturity, shall be spaced no greater than 30 feet apart.~~
- ~~(B) In addition, at least ten five-gallon shrubs or 20 one-gallon shrubs shall be planted for each 1,000 square feet of required buffer area;~~
- ~~(C) The remaining area shall be planted in lawn or other living ground cover.~~
- ~~(iv) Where screening is required the following standards shall apply in addition to those required for buffering:~~
 - ~~(A) A hedge of narrow or broad leaf evergreen shrubs shall be planted which will form a four-foot continuous screen of the height specified in Table 57-2 within two years of planting; or~~
 - ~~(B) An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen of the height specified in Table 57-2 within two years. The unplanted portion of the berm shall be planted in lawn or other living ground cover; or~~
 - ~~(C) A fence or wall of the height specified in Table 57-2 shall be constructed to provide a continuous sight obscuring screen.~~
- ~~(v) Buffering and screening provisions shall be superseded by the vision clearance requirements in TDC 73.340(1) and 73.400(13);~~
- ~~(vi) When the use to be screened is downhill from the adjoining zone or use, the prescribed heights of required fences, walls, or landscape screening shall be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted six foot height at the discretion of the director as a condition of approval. When the grades are so steep so as to make the installation of walls, fences or landscaping to the required height impractical, a detailed landscape/screening plan shall be submitted for approval;~~
- ~~(vii) Fences and walls.~~
 - ~~(A) Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock or brick, or as determined in the Architectural Review process;~~
 - ~~(B) Such fence or wall construction shall be in compliance with other City regulations;~~
 - ~~(C) Walls shall be a minimum of six inches thick; and~~
 - ~~(D) Chain link fences with slats shall qualify for screening. However, chain link fences without slats shall require the planting of a continuous evergreen hedge to be considered screening.~~
- ~~(viii) Hedges.~~
 - ~~(A) An evergreen hedge or other dense evergreen landscaping may satisfy a requirement for a sight obscuring fence where required subject to the height requirement in TDC 57.400(2)(c)(ii)(A and B)~~
 - ~~(B) Such hedge or other dense landscaping shall be properly maintained and shall be replaced with another hedge, other dense evergreen landscaping, or a fence when it ceases to serve the purpose of obscuring view; and~~

~~(C) No hedge shall be grown or maintained at a height greater than that permitted by these regulations for a fence or wall in a vision clearance area.~~

~~(c) Setbacks for Fences or Walls.~~

~~(i) Fences and walls shall comply with TDC 57.400(2)(c)(ii) below, except when the approval authority, as a condition of approval, allows a fence or wall to be higher than otherwise permitted to mitigate against potential adverse effects;~~

~~(ii) Fences and walls.~~

~~(A) May not exceed three feet in height in a required front yard along local streets or eight feet in all other locations and, in all other cases, shall meet vision clearance area requirements in TDC 73.340(1) and 73.400(13);~~

~~(B) Are permitted up to six feet in height in front yards adjacent to any designated arterial or collector street. For any fence or wall over three feet in height in the required front yard area, permission shall be subject to approval in the Architectural Review process.~~

~~(iii) Fences and walls shall meet vision clearance area requirements in TDC 73.340(1) and 73.400(13);~~

~~(iv) All fences or walls greater than six feet in height shall be subject to building permit approval.~~

~~(d) Height Restrictions.~~

~~(i) The prescribed heights of required fences, walls or landscaping shall be measured from the actual adjoining level of finished grade, except that where parking, loading, storage or similar areas are located above finished grade, the height of fences, walls or landscaping required to screen such areas or space shall be measured from the level of such improvements;~~

~~(ii) An earthen berm and fence or wall combination shall not exceed the six-foot height limitation for screening.~~

~~(e) Screening: Special Provisions.~~

~~(i) Screening and landscaping of parking and loading areas:~~

~~(A) Screening of parking and loading areas is required. The specifications for this screening are as follows:~~

~~(1) Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters;~~

~~(2) Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;~~

~~(3) Materials to be installed should achieve a balance between low-lying and vertical shrubbery and trees;~~

~~(4) Trees shall be planted in landscaped islands in all parking areas, and shall be equally distributed and on the basis of one tree for each seven parking spaces in order to provide a canopy effect; and~~

