ORDINANCE NO. 1131

AN ORDINANCE REPEALING TITLE 16 AND 17 OF THE GLADSTONE MUNICIPAL CODE AND READOPTING COMPREHENSIVE PLAN, SUBDIVISION, ZONING AND DEVELOPMENT STANDARDS AS TITLE 17 OF THE GLADSTONE MUNICIPAL CODE.

THE CITY OF GLADSTONE DOES ORDAIN AS FOLLOWS:

Section 1. Titles 16 and 17 of the Gladstone Municipal Code are repealed.

Section 2. Title 17 of the Gladstone Municipal Code is readopted as reflected in Exhibit "A" attached hereto and incorporated herein by reference.

This ordinance adopted by the Common Council this 13th day of March, 1990.

Approved by the Mayor this 13th day of March, 1990.

Attest:

[Signature]
Mayor

[Signature]
City Recorder
GLADSTONE MUNICIPAL CODE

TITLE 17

ZONING AND SUBDIVISION ORDINANCE

CITY OF GLADSTONE

APRIL, 1990
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TITLE 17 -- ZONING AND DEVELOPMENT ORDINANCE

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COMPREHENSIVE PLAN*

Sections:

17.02.010 Adoption and Composition -- Exhibit A

17.02.020 Serves as Land Use Policy

17.02.030 Findings of Fact, Inventory and Analysis -- Exhibit B

17.02.040 Copies on File

* For statutory provisions on city planning and zoning, see ORS 227.010 et seq. For statutory provisions requiring cities to adopt a comprehensive plan, see ORS 197.010.
Adoption and Composition -- Exhibit A

A. The Comprehensive Plan composed of goals, objectives, policies, implementation strategies, and the Comprehensive Plan land use map are adopted as the Comprehensive Plan as required by Oregon Revised Statutes 197.010 and 197.175. The text and map of the Comprehensive Plan are attached as Exhibit A and incorporated in this chapter by reference.

B. The text is composed of a document entitled "Gladstone Comprehensive Plan: Goals, Objectives, Policies, and Implementation Strategies" and of the goals, objectives, and policies of the "Gladstone Bikeway Plan" which are adopted as an addendum to the transportation element of the Comprehensive Plan. (Ord. 946, S1, 1979.)

Serves as Land Use Policy

From the effective date of the ordinance codified in this chapter, the Comprehensive Plan shall serve as the land use policy for the city, and shall govern the exercise of the planning and zoning responsibilities of the city thereafter. (Ord. 946 S2, 1979.) The Zoning Ordinance (Title 17 of the Gladstone Municipal Code) implements the Comprehensive Plan.

Findings of Fact, Inventory and Analysis -- Exhibit B

A. The Comprehensive Plan is adopted and based upon the findings of fact, inventory and analysis, data base and evaluation contained in Exhibit B attached to the ordinance codified in this chapter and incorporated in this chapter by reference; said documents being composed of a publication entitled "Gladstone Comprehensive Plan: Inventory and Analysis" and the inventory and analysis portions of the bike plan and the city Public Facilities Plan.

B. The information contained in Exhibit B is adopted only as justification for the adoption of the Comprehensive Plan set forth in Exhibit A and shall not govern the exercise of the planning and zoning responsibilities of the city. More specifically, the Public Facilities Plan is adopted as a supporting document to the city Comprehensive Plan. [Ord. 946 S3, 1979; Ord. 1058 S1 (A), 1986.]
17.02.040 Copies on File

Certified copies of the Comprehensive Plan shall be filed with the city recorder, Clackamas County, Metropolitan Service District and the Land Conservation and Development Commission of the State. (Ord. 946 S4, 1979.)
Chapter 17.04

PURPOSE AND INTERPRETATION

Sections:

17.04.010 Purpose

17.04.020 Interpretation -- Grammatical

17.04.030 Interpretation -- Conflicting Provisions
17.04.010 Purpose

The purpose of the Title 17 of the Gladstone Municipal Code is to provide for the public health, safety and general welfare of the citizens of the city through orderly community development, with consideration for concentration of population, protection of property and values, recreation, aesthetic and economic development, limitation of dangerous, offensive or unwholesome trades or industries, maintenance of adequate light and air and regulation of traffic. Land uses shall be consistent with the policies and objectives of the Gladstone Comprehensive Plan. (Ord. 971 S6, 1980; Ord. 947 S1.010, 1979.)

17.04.020 Interpretation -- Grammatical

As used in Title 17, the masculine includes the feminine and neuter and the singular includes the plural. [Ord. 947 S1.020 (part), 1979.]

17.04.030 Interpretation -- Conflicting Provisions

Where the conditions imposed by a provision of Title 17 are less restrictive than comparable conditions imposed by any other provisions of the ordinance codified in this title or any other ordinance of the city, the provisions which are more restrictive shall govern. (Ord. 947 S10.010, 1979.)
Chapter 17.06
DEFINITIONS

17.06.005 Generally

The following underlined words and phrases used in Title 17 shall have the meanings set out in Chapter 17.06 unless the context otherwise requires. [Ord. 948 S1 (part), 1979.]

17.06.010 Access - the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property. [Ord. 947 S1.020(1), 1979.]

17.06.015 Accessory use or accessory structure - a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use. [Ord. 947 S1.020(2), 1979.]

17.06.020 Alley - a street which affords only a secondary means of access to the property. [Ord. 947 S1.020(3), 1979.]

17.06.025 Alteration - a change in structure or a change in occupancy. Where the term alteration is applied to a change in structure, it is intended to apply to any change, addition or modification in structure. When the term is used in connection with a change in occupancy, it is intended to apply to changes in occupancy from one use to another. [Ord. 947 S1.020(4), 1979.]

17.06.030 Alteration, structural - any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls. [Ord. 947 S1.020(5), 1979.]

17.06.035 Automobile service station - a retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, or automobile and truck maintenance and repair, and the supplying of other incidental customer services and products, but not painting, body and fender work, and storage of autos and trucks. [Ord. 947 S1.020(6), 1979.]
17.06.040 **Automobile storage or repair garages** - a premises used for the storage, repair, or sale of used automobile vehicles or automotive parts. [Ord. 947 S1.020(7), 1979.]

17.06.045 **Boardinghouse, lodginghouse, or roominghouse** - a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be served. [Ord. 947 S1.020(9), 1979.]

17.06.050 **Building** - a structure built for the support, shelter or enclosure of any persons, animals, chattels, or property of any kind excepting uncovered patios or decks not exceeding thirty (30) inches in height above the average grade of the adjoining ground. [Ord. 947 S1.020(9), 1979.]

17.06.055 **Building height** - the vertical distance measured from the adjoining street centerline grade as established by the city to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to a mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building. [Ord. 947 S1.020(1), 1979.]

17.06.060 **Building line** - a line on a plat indicating the limit beyond which buildings or structures may not be erected. [Ord. 948 S1(1), 1979.]

17.06.065 **Building official** - the building official of the city. [Ord. 948 S1(2), 1979.]

17.06.070 **Carport** - a stationary structure consisting of a roof with its supports and not more than two walls, or a storage cabinet substituting for one of the walls, and used for sheltering a motor vehicle, boat or recreation vehicle. [Ord. 974 S1.020(11), 1979.]

17.06.075 **Cattery** - ten or more cats owned or boarded on the premises.

17.06.080 **Change of use** - a different use than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building which does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which permanent substantial construction has been undertaken by July 1, 1976. The sale of property is
not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

17.06.085 Chapter - A portion of this ordinance identified by a four digit number (for example, Chapter 17.06, Definitions).

17.06.090 City - the city of Gladstone, Oregon. [Ord. 948 S1(3), 1979.]

17.06.095 City Council - the governing body of the city. [Ord. 948 S1(5), 1979.]

17.06.100 City Administrator or designee - the administrator of the city or a person designated by the city administrator. [Ord. 948 S1(6), 1979.]

17.06.105 Comprehensive Plan - the official plan adopted by the city for the guidance of growth and improvement, including modifications or refinements which may be made from time to time. [Ord. 948 S1(6), 1979.]

17.06.110 Convenience center - a single building not exceeding two thousand five hundred (2,500) square feet in area containing a retail grocery store with incidental sales of notions, cosmetics, tobacco, proprietary medicines and similar items. [Ord. 947 S1.020(13), 1979.]

17.06.115 Day care center - any facility, institution, establishment or place not a part of a school that provides day care to thirteen (13) or more children, including children of the provider, regardless of full or part-time status, under thirteen (13) years of age. [Ord. 947 S1.020(14), 1979.]

17.06.117 Days - calendar days without reference to business days or holidays unless specifically stated to the contrary.

17.06.120 Development for purposes of the Greenway Zone only - any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, parking lots, mining, dredging, filling, grading, paving, excavation or drilling operations, to bring about growth or availability, to construct or alter a structure, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights of access.

17.06.125 Development permit - a building permit, subdivision approval, temporary permit, or any other permit required by the city of Gladstone before development can occur.
17.06.130 **Drinking establishment** - a place of business which requires a permit and/or license from the Oregon Liquor Control Commission for the dispensing of liquor for consumption upon the premises. [Ord. 947 S1.020(15), 1979.]

17.06.135 **Durable and dustless surface** - a surface providing a hard topping which is free from muddy conditions in wet weather and dusty conditions in dry weather, specifically including concrete or asphaltic concrete or like material but specifically excluding gravel and dirt.

17.06.140 **Dwelling, multi-family** - a building or portion thereof, designed for occupancy by three or more families living independently of each other. [Ord. 947 S1.020(19), 1979.]

17.06.145 **Dwelling, single-family** - a detached building containing one dwelling unit located on a single lot, and designed for occupancy by one family only. [Ord. 947 S1.020(17), 1979.]

17.06.150 **Dwelling, two-family** - a detached building containing two dwelling units and designed for occupancy by two families independent of each other. [Ord. 947 S1.020(18), 1979.]

17.06.155 **Dwelling unit** - one or more rooms for occupancy by one family for living purposes, and not having more than one cooking facility. Trailer coaches shall not be considered as dwelling units, except when located in mobile home courts or parks. [Ord. 947 S1.020(16), 1979.]

17.06.160 **Easement** - a grant of the right to use a strip of land for specific purposes. [Ord. 948 S1(7), 1979.]

17.06.165 **Eating establishment** - a place of business which serves food but does not require a permit and/or license from the Oregon Liquor Control Commission. [Ord. 947 S1.020(20), 1979.]

17.06.170 **Exterior** - any portion of the outside of a structure which can be seen from a public place.

17.06.175 **Family** - one person or two or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one housekeeping unit using one kitchen and providing meals or lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen. [Ord. 947 S1.020(21), 1979.]
17.06.180 Fence, sight-obscuring - a fence consisting of wood, metal, masonry or similar materials, or an evergreen hedge or other evergreen planting, arranged in such a way as to obscure vision at least eighty percent. [Ord. 947 S1.020(22), 1979.]

17.06.185 Floodway - the channel of a stream and adjacent land areas which are required to carry and discharge the floodwaters or floodflows of an intermediate regional flood, as defined by the Federal Insurance Administration. [Ord. 947 S1.020(23), 1979; Ord. 1079, 1987.]

17.06.190 Floodway fringe - that land area which is outside of the stream floodway but is subject to periodic inundation by an intermediate regional flood, as defined by the Federal Insurance Administration. [Ord. 947 S1.020(24), 1979; Ord. 1079, 1987.]

17.06.195 Floor area - the sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings, but not including:
A. Attic space providing headroom of less than seven (7) feet;
B. Basement or cellar;
C. Uncovered steps or fire escapes;
D. Private garages, carports or porches;
E. Accessory water towers or cooling towers;
F. Accessory off-street parking or loading spaces. [Ord. 947 S1.020(25), 1979.]

17.06.200 Foster home - any dwelling occupied and maintained by a person or persons licensed or certified by the state or other authorized agency to provide extended or temporary care, food, and lodging in such home for not more than seven (7) dependent individuals beyond the number defined as a family. A foster home is not a hospital, nursing home, or home for the aged as defined in Oregon Revised Statutes, nor does it include a halfway house, work release center, or any other domiciliary facility for persons released from any penal or correctional institution. [Ord. 1006 S1, 1982; Ord. 947 S1.020(26), 1979.]

17.06.205 Frontage - property abutting on a street. [Ord. 947 S1.020(27), 1979.]

17.06.210 Grade, ground level - the average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation. (Ord. 947 S1.020(28), 1979.)
17.06.215 Group home - any home occupied and maintained by a person or persons licensed by the state or other appropriate agency to provide extended or temporary care, food and lodging in such home for from eight (8) to ten (10) dependent individuals beyond the number defined as a family. A group home is not a foster home, hospital, nursing home or home for the aged as defined in Oregon Revised Statutes, nor does it include a halfway house, work release center, or any domiciliary facility for persons released from any penal or correctional institution. (Ord. 1006 S2, 1982.)

17.06.220 Home occupation - an occupation, profession, or craft which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family residing within the dwelling place; provided, however, there shall be no structural alteration or changes in the dwelling, or on the premises and there is no display of merchandise, storage materials, signs or articles or objects awaiting or in the process of repair, remodeling, or modification on the premises which can be seen from the exterior of the dwelling. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure. [Ord. 947 S1.020(29), 1979.]

17.06.225 Hospitals, nursing homes and homes for the aged - the same as defined in the Oregon Revised Statutes. [Ord. 947 S1.020(30), 1979.]

17.06.230 Hotel - a building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite. [Ord. 947 S1.020(30), 1979.]

17.06.235 Intensification of use for purposes of the Greenway Zone - any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below in this subsection is an intensification when it will substantially alter the appearance of the structure. (Intensification shall not include the completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which substantial construction has been undertaken by July 1, 1976.) Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or protection of the greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or
facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this district. Seasonal increases in gravel operation shall not be considered an intensification of use. (Ord. 947 S3.710, 1979.)

17.06.240 Kennel - four or more dogs with permanent canine teeth owned or boarded on the premises. [Ord. 947 S1.020(32), 1979.]

17.06.245 Landscaping - the improvement of land by means such as contouring, plantings, fencing and the placement of outdoor structures.

17.06.247 Land Use Decision - includes a final decision or determination that concerns the adoption, amendment, interpretation or application of the goals, comprehensive plan provision, land use regulation, but does not include:
   a. A decision which is made under the city’s development standards which do not require interpretation or the exercise of facts, policy, or legal judgement;
   b. A decision which approves, approves with conditions or denies a subdivision or partition and is consistent with the city’s development standards; or
   c. Approval or denial of a building permit.

17.06.250 Livestock - domestic animals of types customarily raised or kept on farms for profit or other purposes. [Ord. 947 S1.020(33), 1979.]

17.06.255 Loading space - an off-street space or berth on the same lot or parcel with a building or use or contiguous to a group of buildings or uses for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials and which space or berth abuts upon a street, alley or other appropriate means of access and egress. [Ord. 947 S1.020(36), 1979.]

17.06.260 Lot - a plot, parcel, tract or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership. [Ord. 947 S1.020(37), 1979.]

17.06.265 Lot area - the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets. [Ord. 947 S1.020(38), 1979.]

17.06.270 Lot corner - a lot abutting on two or more streets, other than an alley, at their intersection. [Ord. 947 S1.020(39), 1979.]

17.06.275 Lot coverage - the area covered by a building or buildings on a lot, expressed as a percentage of the total lot area. [Ord. 947 S1.020(40), 1979.]
17.06.280 **Lot depth** - the average horizontal distance between the front lot line and rear lot line. [Ord. 947 S1.020(42), 1979.]

17.06.285 **Lot line** - the property line bounding a lot. [Ord. 947 S1.020(42), 1979.]

17.06.290 **Lot line, front** - the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the front lot line shall be deemed to be the shortest lot line abutting a street other than an alley. [Ord. 947 S1.020(43), 1979.]

17.06.295 **Lot line, rear** - the lot line which is opposite and most distant from the front lot line. 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. [Ord. 947 S1.020(44), 1979.]

17.06.300 **Lot line, side** - any lot line not a front or rear lot line. [Ord. 947 S1.020(45), 1979.]

17.06.305 **Lot of record** - a lot or aggregate of contiguous lots held in a single ownership, has recorded in the office of the county recorder on or before October 26, 1971.

17.06.310 **Lot, through** - an interior lot having frontage on two streets other than alleys. [Ord. 948, S1(8), 1979.]

17.06.315 **Lot width** - the average horizontal distance between the side lot lines. [Ord. 947 S1.020(46), 1979.]

17.06.320 **Major partition** - the dividing of land into two or three parcels within one calendar year and including the creation of a road or street, either public or private, and including easements. [Ord. 948 S1(9), 1979.]

17.06.325 **Major remodeling** - any work that substantially alters the exterior appearance of a building, structure or parking area.

17.06.330 **Map** - a final diagram, drawing or other writing, concerning a major or minor partition. [Ord. 948 S1(10), 1979.]

