ORDINANCE NO. 806

AN ORDINANCE AMENDING THE TROUTDALE DEVELOPMENT CODE SECTION 4.720, PERMITTED AND CONDITIONAL USES IN THE TOWN CENTER OVERLAY DISTRICT, AND TO SECTION 5.010, RESIDENTIAL ACCESSORY STRUCTURES, RELATING TO TASKS 1 AND 2 OF THE CITY'S PERIODIC REVIEW WORK PROGRAM

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City has been in periodic review since the initial notification from the Oregon Department of Land Conservation and Development (DLCD) on May 20, 2008. The City submitted its proposed periodic review work program to DLCD on November 14, 2008. DLCD approved the work program with modifications on April 15, 2010. The approved work program includes tasks related to statewide planning Goal 9, Economic Development and Goal 10, Housing.

2. Among the tasks the city identified in its work program related to Goal 9 was looking at the County Farm property north of Halsey Street to determine whether the current zoning is desirable. As part of periodic review, the City has decided this is the right time to be more proactive about the future of the Edgefield North property by zoning it according to the type of uses most desired there. These proposed TDC amendments include necessary text changes to accompany a separate rezone action that would accomplish that purpose. Independent of rezoning the Edgefield North property, the amendment is an appropriate change to the allowed conditional uses in the General Commercial/Town Center district.

3. Amendments to residential accessory structure provisions of the code relate to residential uses and therefore, are indirectly tied to Goal 10 (Housing). These accessory structure amendments were discussed generally last year by the Troutdale Citizens Advisory Committee and have been incorporated as a periodic review product because of their indirect relationship to Housing tasks.

4. The Citizens Advisory Committee reviewed and discussed these proposed amendments at its January 5, 2011 meeting. The CAC supported the amendments and referred it to the Planning Commission for approval.

5. Public need is best satisfied by the amendments. The public need addressed by this change is twofold: 1) to eliminate "wholesale distributing outlets, including warehousing" as an allowed conditional use in the General Commercial (GC) district within the Town Center Overlay (TC) zone because it is deemed to be an undesirable use within the City's Town Center; and, 2) to simplify regulations pertaining to

residential accessory structures by removing the requirement for a development permit for small structures.

6. Eliminating "wholesale distributing outlets, including warehousing" as an allowed conditional use within the GC/TC zone will not adversely affect the health, safety and welfare of the community because there are many other properties throughout the city where this type of use is still allowed.

7. Eliminating the requirement for a development permit when placing or constructing small accessory structures on residential sites will not adversely affect the community because standards to protect the public health, safety and welfare will still apply even though development permits will no longer be required when placing or constructing smaller structures on residential properties.

8. Current Comprehensive Plan policies pertaining to Employment or to the Economy neither support nor oppose leaving wholesale distribution and warehouses as a conditional use in the GC/TC zoning district. The amendment to the GC/TC conditional uses does not conflict with the goals or policies of the Troutdale Comprehensive Plan.

9. Amendments affecting residential accessory structure provisions do not conflict with applicable plan goals and policies. The changes are supported by the following Housing policy: *Recognize the increasing cost of time delays. Streamline the land development and permit issues processes to reduce unnecessary delays.*

10. Notice of the public hearing has been provided in accordance with applicable law including a Measure 56 notice to affected property owners because the proposed code amendment to permitted conditional uses in the GC/TC will limit or prohibit a use previously allowed.

11. The Planning Commission conducted a public hearing on these amendments on February 23, 2011 and has recommended that the City Council adopt them.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The Troutdale Development Code is hereby amended to read as shown in Attachment A.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Jim Kight

Mayor Jim Kight

April 28, 2011

Date

Sarah Skroch

Sarah Skroch, Deputy City Recorder

Adopted: April 26, 2011

Attachment A

CITY OF TROUTDALE
Amendments to the Troutdale Development Code (TDC) Text Amendment No. 44

Amending:

- **TDC Section 4.720, Permitted and Conditional Uses in the Town Center Overlay District**
- **TDC Section 5.010, Residential Accessory Structures**

Relating to:

- **Tasks 1 and 2 of the City's Periodic Review Work Program.**

Submitted to the Citizens Advisory Committee on January 5, 2011
Recommended to the City Council by the Planning Commission February 23, 2011

4.700 TOWN CENTER TC

There are no proposed changes prior to section 4.720.

4.720 Permitted and Conditional Uses. Permitted and conditional uses are the same as those listed in the underlying zoning districts with the following exceptions:

A. Single-Family Residential (R-5).

1. Eliminated permitted uses: Manufactured home parks.

2. Additional conditional uses: Triplex and attached dwellings when each unit is situated on a separate lot of record.

B. Attached Residential (R-4).

1. Eliminated permitted uses: Manufactured home parks.

2. Additional conditional uses: Manufactured homes.

C. Apartment Residential (A-2).

1. Additional permitted uses: Single-family detached and zero lot line dwellings, except that manufactured homes require a conditional use permit; attached, duplex, and triplex dwellings when the dwellings are on separate lots.