~~(5) The minimum dimension of the landscape islands shall be five feet and the landscaping shall be protected from vehicular damage by some form of wheel guard or curb.~~

~~(ii) Screening of service facilities. Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area;~~

~~(iii) Screening of swimming pools. All swimming pools shall be enclosed as required by the Oregon Structural and Specialty Code;~~

~~(iv) Screening of refuse containers. Except for one and two family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.~~

~~(f) Buffer Matrix.~~

~~(i) The Buffer Matrices in Tables 57-1 and 57-2 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts;~~

~~(ii) An application for a variance to the standards required in Tables 57-1 and 57-2 shall be processed in accordance with TDC Chapter 33.~~

~~(3) Re-vegetation.~~

~~(a) When re-vegetation is required. Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this section to prevent erosion after construction activities are completed.~~

~~(b) Preparation for re-vegetation. Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the sites and protected from erosion while grading operations are underway; and~~

~~(i) Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved; and~~

~~(ii) After completion of such grading, the topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.~~

~~(c) Methods of re-vegetation.~~

~~(i) Acceptable methods of re-vegetation include hydro-mulching or the planting of rye grass, barley, or other seed with equivalent germination rates, and:~~

~~(A) Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each 1,000 square feet of land area;~~

~~(B) Other re-vegetation methods offering equivalent protection may be approved by the approval authority;~~

~~(C) Plant materials are to be watered at intervals sufficient to ensure survival and growth; and~~

~~(D) The use of native plant materials is encouraged to reduce irrigation and maintenance demands.~~

~~TDC 57.500. – Additional Standards.~~

~~The following TDC chapters apply to these particular standards or requirements: Off-Street Parking and Loading, TDC Chapter 73; Environmental Standards, TDC Chapter 63; Floodplain District, TDC Chapter 70; Wetlands Protection District, TDC Chapter 71; Greenway and Riverbank Protection District, TDC Chapter 72; Community Design Standards, TDC Chapter 73.~~

~~TDC 57.900. – Figures and Tables.~~

**Table 57-1
Buffer Matrix
Proposed Use**

Existing/Abutting Dist.	Residential	Commercial	Industrial	Parking Lots 4-50 spaces	Parking Lots 50+ spaces
Residential	-	D	E	G	D
Commercial	G	-	D	-	-
Industrial	D	A	-	-	-
Parking Lots	G	-	-	-	-
Arterial Streets	A	-	A	-	-

**Table 57-2
Buffer Combinations for Landscaping and Screening¹**

	Options	Width (feet)	Trees (per linear foot of buffer)	Shrubs or Groundcover	Screening
A	-	10	-	Lawn/living groundcover	-
B	-	10	20' min/30' max spacing	Lawn/living groundcover	-
C	1	10	15' min/30' max spacing	Shrubs	4' hedges
	2	8		Shrubs	5' fence
	3	6		Shrubs	6' wall
D	1	20	10' min/20' max spacing	Shrubs	6' hedge
	2	15		Shrubs	6' fence
	3	10		Shrubs	6' wall
E	1	30	10' min/20' max spacing	Shrubs	6' hedge or fence
	2	25		Shrubs	5' earthen berm or wall
F	-	40	10' min/20' max spacing	Shrubs	6' hedge, fence, wall or berm

¹ Buffers are not required between abutting uses that are of a different type when the uses are separated by a street as specified in TDC 57.400(2)(a)(ii).

CHAPTER 73A – SITE DESIGN STANDARDS

TDC 73A.200. - Common Wall Design Standards.

The following standards are minimum standard for all duplex, townhouse, and multi-family developments in all zones, **with the exception of the Mixed-Use Commercial (MUC) zone**. These standards do not apply to development in the Central Design District and ~~Mixed-Use Commercial Overlay District~~, which may be less than the minimums provided below.

[...]

TDC 73A.300. - Commercial Design Standards.

The following standards are minimum requirements for commercial development in all zones, **with the exception of the Mixed-Use Commercial (MUC) zone**:

[...]

TDC 73A.400 – Mixed Use Commercial Design Applicability; Exceptions.

(1) Applicability. The mixed-use design standards apply to:

(a) New buildings in the Mixed-Use Commercial (MUC) zone.

(b) Expansion or substantial exterior remodeling of existing nonresidential development in the Mixed-Use Commercial (MUC) zone which is greater than fifty (50) percent of the building's gross floor area or alters any façade visible from a public or private street frontage by more than fifty (50) percent.