17.06.335 **Minor Partition** - the dividing of land into two or three parcels within one calendar year that does not include the creation of a road or street or easement and is subject to approval by the City under regulation or ordinance adopted pursuant to Oregon Revised Statutes 92.046. [Ord. 948 S1(11), 1979.]
17.06.340 **Mobile Home** - a dwelling originally designed and constructed to be movable or portable, constructed to be transported on its own chassis and designed originally without a permanent foundation, whether or not a permanent foundation is subsequently provided, or two or more units separately transportable but designed to be joined into an integral unit, and which do not conform to all requirements of the building code for other residences. This definition shall not apply to structures known as "modular homes" where such modular homes are constructed in accordance with all requirements of the State Building Code for modular homes and bear the seal of approval of the Oregon State Department of Commerce, Building Codes Division. [Ord. 947 Sl. 020(47), 1979.]

17.06.345 **Mobile Home Court or Mobile Home Park** - means four (4) mobile home units or more for rent within 500 feet of one another on a lot, tract, or parcel. [Ord. 947 Sl. 020(49), 1979.]

17.06.350 **Model Unit Real Estate Offices** - a permanent residential structure located in a developing subdivision used for the promotion of sale of units in the subdivision, so long as the model unit real estate office is at all times available for sale, lease, lease option or exchange as a residential dwelling. [Ord. 947 Sl. 020(50), 1979.]

17.06.355 **Motel** - one or more buildings designed or used as temporary living quarters for transients. [Ord. 947 Sl. 020(51), 1979.]

17.06.360 **New Construction** - structure for which the start of construction commenced on or after the effective date of the ordinance codified in this title.

17.06.365 **Non-access Reservation** - a street plug or a one foot right-of-way width owned by the city.

17.06.370 **Non-conforming Structure or Non-conforming Use** - a lawful existing structure or use at the time the ordinance codified in this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone (or standards) in which it is located, including but not limited to parking, landscaping, etc. [Ord. 947 Sl. 020(52), 1979.]

17.06.375 **Open Space** - any parcel of land or portion of a parcel without a residential, commercial or industrial structure. [Ord. 947 Sl. 020(53), 1979.]

17.06.380 **Owner** - an owner of property or the authorized agent of an owner. [Ord. 947 Sl. 020(54), 1979.]
17.06.385 **Parcel** - a unit of land that is created by a partitioning of land. (Ord. 948 S1(12), 1979.)

17.06.390 **Parking Space** - an area available for the parking of a standard or compact vehicle. [Ord. 947 S1.020(55), 1979.]

17.06.395 **Partition** - either an act of partitioning land or an area or tract of land partitioned as defined in Section 17.06.365. [Ord. 948 S1(13), 1979.]

17.06.400 **Partition Land** - to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include divisions of land resulting from lien foreclosures, divisions of land resulting from the creation of cemetery lots, and divisions of and made pursuant to a court order, including, but not limited to, court orders in proceeding involving testate or intestate succession, and partition land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards established by the Zoning Ordinance. [Ord. 948 S1(14), 1979.]

17.06.405 **Pedestrian Way** - a right of way for pedestrian traffic. [Ord. 948 S1(15), 1979.]

17.06.410 **Person** - an individual, firm, partnership, corporation, company, syndicate, association, social or fraternal organization or any legal entity, and including any trustee, receiver, assignee, or any group or combination acting as a unit. [Ord. 948 S1(16), 1979.]

17.06.415 **Planning Commission** - the planning commission of the city. [Ord. 948 S1(17), 1979.]

17.06.420 **Primary Zoning District** - includes the following: R-7.2, R-5, MR, C1, C2, C3, OP, LI, and OS.

17.06.425 **Plat** - the final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision of which the subdivider submits for approval and intends in final form to record. [Ord. 948 S1(19), 1979.]

17.06.430 **Recreation Park** - an area designated by the person establishing, operating, managing or maintaining the same for daytime picnicking or overnight camping in recreation vehicles or tents or a short duration by the general public or any segment of the public. Recreation park includes, but is not
limited to, areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership. Overnight camping of mobile homes is not allowable within recreation parks. A recreation park shall not include a municipal, county, state or federal park or recreation area. [Ord. 947 S1.020(57), 1979.]

17.06.435 Recreation Vehicle - a vacation trailer or self-propelled vehicle or structure equipped with wheels for highway use which is intended for human occupancy and is being used for vacation or recreation purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet, and has a floor space of less than two hundred twenty square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms. [Ord. 947 S1.020(58), 1979.]

17.06.440 Residential Home - the same as a foster home as defined in section 17.06.200.

17.06.445 Residence - a dwelling unit as defined in section 17.06.155.

17.06.450 Residential Planned Unit Development - a residential (R) planned unit development as allowed under Chapter 17.38.

17.06.455 Residential Zoning District - the R-7.2, R-5 and MR zones.

17.06.460 Right-of-way - the area between boundary lines of a street or other easement, whether improved or unimproved. [Ord. 948 S1(20), 1979.]

17.06.465 Roadway - the portion of a street right-of-way developed for vehicular traffic. [Ord. 948 S1(21), 1979.]

17.06.470 Seasonal - limited to a period of no more than six months in any twelve month period, but related to a unique or an annually occurring event or condition.

17.06.475 Section - a portion of this ordinance identified by a seven-digit number, such as Section 17.10.020, Uses Permitted Outright in the R-7.2 zoning district.

17.06.480 School, Commercial - place where instruction is given to pupils in arts, crafts, trades or other occupational skills and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation. [Ord. 947 S1.020(60), 1979.]
17.06.485  **School, Primary, Elementary, Junior High or High** - includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school. [Ord. 947 S1.020(61), 1979.]

17.06.490  **Screen Planting** - plantings of trees and shrubs so as to screen the view of a development or activity from a public place or adjacent property.

17.06.495  **Sidewalk** - a pedestrian walkway with permanent surfacing to city standards. [Ord. 948 S1(22), 1979.]

17.06.500  **Sign** - an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business. [Ord. 947 S1.020(59), 1979.]

17.06.505  **Story** - that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six (6) feet above grade as defined in this section for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined in this section at any point, such basement, cellar or unused underfloor space shall be considered a story. [Ord. 947 S1.020(62), 1979.]

17.06.510  **Story, half** - a story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story. [Ord. 947 S1.020(63), 1979.]

17.06.515  **Street** - a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, and the placement of utilities and including the terms road, highway, lane, avenue, place, court, way, circle, drive, alley or similar designation.

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

  B.  "Arterial" - a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

  C.  "Collector" - a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for access to abutting properties and may be used to a limited extent for through traffic.
D. "Cul-de-sac" (dead-end street) - a short street having one end open to traffic and terminated by a vehicle turnaround.

E. "Marginal access street" - a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

F. "Minor street" - a street intended primarily for access to abutting properties. (Ord. 948 S1(23), 1979.)

17.06.520 Structure - something constructed or built and having a fixed base on or fixed connection to the ground or another structure to include a mobile home. [Ord. 974 S1.020(65), 1979.]

17.06.525 Subdivide Land - to divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. [Ord. 948 S1(24), 1979.]

17.06.530 Subdivision - either an act of subdividing land or an area or a tract of land subdivided as defined in Section 17.06.490. [Ord. 948 S1(25), 1979.]

17.06.535 Temporary Structure Real Estate Offices - a temporary structure located in a subdivision used for the promotion of a sale of residential units in a developing subdivision. [Ord. 947 S1.020(66), 1979.]

17.06.540 Title - that portion of the Gladstone Municipal Code identified by a 2-digit number, such as Title 17, Zoning and Development Ordinance.

17.06.545 Use - the purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained. [Ord. 947 S1.020(67), 1979.]

17.06.550 Utility Substation - a facility that provides for the location of utility service apparatus that includes, but is not limited to: telephone exchanges; public utility structures, without shops, garages or general administrative offices; transmission and receiving towers, and/or earth stations.

17.06.555 Vegetation - plantings or natural growth of trees, grass, shrubs, etc. which would permit normal percolation. [Ord. 947 S1.020(68), 1979.]

17.06.560 Vehicle - a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks. [Ord. 947 S1.020(79), 1979.]
17.06.565 **Yard** - an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title. [Ord. 947 S1.020(70), 1979.]

17.06.570 **Yard, Front** - a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard. [Ord. 947 S1.020(71), 1979.]

17.06.575 **Yard, Rear** - a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building. [Ord. 947 S1.020(72), 1979.]

17.06.580 **Yard, Side** - a yard between the front and rear yards measured horizontally at right angles from the side lot line to the nearest point of a building. [Ord. 947 S1.020(73), 1979.]

17.06.585 **Yard, Street Side** - a yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building. [Ord. 947 S1.020(74), 1979.]
Chapters 17.08 - 17.29

**ZONING DISTRICTS**

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Chapter 17.08 Zoning Districts Generally

Sections:

17.08.010 Establishment of Districts
17.08.020 Area of Application
17.08.030 Location of Districts
17.08.040 District Boundaries
17.08.050 Zoning of Annexed Land
17.08.060 Zoning Map

17.08.010 Establishment of Districts

For the purposes of this title, the following zoning districts are established:

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<th>Name of Zoning Districts</th>
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<tbody>
<tr>
<td>Single-family residential district</td>
<td>R-7.2</td>
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<tr>
<td>Single-family residential district</td>
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<tr>
<td>Local commercial district</td>
<td>C-1</td>
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<tr>
<td>Community commercial district</td>
<td>C-2</td>
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<tr>
<td>General commercial district</td>
<td>C-3</td>
</tr>
<tr>
<td>Office Park district</td>
<td>OP</td>
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<td>Light industrial district</td>
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<tr>
<td>Open space district</td>
<td>OS</td>
</tr>
<tr>
<td>Greenway conditional use district</td>
<td>GW</td>
</tr>
</tbody>
</table>

17.08.020 Area of Application

Each zoning district shall be applied to the area so designated in the Gladstone Comprehensive Plan, i.e.:

<table>
<thead>
<tr>
<th>Plan Designation</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density</td>
<td>R-7.2</td>
</tr>
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<td>Medium Density</td>
<td>R-5</td>
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<tr>
<td>High Density</td>
<td>MR</td>
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<tr>
<td>Commercial</td>
<td>C1 - Local Commercial</td>
</tr>
<tr>
<td>Commercial</td>
<td>C2 - Community Commercial</td>
</tr>
<tr>
<td>Commercial</td>
<td>C3 - General Commercial</td>
</tr>
<tr>
<td>Industrial</td>
<td>OP - Office Park</td>
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<tr>
<td>Industrial</td>
<td>LI - Light Industrial</td>
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<tr>
<td>Open Space</td>
<td>OS</td>
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<td>Greenway</td>
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</table>

23
17.08.030 Location of Districts

The boundaries for the zoning districts listed in this title are indicated in the city zoning map which is included by reference in this section. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference. (Ord. 947 52.020, 1979.)

17.08.040 District Boundaries

Unless otherwise specified, zoning district boundaries are section lines, subdivision lines, lot lines, centerlines of streets or railroad rights-of-way, or such lines extended. (Ord. 947 S2.040, 1979.)

17.08.050 Zoning of Annexed Land

Zoning or land use ordinances applied to areas outside the city shall continue to apply to land that is annexed into the city until the City alters or discontinues such ordinances by the procedures outlined in Chapter 17.68. (Ord. 947 S2.050, 1979.)

17.08.060 Zoning Map

A. A zoning map or zoning map amendment adopted by Section 17.08.030 or by an amendment thereto shall be prepared by authority of the planning commission or via modification by the city council of a map or map amendment so prepared.

B. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment.

C. A certified print of the adopted map or map amendment shall be maintained in the office of the city recorder as long as this ordinance remains in effect. (Ord. 947 S2.003, 1979.)
Chapter 17.10

R-7.2 -- Single-Family Residential District

Sections:
17.10.010 Purpose
17.10.020 Uses Permitted Outright
17.10.030 Accessory Uses Permitted
17.10.040 Conditional Uses Permitted
17.10.050 Dimensional Standards

17.10.010 Purpose

The purpose of an R-7.2 district is to implement the comprehensive plan and to provide land for families and individuals desiring to live in an environment of single-family dwellings with low density multi-family dwellings on the periphery of neighborhoods. (Ord. 947 S3.010, 1979.)

17.10.020 Uses Permitted Outright

In an R-7.2 district, the following uses are permitted outright:

A. Single-family dwelling;
B. Two-family dwelling on collectors and minor arterials;
C. Home occupation; subject to Chapter 17.78.
D. Foster home. (Ord. 1006 S3, 1982; Ord. 947 S3.020, 1979.)

17.10.030 Accessory Uses Permitted

Accessory uses shall comply with all the requirements of this district, except as this section specifically allows to the contrary. The following accessory uses shall be allowed in an R-7.2 district:

A. Buildings. Garages and carports, storage and other buildings, as follows:
   1. The side or rear yard may be reduced to five feet for structures detached from other buildings on that lot by at least ten feet which do not exceed a height of one story or an area of four hundred fifty square feet.
   2. Accessory structures not exceeding one hundred twenty square feet, may be constructed no less than three feet from a side or rear lot line, except a side yard fronting on a street.
   3. If an accessory structure is less than 10 feet away from any other structure, a firewall will be required.
B. Decks and Similar Landscaping Features. Courtyards or decks in excess of thirty (30) inches in height, excluding railings and benches, shall not project within an area five (5) feet from any side or rear lot line or within an area fifteen (15) feet from any front lot line. In the event of a conflict with the requirements of a clear-vision area, the clear-vision area requirements shall control over the standards of this section.

C. Fences. Fences, hedges and walls subject to the following limitations:

1. When located in the front yard, shall not exceed thirty-six (36) inches in height and shall not conflict with requirements of a clear-vision area. Fences, walls or plantings shall be constructed or maintained only so as to permit unobstructed vision of passenger vehicle operators when approaching intersecting streets or driveways.

2. Fences, walls and plantings on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained so as to insure light and air and maintain aesthetic freedom for adjacent properties. A fence, wall or planting over the height of six feet shall be presumed to be confining and detrimental to adjacent properties.

D. Storage. Storage of boats, trailers, pickup campers, coaches, motorhomes and similar recreation equipment. Occupancy of such equipment is subject to a temporary permit under Chapter 15.28.

17.10.040 Conditional Uses Permitted

In an R-7.2 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.70:

A. Multi-family dwelling, three (3) to eight (8) unit complexes on a collector or minor arterial;

B. Church and associated buildings and structures;

C. Fire station or similar public use necessary to provide service or preserve public safety in the area;

D. Community center, day care center;

E. Nursing homes and homes for the aged;

F. School and associated buildings, structures and facilities;

G. Utility facility provided that no outside storage is involved;

H. Group homes.

I. Planned unit development (PUD). (Ord. 1006 S4, 1982; Ord. 947 S3.030, 1979.)
Chapter 17.12

R-5 -- Single-Family Residential District

Sections:
17.12.010 Purpose
17.12.020 Uses Permitted Outright
17.12.030 Accessory Uses Permitted
17.12.040 Conditional Uses Permitted
17.12.050 Dimensional Standards

17.12.010 Purpose

The purpose of an R-5 district is to implement the Comprehensive Plan and to provide land for families and individuals desiring to live in an environment of medium density, mixed single-family and multi-family dwellings. (Ord. 947 S3.100, 1979.)

17.12.020 Uses Permitted Outright

In an R-5 district, the following uses and their accessory uses are permitted outright:
A. Single-family dwelling;
B. Two-family dwelling;
C. Home Occupation, subject to Chapter 17.78;
D. Foster Home. (Ord. 1006 S5, 1982; Ord. 947 S3.120, 1979.)
E. Mobile home parks, subject to the development standards of Section 17.62.070.

17.12.030 Accessory Uses Permitted

Accessory uses shall comply with all the requirements of this district except as this section specifically allows to the contrary. The following accessory uses shall be allowed in an R-5 district:
A. Buildings. Garages and carports, storage and other buildings as follows:
   1. The side or rear yard may be reduced to five (5) feet for an accessory structure, provided the structure is detached from other buildings on that lot by at least ten (10) feet and does not exceed a height of one story nor an area of four hundred fifty (450) square feet.
   2. Accessory structures not exceeding one hundred twenty (120) square feet may be constructed no less than three feet from a side or rear lot line, except a side yard fronting on a street.
3. If an accessory structure is less than ten (10) feet from any other structure, a firewall will be required.

4. A single structure garage, carport or storage building not exceeding four hundred fifty (450) square feet in floor area, may be set upon either of the interior side or rear property lines of said lot. Only one structure may be so located and the wall adjacent to the property line must be of one-hour fire-resistant construction, as approved by building officials.

B. Decks and Similar Landscaping Features. Courtyards or decks in excess of thirty (30) inches in height, excluding railings and benches shall not project within an area five (5) feet from any side or rear lot line or within an area fifteen (15) feet from any front lot line. In the event of a conflict with the requirements of a clear-vision area, the clear-vision area requirements shall control over the standards of this section.

C. Fences. Fences, hedges and walls subject to the following limitations:
1. When located in the front yard, shall not exceed thirty-six (36) inches in height and shall not conflict with requirements of a clear-vision area. Fences, walls or plantings shall be constructed or maintained only so as to permit unobstructed vision of passenger vehicle operators when approaching intersecting streets or driveways.

2. Fences, walls and plantings on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained so as to insure light and air and maintain aesthetic freedom for adjacent properties. A fence, wall or plantings over the height of six (6) feet shall be presumed to be confining and detrimental to adjacent properties.

D. Storage. Storage of boats, trailers, pickup campers, coaches, motorhomes and similar recreation equipment. Occupancy of such equipment is subject to a temporary permit under Chapter 15.28.