2. Additional conditional uses: Museums, theaters, galleries, or studios for art, dance, and photography.

3. Eliminated conditional uses: Single-family detached and zero lot line dwellings, except for manufactured homes; attached, duplex, and triplex dwellings when the dwellings are on separate lots.

D. Community Commercial (CC).

1. Additional permitted uses: Single-family detached dwellings (except manufactured homes), duplex, triplex, attached, and multiple-family dwellings, provided the residential use is located above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building.

2. Eliminated permitted uses: Grocery stores.

3. Additional conditional uses: Grocery stores and convenience stores without gasoline pumps.

4. Eliminated conditional uses: Automotive service stations where no repair work is conducted.

E. General Commercial (GC).

1. Additional permitted uses: Single-family detached dwellings (except manufactured homes), duplex, triplex, attached, and multiple-family dwellings, provided the residential use is located above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building; and public parking lots.

2. Eliminated permitted uses: Automotive repairs, including painting and incidental body and fender work; automotive service stations; lumber yards (retail sales only); and tire shops.

3. Eliminated conditional uses: Automobile and trailer sales area, heliport landings, off-street parking and storage of truck tractors and/or semi-trailers, outdoor stadiums and racetracks, wholesale distribution outlets, including warehousing.

There are no changes following section 4.720.

5.000 OTHER PERMIT AND ISSUE DETERMINATIONS

There are no proposed changes prior to section 5.010.

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

A. Building Permit – When Required. A building permit is required for any accessory structure over 200 square feet in floor area or over ten feet in height as the term "height" is defined in the Building Code. The building permit application will be evaluated for compliance with the regulatory requirements of this section.

B. Development Permit – When Required. An accessory structure not requiring a building permit shall be required to have a development permit, except as follows:

1. The accessory structure is 120 square feet or smaller in floor area and is eight feet or less in height as measured from the average adjacent grade to the highest point of the wall of the structure and is ten feet or less in height as measured from the average adjacent grade to the highest point of the roof of the structure.

2. The accessory structure is a frame-covered structure that is 200 square feet or smaller in floor area and is eight feet or less in height as measured from the average adjacent grade to the highest point of the wall of the structure and is ten feet or less in height as measured from the average adjacent grade to the highest point of the roof of the structure.

3. The accessory structure is a patio cover that is 200 square feet or smaller in floor area.

4. The accessory structure is an arbor that is ten feet or less in height.

5. The regulatory requirements of subsection C apply even when a development permit is not required.

C. Regulatory Requirements. No accessory structure shall be erected or maintained, and no existing accessory structure shall be structurally altered, converted,

enlarged, moved, or maintained unless such accessory structure is located on the lot in conformance with the following:

1. Cargo shipping containers are not permitted as accessory structures on residential lots.

2. No single accessory structure may exceed 1,000 square feet in floor area.

3. The cumulative area of detached accessory structures shall not exceed 25% of the gross lot area, nor 50% of the area of the required rear yard.

4. The maximum height of a detached accessory structure shall be 20 feet, provided the accessory structure meets the side and rear yard setbacks of the underlying zoning district.

5. A detached accessory structure which does not meet the underlying side and rear yard setbacks shall not exceed ten feet in height as measured from the average adjacent grade to the highest point of the roof of the building.

6. Accessory structures shall comply with the setback requirements for the main building except where specifically modified by this section. For purposes of this subsection C, the measurement shall be applied to projecting building features, if any, such as eaves, rain gutters, or other similar features.

7. No accessory structure shall be located in a required front yard setback or between the street and front building plane of the dwelling.

8. No accessory structure shall encroach on an active easement of record. An active easement is an easement containing one or more public utilities.

9. Rear Yard Setback. An accessory structure that is ten feet or less in height as measured from the average adjacent grade to the highest point of the roof of the structure may be constructed as close as three feet to a rear property line, provided that it does not encroach on an active easement.

10. Side Yard Setback. An accessory structure of 120 square feet or smaller in floor area and ten feet or less in height as measured from the average adjacent grade to the highest point of the roof of the structure may be constructed as close as three feet to a side property line provided that it does not encroach on an active easement. An accessory structure greater than 120 square feet in floor area or greater than ten feet in height must comply with the setback of the underlying zoning district.

11. Street Side Yard Setback. An accessory structure on a corner lot shall meet a minimum street side yard setback of ten feet except for private vehicle storage. Accessory structures for private vehicle storage which have an entrance from the street side yard shall have a minimum street side yard setback of 18 feet. Vehicle access from the side street must be approved by the Public Works Director and constructed to City standards.

There are no changes following section 5.010.