(2) Exceptions: The City Manager may allow exceptions to these standards as determined through the Architectural Review process, if the physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical.

TDC 73A.410 - Mixed Use Commercial Design Standards.

The following are the minimum standards for development in the Mixed-Use Commercial zone.

(1) Walkways. Mixed-Use Commercial development must provide walkways as follows:

(a) Walkways must be a minimum of six feet in width;

(b) Walkways must be constructed with scored concrete or modular paving materials;

(c) Walkways must meet ADA standards applicable at time of construction or alteration;

(d) Walkways must be continuous and connect all building entrances within the development to one another and to: all public streets or private access abutting the site; all parking areas, storage areas, recreational facilities and common areas associated with the development; and adjacent development, transit stops, and public greenways and parks;
and

(e) Walkways must provide connection to an abutting street every 200 linear feet of frontage.

(2) Parking Location. Parking for all Mixed-Use Commercial zone uses must be provided within garages or parking lots as follows:

- (a) Parking and loading areas are prohibited between the public street and proposed building(s);
 - (b) Parking is allowed on the side or rear of proposed building(s). If located on the side, the parking area may not exceed 50 percent of the total frontage of the site;
 - (c) Parking must be setback a minimum of 50 feet from the front property line; and
 - (d) Parking required for residential uses must be provided on the development site of the primary structure.
- (3) Drive-up Uses. Drive-up uses must comply with the following:
 - (a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:
 - (i) Banks—Each lane must be 100 feet long;
 - (ii) Restaurants—Each lane must be 160 feet long; and
 - (iii) Other uses—Each lane must be between 80 and 160 feet long, as determined by the City.
 - (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.
 - (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.
 - (d) The width and turning radius of drive-up aisles must be approved by the City.
 - (e) A wall or other visual or acoustic may be required by the City.
- (4) Adjacent to Transit. Mixed-Use Commercial development adjacent to transit must comply with the following:
 - (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.
 - (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:
 - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
 - (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
 - (iii) Provide a transit passenger landing pad accessible to disabled persons;
 - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
 - (v) Provide lighting at the major transit stop.
- (5) Building Location. Buildings must occupy a minimum of 50 percent of arterial and collector street frontages. Buildings must be located at public street intersections on arterials and collectors.
- (6) Building Design Standards. All development in the mixed-use commercial zone must meet the following building design standards.
 - (a) Non-residential buildings and mixed-use buildings where 50 percent or less of the gross floor area of the building is residential must comply with the following:
 - (i) Ground floor windows. Street-facing elevations must include a minimum of 50 percent of the wall area with windows that allow views into working areas or lobbies,

pedestrian entrances, or display windows set into the wall. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. Up to 50 percent of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.

(ii) *Building Facade.* Street-facing facades must extend no more than 50 feet without providing at least one of the following features:

(A) A variation in building materials;

(B) A building offset of at least one foot;

(C) A wall area that is entirely separated from other wall areas by a projection, such as an arcade, or

(D) By other design features that reflect the building's structural system.

(iii) *Weather Protection.* Weather protection for pedestrians, such as awnings, canopies and arcades, must be provided at building entrances and extend a minimum of six feet over the sidewalk connection and must not obstruct or prevent the placement of street trees, tree canopies or other improvements within the public right-of-way. Weather protection is encouraged along building frontages abutting a public sidewalk.

(iv) *Building Materials.* The following are not permitted as exterior finish materials for building walls: plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding.

(A) *Exceptions.* Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.

(v) *Roof Lines.* Except in the case of a building entrance feature, roofs must be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.

(vi) *Roof-mounted Equipment.* Roof-mounted equipment must be screened from view from adjacent public streets. Screening shall be integrated with exterior building design. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized.

(b) *Residential-only, and mixed-use buildings where 50.1 percent or more of the gross floor area of the building is residential, must comply with the following:*

(i) *Front Facades.* All primary ground-floor common entries or individual unit entries must be oriented to the street, not to the interior or to a parking lot. The front facade of large structures must be divided into smaller areas or planes of 500 square feet or less. Trim must be used to mark all building roof lines, porches, windows and doors. Projecting features such as porches, balconies, bays and dormer windows and roof pediments are encouraged, to create visual interest.