17.12.040 Conditional Uses Permitted

In an R-5 district, the following uses and their accessory uses are permitted subject to the provisions of Chapter 17.70:

A. Multi-family dwelling, three (3) to eight (8) unit complexes;
B. Medical/dental office at the intersection of minor arterials or collectors;
C. Church and associated buildings and structures;
D. Community center, day care center;
17.10.050 Dimensional Standards

Except as provided in Sections 17.76.030 and 17.76.040, the following dimensional standards within an R-7.2 district shall apply:

A. Lot Area.
   1. For a single-family dwelling, the minimum lot area shall be seven thousand two hundred (7,200) square feet.
   2. For a two-family or multi-family dwelling, the minimum lot area shall be three thousand six hundred (3,600) square feet per dwelling unit.
   3. For other uses, the minimum lot area shall be seven thousand two hundred (7,200) square feet, or as established by the Planning Commission, as provided by Chapter 17.70.

B. Yard Requirements.
   1. A front yard shall be a minimum of twenty (20) feet.
   2. For all lots other than corner lots, the total side yard shall be a minimum of twenty percent (20%) of the average lot width or fifteen (15) feet, whichever is less, but in no case shall the side yard be less than five (5) feet.
   3. The rear yard shall be a minimum of fifteen (15) feet.
   4. On corner lots, the street side yard shall be a minimum of twenty (20) feet.
   5. Architectural features such as cornices, eaves, gutters, chimneys and flues shall not project more than twenty-four (24) inches into a yard area.
   6. Average lot width shall be a minimum of fifty (50) feet.
   7. No side or rear yards are required for lots within PUD’s unless they border lots outside of PUD’s.

C. Building Height. Maximum building height shall be thirty-five (35) feet. (Ord. 947 S3.040, 1979.) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection. (Ord. 947 S5.050, 1979.)

D. Exceptions in Case of Large Scale PUD. The dimensional standards of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, providing the modifications are not detrimental to the public health, safety and welfare and provided the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.
E. Fire station or similar public use necessary to provide service or preserve public safety in the area;
F. Planned unit development;
G. Nursing homes and homes for the aged;
H. School and associated buildings, structures and facilities;
I. Utility facility provided that no outside storage is involved;
J. Community commercial within two hundred (200) feet from the Portland Avenue C-2 district;
K. Group Homes;
L. Boarding house, rooming house, lodging house. (Ord. 1006 S4, 1982; Ord. 947 S3.030, 1979.)

17.12.050 Dimensional Standards

Except as provided in Sections 17.76.030 and 17.76.040, the following dimensional standards apply within an R-5 district shall apply:

A. Lot Area.
   1. For a single-family dwelling, the minimum lot area shall be five thousand (5,000) square feet.
   2. For a two-family or multi-family dwelling, the minimum lot area shall be two thousand five hundred (2,500) square feet per dwelling unit.
   3. For other uses, the minimum lot area shall be five thousand (5,000) square feet, or as established by the Planning Commission, as provided by Chapter 17.70.

B. Yard Requirements.
   1. The front yard shall be a minimum of twenty (20) feet.
   2. The side yard shall be a minimum of five (5) feet except for condominiums or PUD.
   3. The rear yard shall be a minimum of fifteen (15) feet.
   4. On corner lots, the street side yard shall be a minimum of twenty (20) feet.
   5. Architectural features such as cornices, eaves, gutters, chimneys and flues shall not project more than twenty-four (24) inches into a yard area.
   6. Average lot width shall be a minimum of fifty (50) feet.
   7. No side and rear yards are required for lots within PUD's unless they border lots outside of PUD's.

C. Building Height. Maximum building height shall be thirty-five (35) feet. (Ord. 947 S3.040, 1979.) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection. (Ord. 947 SS 3.040, 5.050, 1979.)
D. Minimum Vegetation. For two-family and multi-family dwellings, the minimum area that must be left or planted with trees, shrubs, grass, etc. shall be at least twenty percent (20%) of the total area of the lot. (Ord. 947 §3.140, 1979.)

E. Exceptions in Case of Large Scale PUD. The dimensional standard of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.
Chapter 17.14

MR -- Multi-family Residential District

Sections:

17.14.010 Purpose
17.14.020 Uses Permitted Outright
17.14.030 Accessory Uses Permitted
17.14.040 Conditional Uses Permitted
17.14.050 Dimensional Standards

17.14.010 Purpose

The purpose of an MR district is to implement the Comprehensive Plan and to provide land for families and individuals desiring to live in an environment of high density multi-family dwellings with proximity to mass transit, shopping and service facilities. (Ord. 947 S3.210, 1979.)

17.14.020 Uses Permitted Outright

In an MR district, the following uses and their accessory uses are permitted outright:
A. Two-family dwellings;
B. Multi-family dwellings;
C. Home occupations; subject to Chapter 17.78;

17.14.030 Accessory Uses Permitted

Accessory uses shall comply with all the requirements of this district except as this section specifically allows to the contrary. The following accessory uses shall be allowed in an MR district:
A. Buildings. Garages and carports, storage and other buildings as follows:
   1. A single structure garage, carport or storage building not exceeding four hundred fifty (450) square feet in floor area, may be set upon either of the interior side or rear property lines of said lot. Only one structure may be so located and the wall adjacent to the property line must be of one-hour fire-resistant construction, as approved by building officials.
B. Decks and Similar Landscaping Features. Courtyards or decks in excess of thirty (30) inches in height, excluding railings and benches shall not project within an area five (5) feet from any side or rear lot
line. In the event of a conflict with the requirements of a clear-vision area, the clear-vision area requirements shall control over the standards of this section.

C. Fences. Fences, hedges and walls subject to the following limitations:

1. When located in the front yard, shall not exceed thirty-six (36) inches in height and shall not conflict with requirements of a clear-vision area. Fences, walls or plantings shall be constructed or maintained only so as to permit unobstructed vision of passenger vehicle operators when approaching intersecting streets or driveways.

2. Fences, walls and plantings on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained so as to insure light and air and maintain aesthetic freedom for adjacent properties. A fence, wall or planting over the height of six (6) feet shall be presumed to be confining and detrimental to adjacent properties.

D. Storage. Storage of boats, trailers, pickup campers, coaches, motorhomes and similar recreation equipment. Occupancy of such equipment is subject to a temporary permit under Chapter 15.28.

17.14.040 Conditional Uses Permitted

In an MR district, the following uses are permitted subject to the provisions of Chapter 17.70 (Conditional Use):

A. Single-family dwelling;
B. Church and associated buildings and structures;
C. Community center, day care center, meeting hall;
D. Mobile home park;
E. Nursing homes and homes for the aged;
F. School and associated structures and facilities;
G. Utility facility provided no outside storage is involved;
H. Local commercial uses listed under Section 17.16.020;
I. Foster homes;
J. Group homes;
K. Planned unit development. (Ord. 1006 S7, 1982; Ord. 947 SE.230, 1979.)

17.14.050 Dimensional Standards

Except as provided in Sections 17.76.030 and 17.76.040, the following dimensional standards within an MR district shall apply:
A. Lot Area.
1. For a single-family or two-family dwelling (duplex), the minimum lot area shall be five thousand (5,000) square feet.
2. For a multi-family dwelling, the minimum lot area shall be three thousand (3,000) square feet plus one thousand (1,000) square feet per dwelling unit.
3. For other uses, the lot area shall be a minimum of five thousand (5,000) square feet or as established by the Planning Commission as provided in Chapter 17.70.

B. Yard Requirements. For a single-family, two-family or multi-family dwelling:
1. A front yard shall be a minimum of twenty (20) feet;
2. A side yard shall be a minimum of five (5) feet except for PUD's;
3. A rear yard shall be a minimum of fifteen (15) feet;
4. On a corner lot the street side yard shall be a minimum of twenty (20) feet;
5. Architectural features such as cornices, eaves, gutters, chimneys and flues shall not project more than twenty-four (24) inches into a yard area.
6. A minimum of ten (10) feet shall be maintained between structures.

C. Lot Width. Average lot width shall be a minimum of fifty (50) feet.

D. Building Requirements. All buildings shall meet the provisions of Chapter 17.80 (Design Review) and the city's development standards.

E. Building Height. Maximum building height shall be thirty-five (35) feet. (Ord. 947 §3.240, 1979.) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this Section. (Ord. 947 §5.050, 1979.)

F. Minimum Vegetation. The minimum area that must be left or planted in trees, shrubs, grass, etc., shall be at least twenty percent (20%) of the total area of the lot.

G. Exceptions in Case of Large Scale PUD. The dimensional standards of this section may be modified by the Planning Commission in the case of a plan and program for a large-scale planned unit development, providing modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to the achievement of the plan.
Chapter 17.16

C-1 -- Local Commercial District

Sections:

17.16.010 Purpose
17.16.020 Uses Permitted Outright
17.16.030 Existing Residential Uses
17.16.040 Conditional Uses Permitted
17.16.050 Limitations on Use
17.16.060 Dimensional Standards
17.16.070 Exceptions in Case of Large Scale Development

17.16.010 Purpose

The purpose of this district is to implement the Comprehensive Plan and to provide for the location of small businesses or services in proximity to residences in order to provide for personal service needs of the local area. (Ord. 947 S3.310, 1979.)

17.16.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright:
A. Personal and business services such as barber or beauty shop, tailoring shop, sales agency, photography studio, small appliance repair and sales including radio, television and electronics;
B. Business or professional office;
C. Health services clinics;
D. Day care centers; (Ord. 970 S1 [part], 1980; Ord. 947 S3.320, 1979.)
E. Home occupation subject to Chapter 17.78.

17.16.030 Existing Residential Uses

All accessory uses allowed in a residential zone shall be allowed in connection with any existing residential use within this zone; said accessory use shall comply with requirements of this zone.

17.16.040 Conditional Uses Permitted

The following uses and their accessory uses are permitted subject to the provisions of Chapter 17.70.
A. Laundry or dry cleaning;
B. Laundromat;
C. Small grocery store or variety store;
D. Community service facilities such as a fire station, library, community center, park, utility facility or meeting hall and governmental offices;
E. Nursing homes and homes for the aged;
F. Dwellings subject to R-7.2, Dimensional Standards. (Ord. 979 S1 [part], 1989; Ord. 947 S3.330, 1979.);
G. Foster homes.

17.16.050 Limitations on Use

Except when specifically authorized as a conditional use in accordance with Chapter 17.70 (Conditional Use), all business, service repair, processing storage or merchandise display in a C-1 district shall be conducted wholly within an enclosed building except for drive-in windows as an accessory use to the main business and display of merchandise along the outside of the wall of the building not exceeding more than three feet from the wall but within the lot boundaries. (Ord. 947 S3.340, 1979.)

17.16.060 Dimensional Standards

Except as provided in Chapter 17.38 (Planned Unit Development), Chapter 17.72 (Variances) and Chapter 17.76 (Exceptions), the following dimensional standards within the C-1 district shall apply:
A. Minimum Front Yard Setback. None shall be required, except when front yard abuts a residential zoning district, in which case a minimum twenty (20) foot setback will be maintained;
B. Minimum Rear Yard Setback. None shall be required, except when rear yard abuts a residential zoning district, in which case a minimum fifteen (15) foot setback shall be maintained;
C. Minimum Side Yard Setback. None shall be required, except when side yard abuts a residential zoning district, in which case a minimum fifteen (15) foot setback shall be maintained;
D. Off-Street Parking. May be provided within a setback area, but not closer than five (5) feet from the front, side, or rear property line;
E. Limitations on Projection in Setbacks. Architectural features such as cornices, eaves, gutters, chimneys and flues shall not project more than twenty-four (24) inches into a setback area;
F. Building Height. Buildings shall not exceed a height of two and one half (2 1/2) stories or thirty-five (35) feet, whichever is less. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this Section. (Ord. 947 S5.050, 1979.);
G. Equipment Setbacks. Central air conditioners, heat pumps and similar equipment in commercial or industrial districts shall not be located within ten feet of a property line abutting a residential district. (Ord. 947 S5.060, 1979.)

H. Density. Applicable densities are those permitted in the zoning district in which this district is located. (Ord. 947 S5.050 and S5.060, 1979.)

17.16.070 Exceptions in Case of Large Scale Development

The standards and requirements of the regulations of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, or a large scale shopping center, providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.
Chapter 17.18

C-2 -- Community Commercial District

Sections:

17.18.010  Purpose
17.18.020  Uses Permitted Outright
17.18.030  Existing Residential Uses
17.18.040  Conditional Uses Permitted
17.18.050  Limitations on Use
17.18.060  Dimensional Standards
17.18.070  Off Street Parking Standards
17.18.080  Exceptions in Case of Large Scale Development

17.18.010  Purpose

The purpose of a C-2 district is to implement the Comprehensive Plan and to provide for the establishment of a community shopping center serving most of the occasional retail and specialty shopping needs of area residents and thus service a much larger area and a much larger population than is served by the C-1, local commercial district. (Ord. 947 S3.410, 1979.)

17.18.020  Uses Permitted Outright

In a C-2 district, the following uses and their accessory uses are permitted outright:

A. Retail trade establishment, except when listed as a conditional use;
B. Business, governmental or professional office;
C. Medical clinic;
D. Financial institution;
E. Personal and business service establishments such as a barber shop, tailoring shop, printing shop, laundry or dry cleaning, sales agency, or photography studio, except as listed as a conditional use;
F. Eating or drinking establishment;
G. Hotel or motel;
H. Small appliance repair including radio, television and electronics repair;
I. Community service facility such as a fire station, library, community center, park, utility facility or meeting hall. (Ord. 947 S3.240, 1979.)
J. Home occupation subject to Chapter 17.78.
17.10.030 Existing Residential Uses

All accessory uses allowed in a residential zone shall be allowed in connection with any existing residential use within this zone; said accessory use shall comply with requirements of this zone.

17.18.040 Conditional Uses Permitted

In a C-2 district, the following uses and their accessory uses are permitted subject to the provisions of Chapter 17.70.

A. Automobile service station;
B. Dwellings, subject to R-5 dimensional standards;
C. Funeral home;
D. Small scale amusement or recreational facility such as a billiard or pool hall;
E. School and associated buildings, structures and facilities;
F. A use listed as a permitted outright use but not meeting the limitations of Section 17.18.050;
G. Planned unit development (PUD);
H. Foster homes;

17.18.050 Limitations on Use

Except when specifically authorized as a conditional use in accordance with Chapter 17.70, all business, service repair, processing storage or merchandise display in a C-2 district shall be conducted wholly within an enclosed building except for drive-in windows as an accessory use to the main business and display of merchandise along the outside of the wall of the building not exceeding more than three (3) feet from the wall but within the lot boundaries. (Ord. 947 S3.440, 1979.)

17.18.060 Dimensional Standards

Except as provided in Chapter 17.38 (Planned Unit Development), Chapter 17.72 (Variances), and Chapter 17.76 (Exceptions), the following dimensional standards within a C-2 district shall apply:

A. Commercial Establishments. None shall be required;
B. Off-Street Parking. May be provided within any setback area, but not closer than five (5) feet from the front, side, or rear property line, unless as provided in Section 17.18.070.
C. Limits on Projection in Setbacks. Architectural features such as cornices, eaves, gutters, chimneys and flues shall not project more than twenty-four (24) inches into a setback area.
D. Building Height. Buildings shall not exceed a height of two and one half (2½) stories or thirty-five (35) feet, whichever is less. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this section.

E. Equipment Setbacks. Central air conditioners, heat pumps and similar equipment in commercial or industrial districts shall not be located within ten (10) feet of a property line abutting a residential district.

F. Density. Applicable densities with those permitted in the R-5 zoning district. (Ord. 947 S5.050 and S5.060, 1979.)

G. Hotel and Motel.
   1. The minimum lot area shall be five hundred (500) square feet per dwelling unit.
   2. The minimum main street frontage shall be one hundred feet.

17.18.070 Off Street Parking Standards

A. In the event of a change of commercial use in a building in the C-2 district, wherein one authorized commercial use is substituted for another authorized commercial use, and the building is not expanded by more than ten percent (10%) of the usable floor space for commercial purposes existent on January 1, 1980, then no more off-street parking shall be required than was possessed by the previous commercial use.

B. When existing residences are converted to commercial or mixed residential/commercial uses within the Community Commercial C-2 Zone along Portland Avenue, additional off-street parking shall not be required subject to conformance with the following standards:
   1. Such conversion shall be subject to design review approval by the Gladstone Planning Commission.
   2. The following commercial uses may be approved, provided that said uses do not exceed a B-2 Occupancy Rating as described in the Uniform Building Code:
      a. Office for professional, personal or business services,
      b. Studio for arts, handicrafts, or tutoring,
      c. Shop for limited custom production or minor repair service,
      d. Any similar use as approved by the Planning Commission.
   3. Signage for commercial uses shall be on building and indirectly illuminated.
   4. The Planning Commission shall find that the use will generate low traffic volumes and require minimal off-street parking needs.
5. The structure and landscaping shall retain a residential appearance.

17.18.080 **Exceptions in Case of Large Scale Development**

The standards and requirements of the regulations of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, or a large scale shopping center, providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.
Chapter 17.20

C-3 -- General Commercial District

Sections:
17.20.010 Purpose
17.20.020 Uses Permitted Outright
17.20.030 Existing Residential Uses
17.20.040 Conditional Uses Permitted
17.20.050 Dimensional Standards
17.20.060 Exceptions in Case of Large Scale Development

17.20.010 Purpose

The purpose of a C-3 district is to implement the Comprehensive Plan and to provide for general types of business and service establishments which would not likely be compatible with the uses permitted in C-1 and C-2, local and community commercial districts, and which would likely be detrimental to the adjoining residential areas unless effectively controlled. (Ord. 947 §3.510, 1979.)

17.20.020 Uses Permitted Outright

In a C-3 district, the following uses and their accessory uses are permitted outright:
A. Automobile service station, car wash or repair garage, body and fender paint shop, sales of new and used vehicles;
B. Business, governmental or professional office;
C. Community service facility such as a fire station, library, community center, park, utility facility, meeting hall or transit facility. (Ord. 947 §3.520, 1979.);
D. Eating or drinking establishment;
E. Financial institution;
F. Funeral home;
G. Home occupation subject to Chapter 17.78;
H. Hotel or motel;
I. Medical clinic;
J. Personal and business service establishment such as a barber shop, tailoring shop, printing shop, laundry and dry cleaning, sales agency or photography studio;
K. Recreation vehicles sales, services, rental;
L. Recycling center, provided storage is wholly contained within the structures and loading/unloading are screened;
M. Retail trade establishment;
N. Roller rink, bowling alley, motion picture theater or similar extensive commercial amusement or recreational facility;
O. School and associated buildings, structures and facilities;
P. Small appliance repair including radio, television and electronics repair;
Q. Small parts wholesaling or retailing;
R. Veterinary clinic or small animal hospital, but not including a kennel or a cattery;

17.20.030 Existing Residential Uses

All accessory uses allowed in a residential zone shall be allowed in connection with any existing residential use within this zone; said accessory use shall comply with the requirements of this zone.

17.20.040 Conditional Uses Permitted

In a C-3 district, the following uses and their accessory uses are permitted subject to the provisions of Chapter 17.70.

A. Planned Unit Development (PUD);
B. Wholesale distribution outlet, including warehousing;
C. Dwellings subject to R-5 dimensional standards; (Ord. 947 S3.530, 1979.);
D. Foster homes;
E. Day care center;
F. Off-street parking and storage of truck tractors and/or semi-trailers which comply with the standards set forth in Chapters 17.48 and 17.62;
G. Light Manufacturing as an accessory use (as defined in Chapter 17.62) to a use permitted outright in Section 17.20.020. [Ord. 1057 S1, 1986; Ord. 1055 S1 (A) (part), 1985; Ord. 1041 S1 (a), 1985; Ord. 947 S3.530, 1979.]

17.20.050 Dimensional Standards

Except as provided in Chapters 17.38 (Planned Unit Development), Chapter 17.72 (Variances), and Chapter 17.76 (Exceptions), the following dimensional standards within a C-3 district shall apply:

A. Minimum Front Yard Setback. None shall be required, except when front yard abuts a residential zoning district, in which case a minimum twenty (20) foot setback will be maintained;
B. Off-Street Parking. Off-street parking may be provided within a setback area, but not closer than five (5) feet from the front, side, or rear property line;

C. Limits on Projection Setbacks. Architectural features such as cornices, eaves, gutters, chimneys and flues shall not project more than twenty-four (24) inches into a setback area;

D. Building Height. Buildings shall not exceed a height of two and one half (2½) stories or thirty-five (35) feet, whichever is less. Vertical projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and similar projects not used for human occupancy are not subject to the building height limitations on this Subsection.

E. Equipment Setbacks. Central air conditioners, heat pumps and similar equipment in commercial or industrial districts shall not be located within ten (10) feet of a property line abutting a residential district.

F. Density. Applicable densities are those permitted in an R-5 or MR district. (Ord. 947 S3.540, S5.050 and S5.060, 1979.)

G. Hotel and Motel.
   1. The minimum lot area shall be five hundred (500) square feet per dwelling unit.
   2. The minimum main street frontage shall be one hundred feet.

H. Lot Width. Average lot width shall be a minimum of fifty (50) feet.

17.20.060 Exceptions in Case of Large Scale Development

The standards and requirements of the regulations of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, or a large scale shopping center, providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.
Chapter 17.22

OP -- Office Park District

Sections:

17.22.010 Purpose
17.22.020 Primary Uses
17.22.030 Accessory Uses
17.22.040 Conditional Uses
17.22.050 Prohibited and Pre-existing Uses
17.22.060 Dimensional Standards
17.22.070 Development Standards

17.22.010 Purpose

This section is adopted to implement the policies of the Comprehensive Plan for industrial areas for high technology and other clean, light industry, research facilities, and office uses needing sites with high aesthetic standards. The provisions of this section are intended to:

A. Establish and maintain high aesthetic standards and preserve the natural beauty of the district;
B. Assure that improvements are appropriately related to their sites, and to surrounding developments;
C. Enhance the value of sites and developments located within each Office Park District;
D. Implement the policies and objectives of the city's comprehensive plan;
E. Encourage originality, flexibility, and innovation in site planning and development, including architecture, landscaping and graphic design.

17.22.020 Primary Uses

A. Uses - the following uses may be established when they satisfy the purposes of this district, and performance standards under subsection B-H below:

1. Research. Research offices and laboratories, including testing facilities, provided such testing complies with the operational impact standards set forth under Section 17.22.020 H below;

2. Business and professional offices;

3. Manufacturing Uses. Any manufacturing or assembly use, except primary processing of raw materials;
4. Retail and service uses listed as uses permitted outright in the C-2, Community Commercial, zoning district;

B. Site Plan and Design - structures, circulation, parking, loading, and landscaping shall be designed to:
   1. Avoid undue disturbance of significant vegetation, slopes and lakes;
   2. Incorporate and use significant natural features to enhance the quality of the development and preserve the visual character of the site;
   3. Project a positive image as viewed from both inside and outside the site; and
   4. Minimize the impact of truck loading and maneuvering areas.

C. Building Types and Designs - the use shall occupy only the types of buildings described below:
   1. Buildings. Architect-designed buildings which have the following characteristics:
      a. Are designed for the specific site to accomplish the objectives under Section 17.22.020 B above;
      b. Provide for natural light penetration into work areas using windows, skylights, atriums, courtyards, etc.;
      c. Have distinctive public entrances into the building;
      d. Use high-image exterior materials and finishes such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco;
      e. Do not use metal siding material, except as approved by the design review committee for specific high-image materials, or for canopies, awnings, screening for roof-mounted fixtures, or other architectural features;
      f. Generally provide limited area [not exceeding twenty (20) percent of the floor area] devoted exclusively to storage, except those uses requiring additional storage area for materials and finished products assembled within the same building, or uses providing storage and retrieval of records or information, and similar uses;
      g. Are designed to accommodate either a number of tenants in one structure, or a single tenant having various space needs, such as office, research, assembly and storage.

D. Outdoor Storage/Process Areas. No outdoor storage of materials or products is allowed. No outdoor processes shall be employed in the operation of the business. Waste and recycle receptacles shall be maintained within enclosed structures.

E. Display Areas. All display areas shall be located within an office, multi-use of flex-space building. No outdoor display areas are allowed in this district.
F. Transportation Requirements. The use provides appropriate access to a road of at least a collector classification. In addition, the following provisions apply:

1. Parking. The use satisfies the parking requirements under Chapter 17.48, and parking area landscaping requirements under Chapter 17.46. All parking requirements shall be satisfied on-site, except as provided for shared parking. On-street parking shall not be allowed in this district;

2. Loading Areas. Loading areas shall be located to the side or rear of the buildings unless topography, natural features, or other requirements of this section dictate front yard loading bays. Loading dock areas shall be recessed, screened, or otherwise designed to buffer this use from adjacent properties and roads.

G. Landscaping. A minimum of twenty (20) percent of the developed "site area," as defined under 17.22.060, shall be used for landscaping, satisfying the requirements under Chapter 17.46. Typical landscaping in this district shall:

1. Include a variety of plant materials;

2. Highlight public access points to buildings;

3. Buffer loading and utility areas;

4. Break up large parking areas;

5. Complement building design and materials;

6. Incorporate significant trees and other natural features into the site as much as possible;

7. Include street trees along periphery and internal circulation roads except where significant trees already exist.

8. Provide for maintenance of all areas within the site area, including areas for future development.

H. Operational Impacts.

1. The operation of the use shall not produce noise, odors, fumes, gases, or vibration which exceed the standards of the Department of Environmental Quality (DEQ).

2. No hazardous materials in quantities classified under Group H, Division 1 or Division 2 Occupancies under the Uniform Building Code shall be stored or used on the premises, except as specifically approved as a conditional use under Section 17.22.040.

3. Any use which generates, releases, stores, or deposits hazardous substances, as defined by CERCLA, 42 USC Chapter 9601 (14), pollutants or contaminants as defined in CERCLA, 12 USC Chapter 9604 (a) (2), or hazardous wastes as defined by RCRA, 42 USC Chapter 6903 (5) ("Hazardous Substance") shall be allowed only under a conditional use under Section 17.22.040.
17.22.030 Accessory Uses

The following shall be allowed as accessory uses in the Office Park District:

A. Incidental Uses. Structures and uses customarily accessory and incidental to a primary use, such as:

1. Temporary buildings for uses incidental to construction work which will be removed upon completion or abandonment of the construction work;
2. Street furniture and bus shelters;
3. Solar collection apparatus meeting all the dimensional and development standards of this district;
4. Satellite dishes, provided such use is buffered from periphery and internal circulation roads;
5. Utility carrier cabinets;
6. Cafeterias, employee lounges, and indoor recreation areas and facilities;
7. Outdoor recreational facilities for employees, such as tennis courts, jogging and exercise courses, playfields, and similar uses;
8. Signs identifying the developer, contractor, or real estate agency responsible for leasing or selling land or buildings within the project, which shall be removed upon sale or lease of the premises advertised;
9. Parking and loading structures and areas provided in conjunction with a primary use, subject to the provisions of Sections 17.22.020 F., 17.48.030, and 17.48.040;
10. Indoor areas for display and sale of products manufactured by the same business occupying the premises, provided that the floor area of such display area constitutes no more than twenty (20) percent of the floor area of the primary use.

B. Warehouse Structures. Within a planned Office Park site area occupying at least ten (10) acres, separate warehouse or storage structures in conjunction with a primary use may be developed concurrently with or after the primary use, provided that:

1. The warehouse structure is located on a site with easy access to periphery roads where impacts on other uses may be minimized, and such use satisfies the loading area requirements under Section 17.22.020 F. 2;
2. Such structures are compatible with the primary use structure(s) on the site in the use of materials and design.
17.22.040 **Conditional Uses**

A. **Criteria.** Conditional uses may be established in an Office Park District subject to review and action on the specific proposal, pursuant to Chapter 17.70. Approval shall not be granted unless the proposal satisfies the following criteria:

1. The use will have minimal adverse impact on the development of primary uses on abutting properties and the surrounding area, considering location, size, design and operating characteristics of the use;
2. The use will not create offensive odor, dust, smoke, fumes, noise, glare, heat, vibrations, or truck traffic which are incompatible with primary uses allowed in this district;
3. The use will be located on a site occupied by a primary use, and/or in a structure which is compatible with the character and scale of uses allowed within the district;
4. The use will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

B. **Uses.** The following uses are allowed subject to the above conditions:

1. Heliports;
2. Uses which satisfy the provisions under 17.22.020 A, but require the storage or use of potentially hazardous materials in quantities classified under Group H, Division 1 or Division 2 Occupancies under the Uniform Building Code, or involve hazardous substances as defined by CERCLA or RCRA, or otherwise exceed the requirements of Section 17.22.020 H;
3. Day-care centers;
4. Business or vocational schools and college or university extension facilities;
5. Utility substations necessary to serve the surrounding area, without maintenance shops.

17.22.050 **Prohibited and Pre-existing Uses**

A. **Prohibited Uses.** The following uses shall be prohibited in an Office Park District:

1. Uses which do not comply with the physical and operational requirements specified under Section 17.22.020 shall be prohibited, except as specifically provided under Section 17.22.040;
2. Separate warehouse and distribution structures and activities, except as allowed as an accessory use under Section 17.22.030 B;
3. Motor freight terminal;
4. Auto or truck storage or repair.

B. Pre-existing Uses.
1. Pre-existing structures may be allowed to remodel or expand with review under Chapter 17.76. In addition, the following provisions shall apply:
   a. Change of Use. Any change in the use of a pre-existing structure shall be subject to all requirements for new developments in this district;
   b. Lot Divisions, Adjustments, and Setbacks;
      (1) A new lot created for a pre-existing structure shall have no minimum lot size;
      (2) Pre-existing structures shall satisfy and OP setback requirements;
      (3) Lot line adjustments may be allowed when such adjustment is consistent with the purpose of this section.
2. All other pre-existing uses and structures not specifically permitted in Chapter 17.22 shall be nonconforming uses subject to provisions of Chapter 17.76.

17.22.060 Dimensional Standards
A. Purpose. The purpose of these requirements and limitations are to:
1. Assure that developments have a positive image and attractive appearance from within the site, and from public roads and adjacent properties;
2. Encourage the retention of large sites and their development in a coordinated aesthetic, and efficient manner;
3. Ensure that the minimum operational requirements of the development are provided on-site;
4. Establish the maximum limits of development;
5. Provide for the safety and welfare of property within and adjacent to the site.
B. Site Area Requirements. A "site area" for purposes of this section shall be the total land area to be developed as a unit prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:
1. A single tax lot, or two or more contiguous tax lots under the same ownership;
2. Two or more contiguous tax lots under separate ownership, provided that:
   a. All individual property owners are members of a group formed for the purposes of developing the properties as a single planned development, and
   b. All individual tax lot ownerships are converted into development shares, or other satisfactory arrangement, allowing all lots to be combined into one lot prior to issuance of any building permit for the project.

C. Site Area Standards. The following standards shall apply to Office Park Districts.
   1. Site area. Developments shall require a minimum site area of five (5) acres.
   2. Site area partitions and subdivisions. Design review approval of the overall development plan for the site area, including circulation, parking, landscaping, and proposed building elevations, shall be required prior to the approval of any partition or subdivisions of a site area existing at the time of application of this district to the property.

D. Setback Requirements. For purposes of this section, a "perimeter access road" shall be any state, county, or public road which provides access to the site area, and an "internal circulation road" shall be any public or private roadway which provides direct access to more than one use, building, or parcel within a site area but not including connecting driveways within or between parking areas.
   1. Perimeter Access Road Setbacks. A minimum thirty (30) foot setback shall be maintained between structures in a development and any perimeter access road, except:
      a. An additional five (5) feet of setback shall be added for each five (5) feet, or portion thereof, of building height over thirty-five (35) feet;
      b. No structure shall be erected closer than fifty-five (55) feet from the centerline of a perimeter access road.
   2. Perimeter side and Rear Yard Setbacks. A twenty (20) foot setback shall be provided between any structure and a side or rear perimeter line.
   3. Internal Site Setbacks. A twenty (20) foot setback shall be provided between buildings within a site area, and between any building and an internal circulation road.
   4. Corner Lots. A structure located on the corner of two roads shall observe the minimum setback requirement for both roads, as prescribed in this section;
   5. Perimeter Landscaping: Within the perimeter setback, a landscaped strip at least twenty (20) feet wide shall be provided.
E. Minimum Street Frontage. A site area shall have a minimum of one hundred (100) feet of frontage on a state, county, or public perimeter access road.

F. Maximum Building Height. Thirty-five (35) feet. These restrictions are imposed for fire safety reasons and may be further varied upon a clear showing that the city possesses sufficient fire fighting capability to provide emergency response to higher structures.
   1. Limits set forth in C-2, C-3 and LI zoning districts may be increased by one story if the building is provided with an approved automatic fire-extinguishing system throughout as provided in Section 507 of the Structural Specialty and Fire Life Safety Code edition of the current Uniform Building Code.
   2. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this title. (Ord. 947 S5.050, 1979.)

G. Corner Vision Requirement. No sight-obscuring structures or planting exceeding thirty (30) inches in height shall be located within a twenty (20) foot radius of the lot corner nearest the intersection of two public, county, or state roads, or from the intersection of a private driveway or easement and a public, county, or state road. Trees located within a twenty (20) foot radius of such an intersection shall be maintained to allow ten (10) feet of visual clearance below the lowest hanging branches.

H. Exceptions to General Requirements. The requirements of this section may be modified when such modification is consistent with the purposes set forth under 17.22.060 A, the comprehensive plan, and the requirements and provisions of Chapter 17.72. The effect of the proposed modification of the natural features of the site and the use and preservation of solar access shall be considered, when applicable.

17.22.070 Development Standards

All development within the Office Park District is subject to the review procedures and application requirements under Chapter 17.80 and the development standards under 17.22.020. In addition, the following specific standards, requirements, and objectives shall apply to all development in this district:

A. Master Plan. All developments within the Office Park District shall be reviewed and developed under a master plan which addresses the performance standards of this section and Chapter 17.80.
B. Specific Area Plans or Standards. Development shall comply with the requirements or provisions of any special design, circulation, community plan, or standards adopted by the city council for the area.