(ii) *Main Entrance.* Primary structures must be oriented with their main entrance facing the street upon which the project fronts. If the site is on a corner, it may have its main entrance oriented to either street or at the corner.

(iii) *Unit Definition.* Each dwelling unit must be emphasized with a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch that faces the street. Ground-level dwelling units must include porches with no dimension less than six feet and an area of at least 48 square feet.

(iv) Building Materials. The following are not permitted as exterior finish materials for building walls: plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding.

(A) Exceptions. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.

(v) Roof Lines. Roofline offsets must be provided at intervals of 40 feet or less to create variety in the massing of structures and to relieve the effect of a single, long roof. Offsets must be a minimum four foot variation, either vertically or horizontally, from the gutter line.

(vi) Roof-mounted Equipment. Roof-mounted equipment must be screened from view from adjacent public streets. Screening shall be integrated with exterior building design. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized.

TDC 73A.4500. - Industrial Design Standards.

TDC 73A.5600. - Institutional Design Standards.

The following standards are minimum requirements for institutional development in all zones, **with the exception of the Mixed-Use Commercial (MUC) zone:**

TDC 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone.

The following are the minimum areas required to be landscaped for each use and zone:

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(1) RL, RML, RMH, RH and RH/HR zones— Permitted Uses	None	None
(2) RL, RML, RMH, RH and RH/HR zones— Conditional Uses, except Small Lot Subdivisions	25 percent of the total area to be developed	20 percent of the total area to be developed
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed
(4) CO, CR, CC, CG, MUC , ML and MG zones within the Core Area Parking District—All uses	10 percent of the total area to be developed	7.5 percent of the total area to be developed
(5) IN, CN, CO/MR, MC and MP zones—All uses	25 percent of the total area to be developed	22.5 percent of the total area to be developed
(6) Industrial Business Park Overlay District and MBP—must be approved through Industrial Master Plans	20 percent of the total area to be developed	Not applicable
* For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.		

TDC 73B.040. - Additional Minimum Landscaping Requirements for Commercial Uses.

(1) General. In addition to requirements in TDC 73B.020, commercial uses **with the exception of those located in the Mixed-Use Commercial (MUC) zone,** must comply with the following:

[...]

TDC 73B.50 – Additional Minimum Landscaping Requirements for all uses in the Mixed Use Commercial Zone.

(1) General. In addition to requirements in TDC 73B.020, all uses within the Mixed-Use Commercial (MUC) zone, must comply with the following:

(a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped;

(i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

(b) A landscape area may be occupied by utilities, screening, sidewalks, bikeways; and

(c) Landscape screening provisions are superseded by the vision clearance requirements of Figure 73-2.

(2) Standards. The matrices in Tables 73B-1 and 73B-2 must be used in calculating widths of landscape buffer areas, as well as screening improvements to be installed between proposed uses and abutting uses. Landscape buffers are not required between abutting uses that are of a different type when the uses are separated by a street.

(a) Buffer. The minimum improvements within a buffer area must include landscaping and screening specified in Tables 73B-1 and 73B-2. Landscape improvements must meet the following specifications:

(i) At least one row of trees must be planted. Deciduous trees must be a minimum of two inches caliper at four feet in height and evergreen trees must be a minimum height of five feet high at the time of planting. Spacing for trees must be as follows:

(A) Small or narrow-stature trees, under 25 feet tall or less than 16 feet wide at maturity must be spaced not more than 15 feet apart;

(B) Medium-sized trees between 25 feet to 40 feet tall and with 16 feet to 35 feet wide branching at maturity must be spaced not more than 30 feet apart;

(C) Large trees, over 40 feet tall and with more than 35 feet wide branching at maturity, must be spaced not more than 30 feet apart.

(ii) At least ten, five-gallon shrubs or 20, one-gallon shrubs must be planted for each 1,000 square feet of required buffer area;

(iii) The remaining area must be planted in lawn or other living ground cover.

(b) Screening. Where screening is specified in Tables 73B-1 and 73B-2, the following standards apply, in addition to those required for buffering:

(i) The prescribed heights of required screening must be measured from the actual adjoining level of finished grade, except that where parking, loading, storage or similar areas are located above finished grade, the height of fences, walls or landscaping required to screen such areas or space shall be measured from the level of such improvements.

When the use to be screened is located downhill from the adjoining use, the prescribed heights of required fences, walls, or landscape screening must be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted six foot height at the discretion of the City Manager, as a condition of approval. When steep grades make the installation of walls, fences, or landscaping to the required height impractical, a detailed landscape/screening plan must be submitted for approval.

(ii) A hedge of narrow or broad leaf evergreen shrubs must be planted which will form a four-foot high continuous screen within two years of planting; or

(iii) An earthen berm planted with narrow or broad leaf evergreen shrubs must be provided which will form a continuous screen of the height specified in Table 73B-2 within two years. The unplanted portion of the berm shall be planted in lawn or other living ground cover; or

(iv) A fence or wall of the height specified in Table 73B-2 must be constructed of materials commonly used in the construction of fences and walls such as wood, stone, rock or brick, or as determined in the Architectural Review process and provide a continuous sight obscuring screen.

(A) Walls must be a minimum of six inches thick.

(B) Fence or wall height may not exceed three feet in height in a required front yard or six feet in height in required front yards adjacent to designated arterial or collector streets.

(C) An evergreen hedge or other dense evergreen landscaping may satisfy a requirement for a sight-obscuring fence where required.

(D) An earthen berm and fence or wall combination must not exceed six-feet in height.

**Table 73B-1
Required Landscape Buffer Between Uses**

		<u>Proposed Improvement</u>				
		<u>Residential</u>	<u>Commercial</u>	<u>Institutional</u>	<u>Parking Lots 4-50 spaces</u>	<u>Parking Lots 50+ spaces</u>
<u>Abutting</u>	<u>Residential</u>	:	<u>D</u>	<u>D</u>	<u>C</u>	<u>D</u>
	<u>Commercial</u>	<u>C</u>	:	<u>D</u>	:	:
	<u>Industrial</u>	<u>D</u>	<u>A</u>	<u>D</u>	:	:
	<u>Parking Lots</u>	<u>C</u>	:	:	:	:
	<u>Arterial Streets</u>	<u>A</u>	:	<u>A</u>	:	:

**Table 73B-2
Required Landscaping and Screening**

	<u>Options</u>	<u>Width (feet)</u>	<u>Trees (per linear feet of buffer)</u>	<u>Shrubs or Groundcover</u>	<u>Screening</u>
<u>A</u>	:	<u>10</u>	:	<u>Lawn/living groundcover</u>	:
<u>B</u>	:	<u>10</u>	<u>20' min/30' max spacing</u>	<u>Lawn/living groundcover</u>	:
<u>C</u>	<u>1</u>	<u>10</u>	15' min/30' max spacing	<u>Shrubs</u>	<u>4' hedges</u>
	<u>2</u>	<u>8</u>		<u>Shrubs</u>	<u>5' fence</u>
	<u>3</u>	<u>6</u>		<u>Shrubs</u>	<u>6' wall</u>
<u>D</u>	<u>1</u>	<u>20</u>	10' min/20' max spacing	<u>Shrubs</u>	<u>6' hedge</u>
	<u>2</u>	<u>15</u>		<u>Shrubs</u>	<u>6' fence</u>
	<u>3</u>	<u>10</u>		<u>Shrubs</u>	<u>6' wall</u>

[...]

TDC 73B.0670. - Additional Minimum Landscaping Requirements for Institutional Uses.

[...]

TDC 73B.0780. - Minimum Landscaping Standards for All Zones.

[...]

TDC 73B.0890. - Minimum Standards Trees and Plants.

[...]

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TDC 73C.230. – Mixed Use Commercial Parking Lot Landscaping Requirements.

Uses located within the Mixed Use Commercial zone must comply with the following landscaping requirements for parking lots in addition to those listed in TDC 73C.220.

(1)—Screening. Additional specifications for parking and loading area screening are as follows:

(a) Landscaped parking areas must include special design features which effectively screen the parking lot areas from public right-of-way view. These design features may include the use of landscaped berms, decorative walls and raised planters; and

(b)—Trees must be planted in landscaped islands in all parking areas, and must be equally distributed and on the basis of one tree for each seven parking spaces in order to provide a canopy effect.

TDC 73C.2340. - Industrial Parking Lot Landscaping Requirements.

[...]

TDC 73C.2450. - Institutional Parking Lot Landscaping Requirements.

[...]