C. Fences. Street perimeter fences or walls and guard posts shall meet a minimum setback of thirty (30) feet and shall be of a material, color, and design complementary to the development and to adjoining properties and public access roads.

D. Signing. The master plan for the development shall include a signing program. The following sign provisions shall apply:
   1. General Provisions. All signs within the Office Park District shall be subject to the provisions under Chapter 17.80;
   2. Perimeter Street Signs. One sign oriented toward off-site traffic may be provided at each public access point from a public street. Such signs shall comply with the following requirements:
      a. Shall not exceed fifty (50) square feet in area;
      b. Shall not exceed eight (8) feet in height;
      c. Shall use materials and design elements which are complementary to those used in the development;
      d. May be internally or indirectly illuminated.
   3. Traffic Control Signs. Signs which direct the flow of traffic to and from, and within the site area shall observe the corner vision requirements of this district and shall be a maximum of three (3) square feet.
   4. Directories. The master signing plan shall include the location of on-site signs which identify a number of tenants, buildings, or uses within the site. The maximum sign area of these signs shall be fifty (50) square feet when oriented toward vehicle circulation, and twenty-four (24) square feet in area when oriented toward pedestrian circulation, unless a larger sign area is necessary due to number of tenants, as determined by the planning commission.
   5. Ground-mounted Signs. Within an Office Park Development, separate building identification signs oriented toward on-site circulation roads shall:
      a. Be located in front of the building being identified.
      b. Not exceed sixteen (16) square feet in area.
      c. Not exceed five (5) feet in height.
      d. Use materials and colors which are the same, or substantially the same, as those used on the building identified by the sign.
   6. On-Building Signs. The master signing plan shall include the size, number, and location of on-building signs. Review of these signs shall take into consideration the following factors:
a. The relationship of the building(s) to the road or on-site circulation;
b. The use and location of ground-mounted signs identifying the premises;
c. The amount of signing for the use which can be seen from a given direction;
d. The size and design of the building elevations(s) on which the sign(s) would be placed.

E. On-site Lighting. All on-site lighting shall be designed, located, shielded, or deflected so as not to shine into off-site structures or impair the vision of the driver of any vehicle. Engineered site lighting plans shall be developed consistent with IES Standards including but not limited to, average maintained illumination levels and maximum to minimum ratios. A master plan for on-site lighting shall include the design, height, and location of all proposed exterior lights, including:
   1. Parking and loading area lighting;
   2. Pedestrian walkway lighting;
   3. Internal access road lighting;
   4. Lighting of public entrances into buildings; and
   5. Flood lights illuminating buildings or significant natural features.

F. Equipment and Utilities. All utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar equipment which must be installed above ground shall be visually screened from public view.
Chapter 17.24

LI – Light Industrial District

Sections:

17.24.010 Purpose
17.24.020 Uses Permitted Outright
17.24.030 Existing Residential Uses
17.24.040 Conditional Uses Permitted
17.24.050 Limitation on Use
17.24.060 Dimensional Standards
17.24.070 Exceptions in Case of Large Scale Development

17.24.010 Purpose

The purpose of a LI district is to implement the Comprehensive Plan and to provide for sufficient amounts of land for types of manufacturing or other industries which, because of their character, can be permitted in relative proximity to residential and commercial districts. (Ord. 947 S3.610, 1979.)

17.24.020 Uses Permitted Outright

In a LI district, the following uses and their accessory uses are permitted outright:

A. Automobile service station;
B. Community service facility such as a fire station, library, community center, park, utility facility;
C. Contractors' or building material open storage yard;
D. Dwelling for caretaker or night watchman on the property;
E. Freight depot or terminal;
F. Heavy equipment outlet, including open storage or display;
G. Home occupation subject to Chapter 17.78;
H. Ice or cold storage plant;
I. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries and food and beverage products except sauerkraut, vinegar or pickles;
J. Manufacture, compounding, processing, packaging or treatment of articles or merchandise from such previously prepared materials as bone, cellophane, canvas, cloth, cork, feathers, leather, paper, plastics, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process;
K. Manufacture of pottery and small ceramic products from previously pulverized clay, stone, marble or granite monuments, and the manufacture of products from previously prepared glass;

L. Manufacture of scientific and precision instruments, medical and dental equipment, musical equipment;

M. Truck service, sales, storage and repair;

N. Uses permitted outright in C-3 district;

O. Veterinary clinic or small animal hospital, but not including a kennel or a cattery;

P. Welding, sheet metal or machine shop, including electroplating;

Q. Wholesale distribution outlet, including warehousing and open storage.

17.24.030 Existing Residential Uses

All accessory uses allowed in a residential zone shall be allowed in connection with any existing residential use within this zone; said accessory use shall comply with the requirements of this zone.

17.24.040 Conditional Uses Permitted

In a LI district, the following uses and their accessory uses are permitted subject to the provisions of Chapter 17.70.

A. Planned Unit Developments (PUD’s);

B. Dwellings; (Ord. 947 S3.640, 1979.)

17.24.050 Limitation on Use

In a LI district, open storage or parking and loading facilities on a lot abutting a residential, C-1 or C-2 district shall be screened by a sight-obscuring fence or hedge. (Ord. 947 S3.640, 1979.)

17.24.060 Dimensional Standards

Except as provided in Chapter 17.38 (Planned Unit Development), Chapter 17.72 (Variances), and Chapter 17.76 (Exceptions), the following dimensional standards within a LI district shall apply:

A. Minimum Lot Area. The minimum lot area for all uses shall be as required for the satisfaction of applicable yard and off-street parking and loading requirements.

B. Building Height. Buildings shall not exceed a height of thirty-five (35) feet except as follows:

1. Limits may be increased by one story if the building is provided with an approved automatic fire-extinguishing

2. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection. (Ord. 947 S5.050, 1979.)

C. Side and Rear Yard Setbacks. None shall be required, except where abutting a residential district in which case a minimum twenty-foot (20) setback shall be maintained.

D. Minimum Front Yard Setbacks. None shall be required.

E. Limits on Projection in Setbacks. Architectural features such as cornices, eaves, gutters, chimneys and flues shall not project more than twenty-four (24) inches into a setback area.

F. Off-Street Parking. May be provided within a setback area, but not closer than five (5) feet from the front, side, or rear property line.

G. Equipment Setback. Central air conditioners, heat pumps and similar equipment in commercial or industrial districts shall not be located within ten feet of a property line abutting a residential district.

H. Density. Applicable densities are those permitted in an R-5 or MR district. (Ord. 947 S5.050 and S5.060, 1979.)

17.24.070 Exceptions in Case of Large Scale Development

The standards and requirements of the regulations of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, or large industrial area development providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determine there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.
Chapter 17.26

Open Space District

Sections:

17.26.010 Purpose
17.26.020 Applicability
17.26.030 Uses Permitted Outright
17.26.040 Conditional Uses Permitted
17.26.050 Special Standards

17.26.010 Purpose

The purpose of an OS district is to implement the Comprehensive Plan and to provide and preserve open space areas for use and enjoyment by the public. (Ord. 947 S3.810, 1979.)

17.26.020 Applicability

In addition to other specific areas which may be so zoned by the City Council, this district shall apply to all publicly owned park lands. (Ord. 947 S3.820, 1979.)

17.26.030 Uses Permitted Outright

Land uses in an OS district shall be consistent with the purpose of this section as well as the goals, objectives and policies of the Comprehensive Plan. In an OS district, the following uses and their accessory uses are permitted outright:

A. Park and accessory structures;
B. Playground and accessory structures;
C. Picnic grounds and accessory structures;
D. Wildlife preserve;
E. Nature trail and/or bikeway;
F. Other similar recreational uses. (Ord. 947 S3.830, 1979.)

17.26.040 Conditional Uses Permitted

In an OS district, the following uses and their accessory uses are permitted subject to the provisions of Chapter 17.70.

A. Boat ramp;
B. Swimming facility;

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C. Community garden;
D. Ball field;
E. Tennis court;
F. Other similar recreational uses. (Ord. 947 §3.840, 1979.)

17.26.050 Special Standards

Developments in the Open Space District shall comply with the following special standards:
A. Compatibility. Open space uses shall be compatible with adjacent land uses;
B. Preservation of Natural, Scenic and Historic Features. Trees, shrubs, wildlife and other significant natural, scenic or historic features shall be preserved and protected wherever feasible and/or practicable. Where conflicting uses are later identified which would detrimentally impact these resources, these resources shall be preserved and protected unless it can be clearly shown after analysis of the economic, social and environmental energy consequences of the conflicting uses that it is not feasible or practicable to retain these resources in their current state. Within the Greenway portion of the open space district, significant trees, shrubs, wildlife habitats and other natural, scenic or historic features shall be preserved.
C. Access & Parking. Vehicular traffic generated by open space use shall be provided with adequate access and parking facilities;
D. Trash Receptacles. Picnic grounds shall be equipped with trash receptacles;
E. Maintenance. Open space districts shall be maintained by the city if publicly owned, by the owner(s) if privately owned. (Ord. 986 §1, 1980; Ord. 947 §3.850, 1979.)
F. Limitations.
1. Bikeways and/or trails shall not cross private property without first securing an easement from the property owner;
2. Substantial soil removal or fill (grading) shall be subject to approval by the City Council.
Chapter 17.28

Greenway Conditional Use District

Sections:

17.28.010 Purpose
17.28.020 Applicability
17.28.030 Uses Permitted with Development Permit
17.28.040 Requirements to Obtain a Development Permit
17.28.050 Special Standards
17.28.060 Coordination with State Agencies

17.28.010 Purpose

The purpose of the greenway conditional use district is to implement the Comprehensive Plan and to provide compatibility between intensification, change of use, or development therein and the Willamette River Greenway Program. (Ord. 947 S3,720, 1979.)

17.28.020 Applicability

The Greenway Conditional Use District is a superimposed district applied in combination with other zoning districts as designated on the Gladstone Plan and Zoning map and in compliance with State law.

17.28.030 Uses Permitted with Development Permit

Uses which may be allowed in the greenway conditional use zone include intensification, change of use or development of properties as uses permitted outright, accessory uses or conditional uses under the primary zoning district, if the requirements and standards of Section 17.28.040 and procedures under Chapter 17.70 are satisfied.

17.28.040 Requirements to Obtain a Development Permit

In the Greenway Conditional Use District, all requests for intensification, change of use or development of properties allowable as outright or conditional uses under existing regular zoning shall also be deemed to be conditional uses in this district and shall be granted only upon compliance with the requirements and procedures required under Chapter 17.70 and with the following requirements and the making of the following findings of fact:
A. Commitment to an Urban Use. That the land has been committed to an urban use before December 6, 1975. In determining whether the land was committed to a commercial, recreational, industrial, port, residential or other similar urban use, the economic, developmental and locational factors shall be considered including such factors as the comprehensive plan, zoning ordinance and similar plans or policies. In determining whether a commitment to an urban use has occurred on particular lands, the nature and character of other urban uses in the vicinity of the property in question shall be considered, as well as the capability of the land to fulfill the purpose of the greenway statute. In any case, such commitment will be deemed to have occurred if a permit for the change of use was granted as of December 6, 1975, and under which permit substantial construction has been undertaken by July 1, 1976. Other lands which are in a natural, scenic, historical or recreational condition on December 6, 1975, shall not be deemed committed to urban use.

B. Additional Requirements for Lands Committed to an Urban Use. Upon finding that land has been committed to an urban use, then the intensification, change of use, or development shall be permitted when the standards of Section 17.28.050 and the following have been satisfied:

1. That, to the greatest possible degree, the intensification, change of use or development will provide maximum practicable landscaping, aesthetic enhancement, open space or vegetation between the activity and the river; and,

2. That, to the greatest possible degree, public access will be provided by appropriate legal means to and along the river.

C. Lands not Committed to an Urban Use. Upon finding that land has not been committed to an urban use, then the intensification, change of use or development shall be permitted when the standards of Section 17.28.050 and the findings below have been satisfied:

1. To the greatest possible degree, the intensification, change of use, or development is compatible with scenic, natural, historical and recreational character of the greenway;

2. To the greatest possible degree the intensification, change of use, or development will provide the maximum practicable landscaping, aesthetic enhancement, open space or vegetation between the activity and the rivers; and

3. Where necessary, reasonable public access will be provided by appropriate legal means to and along the river.
17.28.050 Special Standards

Before intensification, change of use or development may be allowed in an area either committed to an urban use or an area not committed to an urban use, affirmative findings must be made showing compliance with the following standards:

A. Fish and Wildlife Habitat. Significant fish and wildlife habitat shall be protected;

B. Scenic Qualities and Views. Identified scenic qualities and viewpoints shall be preserved;

C. Protection and Safety. A development shall provide for the maintenance of public safety and protection of public and private property, especially from vandalism and trespass to the maximum extent practicable.

D. Vegetative Fringe. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable;

E. Development Away from the River. Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses within the greenway shall be permitted to continue urban uses, including port, industrial, commercial and residential uses, uses pertaining to navigational requirement, water and land access needs and related facilities.

F. Greenway Setback. A setback line shall be established on a case-by-case basis for any development, intensification, or change of use in the Greenway. This setback line shall be sufficient to protect, maintain, preserve, enhance the natural, scenic, historic and recreational qualities of the Greenway.

17.28.060 Coordination with State Agencies

Immediately upon receiving application for an intensification, change of use, or development within the boundaries of this zone, the city shall immediately forward a copy of said application by certified mail to the Department of Transportation, return receipt requested. The city shall also promptly advise the Department of Transportation of any action taken on an application for intensification, change of use, or development within the zone. (Ord. 984 S1, 1980; Ord. 976 S1, 1980; Ord. 947 S3.730, 1979.)
Chapters: 17.30 - 17.41

LAND DIVISIONS

Chapters:

17.30 General Provisions
17.32 Subdivisions
17.34 Partitions
17.36 Lot Line Adjustments
17.38 P.U.D's
17.40 Approval of Streets and Ways
Chapter 17.30

General Provisions

Sections:

17.30.010 Purpose
17.30.020 Application of these Procedures
17.30.030 Scope of Regulations
17.30.040 Land Divisions Generally

17.30.010 Purpose

The purposes of the review and approval procedures set forth in Chapters 17.30 -17.41 shall be:

A. To guide future growth and development in accordance with the Comprehensive Plan and other related city ordinances.
B. To provide for an efficient process to review development.
C. To provide a framework by which development proposals are reviewed to insure safe, functional developments which are compatible with the natural and man-made environment.
D. To provide a review mechanism to resolve potential conflicts between development standards, and between development and open space resources.

17.30.020 Application of these Procedures

The review and approval procedures set forth in the land division Chapters 17.30 -17.41 shall apply to all applications for a building or development permit in the City of Gladstone.

17.30.030 Scope of Regulations

A. All subdivision plats, major partition maps, minor partition maps and all streets or ways for the purpose of partitioning land shall be approved by the planning commission or city council, upon appeal, in accordance with the regulations set out in this title.
B. A person desiring to subdivide land or desiring to partition land by creation of a street or to sell any portion of a parcel of land, shall submit tentative plans and final documents for approval as provided in this title and the state law. (Ord. 948 S2, 1979.)

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Chapter 17.32

Subdivisions

Sections:

17.32.010 Applicability
17.32.020 Tentative Plan
17.32.030 Final Plat
17.32.040 Approval
17.32.050 Filing
17.32.060 Land for Public Purposes
17.32.070 Improvements

17.32.010 Applicability

Division of land into four (4) parcels or more in one (1) calendar year shall be governed by the review and approval procedures set forth in this chapter. Division of land into fewer parcels in one (1) calendar year shall be governed by Chapter 17.34, Partitions.

17.32.020 Tentative Plan

A subdivider shall submit a sketch to the City Administrator or designee of a tentative scheme for the layout of property subdivided. Following preliminary consultation and discussion, the subdivider may proceed to prepare a tentative plan for submission to the Planning Commission. (Ord. 948 S3, 1979.)

A. Submission.
1. A subdivider shall prepare a tentative plan together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit ten copies of the tentative plan to the city recorder’s office at least thirty (30) days prior to the Planning Commission meeting at which consideration of the plan is desired.
2. A plan review fee will be required at the time of submission of the tentative plan. (Ord. 948 S4, 1979.)

B. Scale. The tentative plan of a subdivision shall be drawn on a sheet eighteen (18) inches by twenty-four (24) inches in size or multiple thereof at scale not smaller than one (1) inch equals one hundred (100) feet. (Ord. 948 S5, 1979.)
17.30.040  **Land Divisions, Generally**

A land division, whether by a subdivision, creation of a street, partitioning, or a lot line adjustment, shall conform to the Gladstone Comprehensive Plan and any plans supplementary to it, shall take into consideration any preliminary plans and improvements made in anticipation thereof, and shall conform with state laws and requirements of the zoning districts, development standards and procedures established by Title 17. (Ord. 948 S26, 1979.)
C. General Information to be Included. The following general information shall be shown on the tentative plan of subdivision:
1. Proposed name of the subdivision; this name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission;
2. Date, northpoint and scale of drawing;
3. Appropriate identification clearly stating the drawing as a tentative plan;
4. Location of the subdivision with a tie to the city coordinate system, where established, and a description sufficient to define its location and boundaries and a legal description of the tract boundaries;
5. Names and addresses of the owner, subdivider and engineer or surveyor. (Ord. 948 S6, 1979.)

D. Existing Conditions to be Included. The following existing conditions shall be shown on the tentative plan:
1. The location, widths and names of all existing or platted streets within or adjacent to the tract, together with easements, and other important features, such as section lines, section corners, city boundary lines and monuments;
2. Contour lines related to the U.S. Geological Survey datum or some other established bench mark or other datum approved by the City Administrator, or designee, and having the following minimum intervals:
   a. Two (2) foot contour intervals for ground slopes less than ten (10) percent;
   b. Five (5) foot contour intervals for ground slopes between ten (10) percent and twenty (20) percent;
   c. Ten (10) foot contour intervals for ground slopes exceeding twenty (20) percent.
3. The location of at least one (1) temporary bench mark within the subdivision boundaries;
4. The location and direction of all watercourses and areas subject to flooding, including boundaries of flood hazard areas as established by the U.S. Corps of Engineers or the city zoning ordinance;
5. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees;
6. Existing uses of the property, including location of all existing structures to remain on the property after platting;
7. The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drainpipes, gas, electric and other utility lines;
8. Zoning on and adjacent to the tract;
9. Existing uses of the adjoining property. (Ord. 948 S7, 1979.)

E. Proposed Plan of Land Partitioning. The following information shall be included on the tentative plan of a subdivision:

1. The location of streets showing widths, names, approximate grades and radii of curves of proposed streets. The relationship of all streets to any projected streets as shown on the city Comprehensive Plan or as suggested by the City Administrator or designee, or Planning Commission, to assure adequate area traffic circulation;
2. Easements, showing the location, width and purpose;
3. Lots, showing location, approximate dimensions, minimum lot sizes and proposed lot and block numbers;
4. Sites, if any, allocated for purposes other than dwellings. (Ord. 948 S8, 1979.)
5. Master Plan Required. Upon City request, a master plan shall be submitted when parcels or adjacent parcels have the potential for additional land division.

F. Partial Development. Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of the tentative layout for streets in the unsubdivided portion. (Ord. 948 S9, 1979.)

G. Explanatory Information to Accompany. The following information shall be submitted in separate statements accompanying the tentative plan, or, if practical, shall be shown on the tentative plan:

1. A vicinity map showing existing subdivisions, streets and unsubdivided land ownerships adjacent to the proposed subdivision showing the finished grade of streets and the nature and extent of street construction;
2. Proposed deed restrictions, if any, in outline form;
3. Improvements to be made by the developer and the approximate time plans for such improvements will be submitted so that they may be checked for compliance with the objectives of the ordinance codified in this title, state laws, and other applicable city ordinances. If, however, the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the tentative plan, the additional details shall be submitted at least thirty (30) days prior to the time of requesting approval of the final plat. Agreements to any required changes shall be obtained prior to approval of the final plat. (Ord. 948 S10, 1979.)

H. Supplemental Proposals to Accompany. The following information shall be submitted to supplement the plan of subdivision:
1. Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction;
2. A plan for domestic water supply lines and related water service facilities;
3. Proposal for sewage disposal, stormwater drainage and flood control, including profiles of proposed drainage ways;
4. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil;
5. Proposals for other improvements such as sidewalks and electric utilities. (Ord. 948 S11, 1979.)

I. Preliminary Review
1. Within two (2) days after being submitted by the subdivider, the city recorder shall furnish one copy of the tentative plan and supplemental material to the City Administrator, or designee, and to each public utility and governmental agency or office that may be affected by the proposed subdivision.
2. Agencies will be given at least ten (10) days to review the plan, suggest revisions and return the plans to the recorder's office.
3. The subdivider shall be notified in writing of any suggested revisions and of the time and place at which the tentative plan will be considered.
4. In addition thereto, notice shall be given subject to the provisions of Chapter 17.94. (Ord. 948 S12, 1979.)

J. Approval
1. Within forty (40) days from the first regular Planning Commission meeting following submission of a tentative plan of a subdivision, the Planning Commission shall review the plan and the reports of appropriate officials and agencies. The Planning Commission may approve the tentative plan as submitted or as may be modified. If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons therefore.
2. Approval of the tentative plan shall indicate the Planning Commission's approval of the final plat provided there is no significant change in the plan of the subdivision as shown on the tentative plan and there is full compliance with all requirements of this section.
3. The action of the Planning Commission shall be noted on two (2) copies of the tentative plan, including reference to any attached documents describing any conditions imposed by the Commission. One (1) copy shall be returned to the
Final Plat

Within one (1) year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a final plat prepared and submitted to the City Administrator or designee in conformance with the tentative plan as approved.

A. Submission. The subdivider shall submit the original drawing, the tracing and ten (10) prints of the final plat and any supplementary information to the city recorder. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following approval, he shall resubmit the original tentative plan, or must submit a new tentative plan to the Planning Commission and make any revision considered necessary to meet changed conditions. (Ord. 948 S14, 1979.)

B. Information to be Included. In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

1. The date, scale, northpoint (generally pointing up), legend and controlling topography such as creeks and highways;
2. Legal description of the tract boundaries;
3. Name and address of the owners, subdivider and engineer or surveyor;
4. Reference points of existing surveys identified, related to the plat by coordinates or distances and bearings and references to a field book or map as follows:
   a. All stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision;
   b. Adjoining corners of all adjoining subdivisions;
   c. City coordinate system lines within or adjacent to the plat, if any;
   d. Whenever the city or county has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset;
   e. All other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this title.
5. The coordinates, based on the city coordinate system, if applicable, of the initial point of the subdivision traverse, exterior boundary monuments and street centerline monuments;

6. The exact location and width of streets and easements intersecting the boundary of the tract;

7. Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings for tract, lot and block boundaries and street right of way and centerlines. Normal high water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings. All distances shall be shown to the nearest 0.01 feet. No ditto marks shall be made;

8. The width of the portion of streets being dedicated, the width of any existing right of way and the width each side of the centerline. For streets on curvature, curve data shall be based on the street centerline and, in addition to centerline dimensions, the radius and central angle shall be indicated;

9. Easements denoted by fine dotted lines, clearly identified, and, if already of record, their recorded reference. If any easement is not definitely located of record, a statement of the easement. The width of the easement, its length and bearing, and sufficient ties to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner’s certificate of dedication;

10. Lot numbers beginning with the number "1" and numbered consecutively in each block;

11. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;

12. Identification of land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale;

13. Building setback lines, if any, are to be made a part of the subdivision restrictions;

14. The following certificates may be combined where appropriate:
a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of said map,
b. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map and intended for any public use, except those parcels which are for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants,
c. A certificate signed by the engineer or the surveyor responsible for the survey and final map, the signature of the engineer or surveyor to be accompanied by his seal,
d. All other certifications now or hereafter required by law. (Amended during 1980 codification: Ord. 948 S15, 1979.)

C. Supplemental Data to be Included. The following data shall accompany the final plat:
1. A preliminary title report, issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;
2. Sheets and drawings showing the following:
   a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any,
   b. The computations of all coordinates, distances, angles, courses shown on the final plat,
   c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing;
3. A copy of any deed restrictions applicable to the subdivision;
4. A copy of all taxes and assessments on the tract which have become a lien on the tract;
5. A copy of any dedication requiring separate documents;
6. A certificate by the City Administrator, or designee, certifying that the subdivider has complied with one of the following alternatives:
   a. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan;
b. An agreement has been executed as provided in Chapter 17.96 to assure completion of all required improvements. (Ord. 948 S16, 1979.)

B. Technical Plat Review. Upon receipt by the city, the plat and other data shall be reviewed by the City Administrator, or designee, who shall examine them to determine that the subdivision as shown is substantially the same as it appeared in the approved tentative plan and that there has been compliance with provisions of the law and of this title.

1. The city may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and the city's representative may enter the property for this purpose.

2. If the City Administrator, or designee, determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. The City Administrator, or designee, shall use the certification of the city engineer, city surveyor or the county surveyor to determine that the map and the survey are technically correct. (Ord. 948 S17, 1979.)

17.32.040 Approval

A. If the City Administrator determines that the plat conforms to all requirements, he shall sign the plat, provided supplemental documents and provisions for required improvements are satisfactory, and shall so notify the chairman of the Planning Commission without delay.

B. Approval shall be indicated by the signature of the chairman of the Planning Commission. The approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement or way shown on the plat. (Ord. 948 S18, 1979.)

17.32.050 Filing

The subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within ninety (90) days after the date the last required approving signature has been obtained. Six (6) copies of the recorded plat shall be supplied to the city. (Ord. 948 S19, 1979.)
17.32.060 Land for Public Purposes

If the city has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the city has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition for a period not to exceed one (1) year from the date of approval of the subdivision plat. (Ord. 948 §33, 1979.)

17.32.070 Improvements

In addition to other requirements, improvements installed by the subdivider, either as a requirement of these regulations or at his own option, shall conform to the requirements of this title and permanent improvement standards and specifications adopted by the city and shall be installed in accordance with the following procedure:

A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition. Plans shall be prepared in accordance with the requirements of the city.

B. Improvement work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the city has been notified.

C. Improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
Chapter 17.34

Partitions

Sections:

17.34.010  Applicability
17.34.020  Partitions Generally
17.34.030  Improvement Requirements
17.34.040  Major Partitions Only
17.34.050  Minor Partitions Only

17.34.010  Applicability

Division of land into three (3) or fewer parcels in one (1) calendar year or division of parcels in existing platted areas is governed under the review and approval procedures of this section.

A. Major Partitions. The additional requirements for major partitions shall apply to partitions of land including the creation of a road or street, including easements.

B. Minor Partitions. The additional requirements for minor partitions shall apply to partitions of land that do not involve the creation of a road, street or easement.

17.34.020  Partitions Generally

All major or minor partitions shall be approved under the following procedure:

A. Submittal Requirements. There shall be submitted to the City Administrator, or designee, a tracing and two (2) copies of a tentative plan, eight and one-half (8½) inches by eleven (11) inches, or eleven (11) inches by seventeen (17) inches in size, with the following information:

1. The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location;
2. Name and address of the record owner and of the person who prepared the tentative plan;
3. Approximate acreage of the land under a single ownership, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning;
4. For land adjacent to and within the tract to be partitioned, the topography of the area, the locations, names and existing
widths of streets; location, width and purpose of other existing easements; and location and size of sewer and waterlines and drainageways and the location of power poles and other utilities;

5. Outline and location of existing buildings to remain in place;

6. Parcel layout, showing size and relationship to existing or proposed streets and utility easements;

7. Such additional information as required by the Planning Commission;

8. Upon City request, a master site plan shall be submitted concurrent with the application when the parcel or adjacent parcels have the potential for additional land division.

B. Administrative Review and Approval, Type I Partitions. The City Administrator or designee may approve a Type I partition without submitting it to be the Planning Commission when such partition can be shown to be in conformance with the Comprehensive Plan and where the proposed lots conform to the dimensions and area required by the zoning district and where such partition does not involve creation of a flag lot and where access to the new parcel(s) will be provided from a minor or local street.

C. Planning Commission Review & Approval, Type II Partitions. If the location or type of land is not such as have been defined for routine administrative approval, or if the proposed partitioning does not appear to comply with the requirements for routine administrative approval, the tentative plan shall be submitted for Planning Commission review and determination that the proposal may require dedication of land and easements and any specific conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided.

D. For applications requiring review by the Planning Commission, ten (10) copies of all plans and other submittals shall be submitted to the City Administrator, or designee, at least four (4) weeks prior to the Planning Commission meeting at which consideration is desired.

E. Partition Map. When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions has been assured, the plan shall be marked approved and then becomes the partition map.

F. Fee. A plan review fee shall be required at the time of submission of the tentative plan of a major or minor partition. (Ord. 948 S22, 1979.)
17.34.030 Improvement Requirements

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission may accept those improvements. In lieu of accepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city. (Ord. 948 S37, 1979.)

17.34.040 Major Partitions Only

In addition to the requirements of Section 17.34.020, a major partition authorized by Section 17.40.010 and 17.40.020 shall be reviewed under the standards therein described.

17.34.050 Minor Partition Only

A parcel of land or contiguous parcels under a single ownership within the city shall not be partitioned into two (2) or less than four (4) parcels for transfer of ownership or building development so as to conflict with applicable standards for subdivisions and major partitions as set forth in this title. Such land partitioning, other than subdivision or major partitioning or the creation of a street or way, shall be known as minor partitioning and shall be approved under the following additional procedure:

A. If a parcel of land is being partitioned twice within a year into more than two (2) parcels, full compliance with all requirements for subdivision or major partitioning may be required if the Planning Commission determines, in its judgement, that the entire parcel being partitioned is in the process of being divided into small parcels.
Chapter 17.36
Lot Line Adjustment

Section
17.36.010 Applicability
17.36.020 Criteria

17.36.010 Applicability

The provisions of this Chapter implement the Comprehensive Plan and shall apply to all zoning districts within the city.

17.36.020 Criteria

Lot line adjustments shall comply with the criteria stated below:
A. An additional lot or buildable lot is not created by the lot line adjustment and the existing parcel reduced in size by the adjustments is not reduced below the minimum lot size established by the approved zoning for that district.
B. Dimensional standards of the underlying zoning district shall be maintained.
C. By reducing the lot size, the lot or structure(s) on the lot will not be in violation of the site development regulations for that district.
Chapter 17.38

Planned Unit Development

Sections:

17.38.010 Purpose
17.38.020 Applicability
17.38.030 Uses Permitted Outright
17.38.040 Accessory Uses
17.38.050 Conditional Uses
17.38.060 Development Standards
17.38.070 Submittal Requirements
17.38.080 Approval

17.38.010 Purpose

A. To encourage a more creative and flexible approach in the development of land consistent with the uses of the underlying zoning district(s);
B. To promote the retention of open space for integration in an efficient and aesthetically desirable manner with the overall development;
C. To provide the opportunity for a mixture of land uses in a creative approach to development by allowing flexibility in design, building placement, circulation, off-street parking areas, and use of open space;
D. To foster variety in a development pattern that is consistent with the goals and policies of the Comprehensive Plan.

17.38.020 Applicability

A PUD may be established on a site of at least 80,000 square feet in any zoning district or combination thereof. A PUD shall not be established on less than 80,000 square feet unless the Planning Commission finds that a smaller site is suitable due to special features, such as topography, geography, size and shape, or other unique features.

17.38.030 Uses Permitted Outright

Those uses listed as primary uses in the zone(s) in which the development is located.
17.38.040 Accessory Uses

The following uses may be allowed when developed in conjunction with a primary use:

A. Accessory structures consistent with the primary uses of the underlying zoning district(s);

B. Recreational facilities including, but not limited to, swimming pools, tennis courts, and playgrounds;

C. Offices, buildings, and facilities required for the operation, administration, and maintenance of the PUD and for recreation purposes, such as golf courses, recreation rooms, and vehicle storage areas.

17.38.050 Conditional Uses

Conditional uses may be established within a residentially zoned PUD, pursuant to Chapter 17.70 (Conditional Use). Approval shall not be granted unless the proposal satisfies the criteria set forth in the special use requirements of Chapter 17.62.

A. Schools, libraries, community hall;

B. Retirement homes, group homes, day care centers;

C. Churches;

D. Utility facility (provided no outside storage is involved), fire station or similar public service facility;

E. Medical/dental office when fronting a collector or minor arterial;

F. Convenience establishments of a commercial and service nature, including stores, laundry, dry cleaning, beauty shops, barber shops, and convenience grocery stores (but specifically excluding gas stations, repair garages, drive-in restaurants, and taverns), provided:

1. Such convenience establishments are an integral part of the general plan of development and provide facilities related to the needs of the prospective residents;

2. Such convenience establishments and their parking, loading, and maneuvering areas shall occupy an area not exceeding a ratio of 1/2 acre per 100 dwelling units;

3. Such convenience establishments will be located, designed, and operated to efficiently service the needs of persons residing in the Planned Unit Development and not persons residing elsewhere;

4. Such convenience establishments will not, by reason of location, construction, manner of hour of operation, signs, lighting, parking, traffic, or other characteristics, have adverse impacts on residential uses within or adjoining the PUD;
5. Such convenience establishments shall not have building permits issued for their construction until at least one hundred (100) dwelling units are constructed within the PUD.

17.38.060 Development Standards

In consideration of a Planned Unit Development, the requirements of the city's development standards shall be observed unless modified by this section or as follows:

A. Site Adaption. To the maximum extent possible, the plan and design of the development shall assure the natural and/or unique features of the environment are preserved;

B. Lot Arrangement. All lots within the development shall have reasonable access to open space, recreational features, or service amenities. Care shall be taken to ensure adequate lot width for easements and building footprints in residential areas;

C. Access. No individual lot street frontage is required when such lots are shown to have adequate access in a manner that is consistent with the purposes and objectives of this title;

D. Yards.
   1. The minimum front yard setback shall be twenty (20) feet for residential uses. None is required for other uses;
   2. The side and rear yard setbacks for detached structures shall be a minimum three (3) feet or meet the Uniform Building Codes requirements for fire walls, whichever is greater;
   3. Yard setbacks for the perimeter of the Planned Unit Development shall be the same as required for the underlying zoning district. When a yard abuts a more restrictive district, the setback of the more restrictive district shall apply. Exceptions to this requirement may be granted upon Planning Commission approval pursuant to the following criteria:
      a. The size, shape, topography, or permitted uses(s) of the adjoining property is such that impacts occurring to this property from setback infringement would be negligible, and;
      b. The design of the Planned Unit Development would be superior because of such a setback infringement, and;
      c. The exception would be consistent with the other sections of this code and the goals and policies of the Comprehensive Plan.

E. Community Services. The city may request dedication of proposed open space which is reasonably suited for use as a public park or other recreation or community purpose, taking into consideration such factors as size, shape, topography, access, location, or other unique features.
F. Building Height. Buildings shall not exceed a height of thirty-five (35) feet except as follows:
   1. Limits may be increased by one story if the building is provided with an approved automatic fire-extinguishing system throughout as provided in Section 507 of the Structural Specialty and Fire Life Safety Code edition of the current Uniform Building Code.
   2. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection. (Ord. 947 S5.050, 1979.)

G. Open Space.
   1. All PUD’s shall have a minimum of twenty (20) percent of the gross site area retained in open space. Such open space shall include school access routes, bicycle trails, natural or landscaped buffer areas, covered bus stops, or recreational facilities;
   2. All improvements associated with the open space shall be constructed or guaranteed consistent with provisions of Chapter 17.96.
   3. Ownership of open space shall be in one of the following manners:
      a. A homeowners association in common for all owners within the development may be approved; membership shall be mandatory and in perpetuity and dissolution of such an association cannot occur without Planning Commission approval;
      b. Dedication of the open space to the City of Gladstone for management as public property may be approved by the Planning Commission and the City Council;
      c. Conservation easements may be approved when the Planning Commission determines such easements will protect the intent and purpose of this code and will be in the public interest.

H. Off-Street Parking shall be required pursuant to the parking standards of this code. Additionally;
   1. Two (2) off-street parking spaces per dwelling unit shall be provided;
   2. Parking may be provided on each lot or in designated parking areas close to the dwelling units they serve;
   3. Guest parking may be required in consideration of street width, traffic volume, transit amenities, and pedestrian circulation;
4. Recreational vehicle parking may be required. If required, it shall be located so as to be compatible with the surrounding development, including adjacent properties.

I. Density. Planned Unit Development shall be subject to the residential base densities identified in the underlying zoning district(s).

17.38.070 Submittal Requirements

Applications for Planned Unit Development shall be the same as required for subdivisions, pursuant to Chapter 17.32 of the Gladstone Municipal Code. In addition, the applicant shall submit the following:

A. A statement of the general purpose of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form;

B. A table showing:
   1. The total number of acres;
   2. The percent distribution by use;
   3. The percent of nonresidential uses, such as off-street parking, streets, parks, open space, recreational areas, commercial uses, industrial uses, public facilities, and any other appropriate delineations;
   4. The overall density of residential development, with a breakdown of density by dwelling types;
   5. The construction schedule for the phasing and timing of each portion of the development.

C. A draft of the proposed restrictive covenants, easements, and reservations of nondedicated open space.

17.38.080 Approval

Approval of a preliminary plat for a Planned Unit Development shall be valid for one (1) year, unless a time extension is granted pursuant to Section 17.70.040. The final plat shall be submitted to the Planning Commission within this time period, or the plan shall become void.
Chapter 17.40

Approval of Streets and Ways

Sections:

17.40.010 Creation of a Public Street Outside a Subdivision
17.40.020 Creation of a Private Street Outside a Subdivision

17.40.010 Creation of a Public Street Outside a Subdivision

A. Conditions of Approval. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivision except, however, the Planning Commission may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions, provided any of the following conditions exist:

1. The establishment of the public street is initiated by the City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than primary objective of the street;

2. The tract in which the street is to be dedicated is a major partition within an isolated ownership of one acre of less;

3. The tract in which the street is to be dedicated is an isolated ownership of a size and special existing physical characteristics as to make it impossible to develop building sites for more than three dwelling units.

B. Submittal and Review. In those cases where approval of a public street is to be without full compliance with the regulations applicable to subdivision, ten (10) copies of a tentative plan and the proposed deed shall be submitted to the City Administrator, or designee, at least four (4) weeks prior to the Planning Commission meeting at which time consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the Planning Commission and if not in conflict with the standards of Chapter 17.50 of these regulations, shall be approved with conditions necessary to preserve these standards.

C. Administrative Review. The Planning Commission may prescribe certain conditions and procedures to allow for routine administrative approval by the City Administrator or designee of the creation of streets without full compliance with subdivision regulations. (Ord. 948 S20, 1979.)
A. Conditions of Approval. A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Chapter 17.50, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission, provided it is the only reasonable method by which the rear portion of an unusually deep land parcel, of a size to warrant partitioning into not over two (2) parcels, may be provided with access.

B. Submittal & Review. Ten (10) copies of the tentative plan to create the street and partition the tract shall be submitted to the City Administrator or designee at least four (4) weeks prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved. (Ord. 948 S21, 1979.)
Chapters 17.42 - 17.65

DEVELOPMENT STANDARDS

Chapters:

17.42 General Provisions
17.44 Building Siting and Design
17.46 Landscaping
17.48 Off-Street Parking and Loading
17.50 Vehicular and Pedestrian Circulation
17.52 Signs
17.54 Clear Vision
17.56 Drainage
17.58 Grading and Fill
17.60 Utilities
17.62 Special Uses
17.64 Design Standards for Land Divisions
Chapter 17.42
General Provisions

Sections:
17.42.010 Purpose
17.42.020 Use of Public Right-of-Way
17.42.030 Improvement - Specifications

17.42.010 Purpose

This chapter sets forth the general standards for development of property and associated facilities within the City of Gladstone. The purpose of these chapters are to:
A. Carry out the Comprehensive Plan with respect to development standards and policies.
B. Promote and maintain healthy environments, protect against noise, air and visual pollution, and minimize development impacts upon surrounding properties and neighborhoods.
C. Allow for incentives and flexibility within development requirements.

17.42.020 Use of Public Right-Of-Way

Use of public right-of-way for the sale, display or storage of goods and off-street parking is prohibited on interior side of curbs, however, this requirements may be waived upon City Council approval. (Ord. 947 S4.160, 1979.)

17.42.030 Improvement - Specifications

The city engineer shall prepare and submit to the City Council specifications to supplement the standards of this title based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets. (Ord. 948 S35, 1979.)
Chapter 17.44

Building Siting & Design

Sections:

17.44.010 Applicability
17.44.020 Standards

17.44.010 Applicability

Building Siting and Design Standards shall apply to all developments in Gladstone subject to design review pursuant to Chapter 17.80.

17.44.020 Standards

Building siting and design standards are as follows:

A. Siting. Site buildings to maximize solar access where practical, using such techniques as:
   1. Maximizing east-west street length so that principal building facades will face south;
   2. Orienting buildings within twenty (20) degrees of true south as well as maximizing their south-facing dimension;
   3. Placing higher buildings on the north portion of the site, while protecting solar access for adjacent sites;
   4. Placing major yard spaces on south side of buildings.

B. Energy Efficient Design. Design buildings which are conducive to energy efficiency and conservation, using techniques including, but not limited to, those listed below which are most appropriate to the development:
   1. Concentrate window areas on the south side (within twenty degrees of true south) of buildings where there is good southern exposure, and provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains;
   2. Use architectural features, shapes or buildings, fences, natural landforms, berms and vegetation to catch and direct summer breezes for natural cooling and minimize effects of winter winds;
   3. Provide skylights or clerestory windows to provide natural lighting and/or solar heating of interior spaces.

C. Architectural Character. Design buildings with shapes, colors, materials, textures, lines and other architectural design features which enhance the character of the district and complement the
surrounding area and development, considering, but not limited to, the following techniques:

1. In open spaces or scenic areas, use natural color tones, lines and materials (including plant materials) which blend with the natural features of the site background;
2. Use colors, materials and architectural design to visually reduce the scale and impact of large buildings;
3. In areas of pedestrian activity, provide architectural relief and interest in building design, with emphasis at entrances and along sidewalks;
4. Use building materials and architectural features which are durable and consistent with the proposed use of the building, level of exposure to public view, exposure to natural elements and ease of maintenance.

D. Compatibility. Arrange structures and use areas to be compatible with adjacent developments and surrounding land uses, considering the following design and siting techniques:

1. Locate and design structures to protect scenic views or vistas from adjacent properties and public thoroughfares. Setbacks, building height and bulk should be considered;
2. Design structures to provide visual order and avoid monotony in layout and design;
3. Orient major service activity areas (e.g., loading and delivery areas) of the proposed project away from existing residences;
4. Provide opaque enclosures and gates for all refuse storage areas;
5. Screen mechanical equipment, except solar collection apparatus, from view or place in locations where they will not be viewed by the public;
6. Screening shall be accomplished by the use of sight-obscuring plant materials (generally evergreens) earth berms, walls, fences, building placement or other design techniques;
7. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration will be given to the buffering, screening, and siting of commercial and industrial uses to assure that noise and odors are not detectable to normal sensory perception on adjacent residential properties. (Ord. 997 S3(A)(2), 1981.) All development shall comply with the city noise ordinance.
E. **Open Storage.** When any portion of a commercial or industrial use abutting a residential district is conducted outside of an enclosed building, the use shall be wholly enclosed by a sight-obscuring fence, wall or plantings six (6) feet in height, but shall not conflict with requirements of a clear-vision area. (Ord. 947 §4.130, 1979.)

F. **Lighting.** Adequate exterior lighting shall be provided to protect public safety and shall be deflected so as not to shine on a lot in a residential district. (Ord. 947 §4.140, 1979)

G. **On-Site Lighting.** All on-site lighting shall be designed, located, shielded, or deflected so as not to shine into off-site structures or impair the vision of the driver of any vehicle. When required, engineered site lighting plans shall be developed consistent with Illuminating Engineering Standards (IES) including, but not limited to, average maintained illumination and maximum to minimum ratios. A master plan for on-site lighting shall include the design, height, and location of all proposed exterior lights, including:
   1. Parking and loading area lighting;
   2. Pedestrian walkway lighting;
   3. Internal access road lighting;
   4. Lighting of public entrances into buildings;
   5. Flood lights illuminating buildings or significant natural features.

H. **Equipment and Utilities.** All utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar equipment which must be installed above ground shall be visually screened from public view.
Chapter 17.46

Landscaping

Sections:

17.46.010 Applicability

Landscaping standards shall apply to all developments in Gladstone subject to design review.

17.46.020 Standards

Landscaping and landscaping maintenance plans must be submitted as part of the design review application. Landscaping requirements are as follows:

A. Minimum Requirements. A minimum of fifteen (15) percent of the lot area shall be landscaped, except as otherwise required.

B. Parking & Loading Areas. In addition to the requirement of subsection A of this section, the following landscape requirements shall apply to parking and loading areas:

1. A parking or loading area providing ten (10) or more spaces shall be improved with defined landscaped areas totaling no less than twenty-five (25) square feet per parking space;

2. In addition to the landscaping required under subsection B(1) of this section, a parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least ten (10) feet in width, and any other lot line by a landscaped strip at least five (5) feet in width;

3. A landscaped strip separating a parking or loading area from a street shall contain:
   a. Street trees spaced as appropriate to the species, not to exceed twenty-five (25) feet apart, on the average,
   b. Low shrubs, not to reach a height greater than three (3) feet spaced no more than five (5) feet apart on the average, and
   c. Vegetative groundcover.

C. Irrigation. Provision shall be made for watering planting areas where such care is required.

D. Maintenance required. Landscaping shall be continuously maintained.
E. Plant Species. The general characteristics of tree species shall be considered when planting under overhead utility lines or near sidewalks or curbs to assure that damage will not result when maturity is reached.

F. Screening & Buffering. Screening of parking lots, outdoor storage or other unsightly features from the road or neighboring properties may be required. Such screening shall consist of sight-obscuring plantings, fencing or berming.

G. Grading. The natural form of the site shall be preserved insofar as practicable unless berming or contouring of land is required.

H. Public Rights of Ways. Land within the public road right of way, not developed as sidewalks or driveways, shall be landscaped and maintained by the abutting property owners. Landscaping will be of the variety that would not create a road hazard or impair sight distance.

I. Street Trees. Street tree planting may be required of any development and, if planted, shall be according to city requirements and of a species compatible with the width of the planting strip, and nearby street tree species.

J. Exceptions. The following exceptions apply to properties with frontage on McLoughlin Blvd:

1. The use of sod along McLoughlin Blvd. shall be encouraged in landscape plans for development of McLoughlin Blvd.

2. The use of sod along McLoughlin Blvd. may be allowed in lieu of required street trees.

3. The ten (10) foot wide landscape strip along McLoughlin Blvd. may be allowed in the right-of-way if applicant agrees to relocate the ten (10) foot strip whenever the right-of-way is improved. This strip may be included in total landscape area calculations.
Chapter 17.48

Off-Street Parking & Loading

Sections:

17.48.010 Applicability
17.48.020 Low Density Residential Standards
17.48.030 Standards for Developments Subject to Design Review
17.48.040 Design Requirements for Permanent Off-Street Parking & Loading Areas

17.48.010 Applicability

Off-street parking and loading requirements shall apply to all development permits issued in Gladstone.

17.48.020 Low Density Residential Standards

At the time of construction or substantial exterior improvement of a low density residential structure, off-street parking spaces shall be provided as follows, unless greater requirements are otherwise established. Off-street parking spaces shall be located on the same lot with a dwelling.

<table>
<thead>
<tr>
<th>Use</th>
<th>Zone</th>
<th>Minimum Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family home</td>
<td>All zones</td>
<td>Two spaces</td>
</tr>
<tr>
<td>Two-family home</td>
<td>All zones</td>
<td>One and one-half spaces per dwelling unit</td>
</tr>
</tbody>
</table>

17.48.030 Standards for Developments Subject to Design Review

At the time of construction, enlargement, or change of use of any structure or development subject to design review (Chapter 17.80), except as provided in the C-2 district, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet of the structure or use are specified as the basis for the requirement, the area shall be the gross floor primary to the functioning of the particular use of the property. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.
<table>
<thead>
<tr>
<th>Use</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Residential uses</strong></td>
<td><strong>Standard</strong></td>
</tr>
<tr>
<td>1. Multi-family dwellings, all districts</td>
<td>One and one half spaces per dwelling unit</td>
</tr>
<tr>
<td>2. Roominghouse or boardinghouse</td>
<td>Spaces equal to eighty (80) percent of the number of guest accommodations plus one (1) additional space for the owner or manager.</td>
</tr>
<tr>
<td><strong>B. Commercial residential uses</strong></td>
<td><strong>Standard</strong></td>
</tr>
<tr>
<td>1. Hotel and motel</td>
<td>One space per guest room or suite plus one additional space for the owner or manager &amp; one space per two employees.</td>
</tr>
<tr>
<td>2. Convalescent hospital</td>
<td>One space per four beds</td>
</tr>
<tr>
<td>3. Hospital</td>
<td>One and one-half spaces per bed</td>
</tr>
<tr>
<td><strong>C. Institutional uses</strong></td>
<td><strong>Standard</strong></td>
</tr>
<tr>
<td>1. Welfare or correctional institution, nursing homes, or homes for the aged</td>
<td>One space per ten beds for patients or inmates plus one space per two employees.</td>
</tr>
<tr>
<td>2. Convalescent hospital</td>
<td>One space per four beds</td>
</tr>
<tr>
<td>3. Hospital</td>
<td>One and one-half spaces per bed</td>
</tr>
<tr>
<td><strong>D. Places of public assembly</strong></td>
<td><strong>Standard</strong></td>
</tr>
<tr>
<td>1. Church</td>
<td>One space per six seats or eight feet of bench length in the main auditorium or one space for each seventy-five square feet of floor area of a main auditorium not containing fixed seats.</td>
</tr>
<tr>
<td>2. Library, reading room</td>
<td>One space per four hundred square feet of floor area plus one space per two employees.</td>
</tr>
<tr>
<td>3. Preschool nursery, kindergarten, day care center</td>
<td>Two spaces per full-time staff person.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>4. Primary or middle school</td>
<td></td>
</tr>
<tr>
<td>5. High school, college or commercial school for adults</td>
<td></td>
</tr>
<tr>
<td>6. Non-school auditorium, meeting room, community or senior center</td>
<td></td>
</tr>
<tr>
<td>E. Commercial amusement</td>
<td></td>
</tr>
<tr>
<td>1. Stadium, arena, theater</td>
<td></td>
</tr>
<tr>
<td>2. Bowling alley</td>
<td></td>
</tr>
<tr>
<td>3. Dancehall</td>
<td></td>
</tr>
<tr>
<td>4. Skating rink</td>
<td></td>
</tr>
<tr>
<td>5. Athletic and health clubs</td>
<td></td>
</tr>
</tbody>
</table>
F. Commercial uses
   1. Retail store except as provided in Section 2 of this subsection. One space per three hundred square feet of floor area designated for retail sales.
   2. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture. One space per six hundred square feet of floor area.
   3. Bank, office other than a medical or dental office. One space per three hundred square feet of floor area.
   4. Medical, dental office. One space per one hundred square feet of floor area.
   5. Eating or drinking establishments. One space per three hundred square feet of floor area.
   6. Mortuary. One space per six seats or eight feet of bench length in chapels.

G. Industrial Uses
   1. Manufacturing and Processing
      - < 25,000 sq. ft. One per 600 sq. ft.
      - ≥ 25,000 and < 50,000 sq. ft. One per 700 sq. ft.
      - ≥ 50,000 and < 80,000 sq. ft. One per 800 sq. ft.
      - ≥ 80,000 and < 200,000 sq. ft. One per 1000 sq. ft.
      - ≥ 200,000 sq. ft. One per 2000 sq. ft.
   2. Warehousing and Distribution
      - < 50,000 sq. ft. One per 2000 sq. ft.
      - ≥ 50,000 sq. ft. One per 5000 sq. ft.

H. Industrial uses
   1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal. One space per employee.
   2. Wholesale establishment. One space per employee plus one space per 700 square feet of patron-service area.

(Ord. 957 S1, 1980; Ord. 947 S4.040, 1979.)
Permanent Off-Street Parking & Loading

All structures and developments subject to design review shall provide permanent off-street parking and loading as follows:

A. Parking & Loading
   1. Parking and loading areas shall be paved with asphalt and/or concrete meeting city standards, maintained adequately for all weather use and so drained as to avoid flow of water across public sidewalks.
   2. Parking and loading areas adjacent to or within a residential zoning district shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence, wall or plantings of not more than six (6) feet in height.
   3. Artificial lighting shall not create or reflect substantial glare on a lot in a residential zoning district.
   4. Owners of two (2) or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to establish the joint use.
   5. Areas for standing and maneuvering vehicles, other than for the off-street parking and storage of truck tractors and/or semi-trailers, shall be paved with an asphalt and/or concrete surface meeting city standards. The parking of truck tractors and/or semi-trailers in off-street parking areas used exclusively for the parking and/or storage of said vehicles may be allowed utilizing a durable and dustless surface other than an asphalt and/or concrete surface. Such surface must be graded, compacted and surfaced in such a manner that it will adequately support these vehicles, including trailer standing gear, will not produce dust, will not produce tracking of mud or other materials onto adjoining streets or properties, and otherwise complies with other applicable provisions of this code.

B. Parking
   1. Required parking spaces shall be located not further than two hundred (200) feet from the building or use they are required to serve, measured in a straight line from the building.
   2. Required parking shall be provided in the same zoning district or a different zoning district of a more intensive use.
   3. In no case shall required parking for a commercial or industrial use be provided in a residential district, except for approved conditional uses.
4. Groups of more than four (4) parking spaces shall be permanently marked and so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

5. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four (4) inches high and set back a minimum of five (5) feet from the property line. A bumper rail may be substituted for a curb.

6. Access aisles shall be of sufficient width for all vehicular turning and maneuvering but in no case shall two-way and one-way driveways be less than the requirements of tables 1 and 2 below.

7. Up to fifty (50) percent of required parking spaces may be provided for compact cars.

8. Parking areas shall meet the landscaping requirements set forth in Section 17.46.020 (landscaping-parking areas).

9. All parking area and parking spaces, shall be designed and laid out to conform to the minimum standards as set forth in tables 1 and 2 following this section. (Ord. 947 S4.050, 1979.)

Table 1

STANDARD PARKING DIMENSIONS IN FEET

<table>
<thead>
<tr>
<th>Parking Angle (Degrees)</th>
<th>Stall Width</th>
<th>Stall Depth</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>9.5</td>
<td>18.0</td>
<td>14.0</td>
</tr>
<tr>
<td>60</td>
<td>9.5</td>
<td>18.0</td>
<td>16.0</td>
</tr>
<tr>
<td>90</td>
<td>9.5</td>
<td>18.0</td>
<td>24.0</td>
</tr>
</tbody>
</table>

Table 2

COMPACT PARKING DIMENSIONS IN FEET

<table>
<thead>
<tr>
<th>Parking Angle (Degrees)</th>
<th>Stall Width</th>
<th>Stall Depth</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>8.5</td>
<td>16.0</td>
<td>14.0</td>
</tr>
<tr>
<td>60</td>
<td>8.5</td>
<td>16.0</td>
<td>16.0</td>
</tr>
<tr>
<td>90</td>
<td>8.5</td>
<td>16.0</td>
<td>24.0</td>
</tr>
</tbody>
</table>
The above tables and diagram provide the minimum dimensional standards for parking areas and spaces.

C. Loading

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school having a capacity greater than twenty-five (25) students.

2. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

3. Off-street parking areas used to fulfill the requirements of this section shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

4. Loading facilities shall be located at least twenty (20) feet from residential property. Loading spaces shall be located on the site and directly accessible to the main structure.
Chapter 17.50

Vehicular and Pedestrian Circulation

Sections:

17.50.010 Applicability
17.50.020 Vehicular and Pedestrian Circulation Generally
17.50.030 Streets and Roads Generally
17.50.040 Street and Road Standards

17.50.010 Applicability

The development standards for pedestrian and vehicular circulation shall apply to all land use except development permits issued for single-family dwellings and duplexes in residential zones.

17.50.020 Vehicular and Pedestrian Circulation Generally

Vehicular and pedestrian circulation facilities, including walkways, provisions for the handicapped, interior drives and parking as provided under Chapter 17.48, shall be designated as follows:

A. Impervious Surface. Provide for least amount of impervious surface necessary to adequately serve the type and intensity of proposed land uses within developments as well as providing adequate access for service vehicles;

B. Traffic Separation. Provide when feasible, a separation of motor vehicular, bicycle and pedestrian traffic;

C. Curbs & Sidewalks. Provide curbs, associated drainage, and sidewalks within the right of way or easement for public roads and streets;

D. Traffic Volume Expansion. Provision shall be made to accommodate any increased volume of traffic resulting from the development. If streets adjacent to or serving the site are inadequate, widening, dedication of property for future widening, or other street improvements may be required. The development shall be designed to minimize traffic volume increases on minor streets and underdeveloped streets;

E. Handicapped Needs. Provide for the special needs of the handicapped such as wheelchair ramps and braille signs. [Ord. 997 S3 (A)(3), 1981.]
17.50.030 Streets & Roads Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is now shown in a development plan, the arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

B. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

17.50.040 Street & Road Standards

The design and improvement of streets and roads shall meet with the approval of the city in accordance with applicable city standards: for all streets, including alleys, within the development; streets adjacent but only partially within the development; on the extension of development streets to the intersecting paving line of existing streets with which development streets intersect shall be graded for the full right-of-way width and improved to the city’s permanent improvement standards and specifications as follows: (Ord. 948 S27, 1976.)

A. Right-of-Way and Roadway Widths. Unless otherwise indicated on Comprehensive Plan or other city standards, the width of streets and roadways in feet shall be as prescribed below:

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>R-O-W Width (in feet)</th>
<th>Roadway Width (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major arterial</td>
<td>Minimum 100</td>
<td>Minimum 42</td>
</tr>
<tr>
<td>Minor arterial</td>
<td>60 to 80</td>
<td>Minimum 36</td>
</tr>
<tr>
<td>Collectors</td>
<td>50 to 60</td>
<td>Minimum 32</td>
</tr>
<tr>
<td>Local</td>
<td>Min. 40 w/5 foot utility easement on each side</td>
<td>Minimum 32</td>
</tr>
<tr>
<td>Alley</td>
<td>Minimum 20</td>
<td>Minimum 20</td>
</tr>
</tbody>
</table>

Cul-de-sac shall terminate with a turnaround radii of at least 45 feet. Hammerheads shall terminate with turning extensions of 24 feet width and 30 feet length, unless otherwise approved by the City.
B. Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments resulting in T intersections shall, wherever practical, leave a minimum distance of two hundred (200) feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than one hundred (100) feet.

C. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved with temporary turnarounds. Such temporary turnarounds shall be formed as an easement and will not affect building setback lines. The removal of a temporary turnaround shall occur when the street is extended and shall be paid for by the person extending the street. Reserve strips (street plugs) may be required to preserve the objectives of street extensions.

D. Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the city under conditions approved by the Planning Commission.

E. Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles, but in no case less than sixty (60) degrees unless a special intersection design is approved. Streets shall have at least fifty (50) feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections which are not at right angles shall have minimum corner radii of fifteen (15) feet along right-of-way lines which form acute angles. Right-of-way lines at intersections with arterial streets shall have minimum curb radii of not less than thirty-five (35) feet. Other street intersections shall have curb radii of not less than twenty (20) feet. All radii shall maintain a uniform width between the roadway and the right-of-way lines. Ordinarily, the intersection of more than two streets at any one point will not be allowed.

F. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate widths, additional right-of-way shall be provided at the time of development.

G. Cul-de-sacs and Hammerheads. Cul-de-sacs shall be as short as possible and shall have maximum lengths of eight hundred feet and serve no more than eighteen single-family dwellings. All cul-de-sacs shall terminate with adequate vehicle turnaround.
H. Street Names. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in or near the city and shall be subject to the approval of the Planning Commission.

I. Grades and Curves. Grades shall not exceed ten (10) percent on major or minor arterials, fifteen (15) percent on collector streets, or twenty (20) percent on any other street unless specifically approved. In fault areas finished street grades shall have a minimum slope of 0.5 percent. Centerline radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on minor arterials, or one hundred (100) feet on other streets. On arterials there shall be a tangent of not less than one hundred (100) feet between reversed curves.

J. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

K. Alleys. Alleys may be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radii of not less than ten (10) feet.

L. Private Roads or Easements. Private roads or easements may be allowed for development of parcels in residential zones where the applicant can show that public road standards cannot be met due to lot size or shape, topography or other circumstances outside their control, and where no more than six (6) dwelling units will take access from the road. A maintenance agreement, acceptable to the city and duly recorded, shall be required before any such private road or easement may be approved.

M. Painting of Curbs and Sidewalks. Except where required for safety purposes or for the identification of house numbers, painting of curbs and sidewalks is prohibited. All such painting must be approved by the city. (Ord. 947 §4.170, 1979.)

N. Curbs & Driveways. Curb cuts and driveway installations shall be installed, according to city standards.

O. Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the development, except that in the case of major and minor arterials, or special type industrial districts, or special site conditions, the Planning
Commission may approve a development without sidewalks if alternative pedestrian routes are available.

P. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.

Q. Street Signs. Street name signs shall be installed at all street intersections. Specifications for signs shall be submitted and approved prior to their erection.

R. Street Lights. Street lights shall be installed and shall be served from an underground source of supply.

S. Storm Sewers. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainageways.

T. Monuments. Upon completion of street improvements, monuments shall be re-established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines. Elevation bench marks shall be established at each street intersection monument with elevations to U.S. Geological Survey datum. All lot corners will be marked by a metal rod.
Chapter 17.52

Signs

Sections:

17.52.010 Applicability
17.52.020 Signs Generally
17.52.030 Signs - Design Standards Generally
17.52.040 Design Standards for Permanent, Free-Standing Identification Signs
17.52.050 Design Standards for Permanent On-Building Identification Signs
17.52.060 Design Standards for On-Site Traffic Control and Identification Signs
17.52.070 Design Standards for Temporary and Portable Signs
17.52.080 Election and Campaign Signs
17.52.090 Limitations in a Residential Zoning District

17.52.010 Applicability

Design standards of this Chapter shall apply to all development permits, including business licenses and home occupation permits, issued in Gladstone, including residential and temporary signs.

17.52.020 Signs -- Generally

Signs shall be allowed in commercial and industrial districts in Gladstone pursuant to the standards of Section 17.52.020 through 17.52.070. Review shall be provided by the City Administrator, or designee, or the applicant may request review by the Planning Commission pursuant to Chapter 17.80 (Design Review). General provisions for signs shall be as follows:

A. Sign Clearances. A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under free-standing signs.

B. Corner Vision. All signs shall be situated in a manner so as not to adversely affect safety, corner vision or other similar conditions.

C. Blanketing. No sign shall be situated in a manner which results in the blanketing of an existing sign.

D. Illuminated Signs.
   1. Internally illuminated signs or lights used to indirectly illuminate signs shall be placed, shielded or deflected so as not to shine into residential dwelling units.
   2. No sign or other illuminating device shall have blinking, flashing or fluttering lights. The Planning Commission may approve a time and temperature sign.
3. No colored lights shall be used at any location or in any manner which may be confused with or construed to be traffic signals or lights on emergency vehicles.

4. Illuminated signs shall not be located closer than twenty-five (25) feet to a lot in a residential zoning district.

E. Moving Signs. No sign, sign structure or portion thereof, shall be designed to rotate, flutter or appear to move.

F. Maintenance. All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint, or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.

G. Pre-existing Signs. Signs and sign structures existing prior to the passing of the ordinance codified in this chapter which complied with applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of this section shall be subject to the variance procedures, except for:

1. Alterations to a nonconforming sign which reduces, or does not increase, its noncompliance with the provisions of this chapter, including changes in display surface, sign area, height and setbacks, may be allowed subject to review under the provisions of Section 17.52.030 through 17.52.070; and

2. Sign copy which identifies or advertises a business, product or service no longer located on the same site or premises on which the sign is posted shall be replaced, or removed, within three (3) months of the change of occupancy of the premises or vacancy of the premises. Failure to use the copy area of a nonconforming sign for purposes permitted under this section for a period of more than twelve (12) consecutive months shall constitute a "discontinuation of use" as provided under Chapter 17.76, and shall be removed or modified to satisfy all applicable requirements of this section and the underlying district. [Ord. 997 S4(B), 1981.]

17.52.030 Signs -- Design Standards Generally

The size, design, color, lighting and location of signs and supporting structures for all signs shall be subject to Chapter 17.80 (Design Review) and the provisions of this chapter, including the following conditions:

A. Message. The permanent copy of the sign shall clearly identify the nature of the business or development. When the name alone does not ensure public recognition of the nature of the business or
development, additional copy may be included, as determined necessary by the city administrator or his designee.

B. Legibility. All forms of sign copy shall be appropriate in size, color, style, spacing and shape to produce a legible, concise and uncluttered message as viewed from adjacent public roads or from the appropriate internal circulation road or walkway. [Ord. 997 S4(C)(1), 1981.]

17.52.040 Design Standards for Permanent Free-standing Identification Signs

Free-standing or ground-mounted signs oriented to off-site circulation identifying the uses on the premises shall be allowed subject to the following conditions:

A. Number. Only one such sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, unless an additional sign is needed to provide identification of the development at major public access points located on two different roads. See Section 17.70.030C;

B. Height. Maximum height: twenty (20) feet;

C. Size. Maximum sign size: forty (40) square feet as viewed from one direction. A sign area may be increased above this requirement subject to staff or Planning Commission review, in consideration of the following factors:
   1. The relative size of the development;
   2. Identification of more than one use within a development is included on the sign;
   3. The sign is constructed of natural materials and indirectly illuminated; and
   4. A time and/or temperature display is incorporated into the design of the sign;
   5. The property has frontage on a major arterial, which would allow:
      a. .5 sq. ft. of sign area per linear foot of frontage;
      b. Sites with road frontage in excess of 300 continuous feet quality for one additional freestanding sign. Total freestanding sign area shall not exceed (a) above.

D. Setbacks. Signs less than twenty-eight (28) square feet in size shall observe at least one-half (½) of the yard setback requirements of the district in which it is located. Signs larger than twenty eight (28) square feet in size must observe the setback requirements for the distance which it is located.

E. Illumination. Such signs may be internally or indirectly illuminated, subject to Section 17.52.020. [Ord. 997 S4(C)(2), 1981.] Also see Section 17.70.030.
17.52.050 Design Standards for Permanent On-building Identification Signs

On-building signs identifying the use of the premises shall be allowed subject to the following conditions:
A. Sign Area. The sign area, location on the building, number of signs and the size of the copy used shall be determined in consideration of the following factors:
   1. The relationship of the building to the road or on-site circulation areas;
   2. The use and the location of a free-standing or ground-mounted sign identifying the premises;
   3. The use of the premises and associated need for identification of the building;
   4. The size and design of the building elevation on which the sign would be placed;
   5. The amount of signing for the use which can be seen from a given direction.
B. Design. On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.
C. Wall Graphics. The use of external walls of buildings for graphics, artwork, or other displays shall be subject to review and approval of the Planning Commission.
D. Illumination. On-building signs may be internally or indirectly illuminated, subject to Section 17.52.020. [Ord. 997 S4(C)(3), 1981.]

17.52.060 Design Standards for On-site Traffic Control and Identification Signs
A. Traffic Control. Signs which direct the flow of traffic to and from the site area shall observe the corner vision requirements of the district and shall be a maximum of three (3) square feet.
B. Directories. An on-site sign oriented primarily toward vehicle circulation which identifies and directs traffic to a number of tenants, uses or buildings within the development shall be limited in area to a maximum of two (2) square feet per tenant, use or building specifically identified, up to a maximum of forty (40) square feet. Directories oriented toward pedestrian circulation areas, including those attached to buildings, shall be a maximum of twenty-four (24) square feet in area, and eight (8) feet in height.
C. Identification Signs. An on-site, ground-mounted tenant identification sign for an individual building within a development may be allowed as an alternative to an on-building identification sign provided such sign shall:
   1. Be located in front of the building being identified;
   2. Not exceed twelve (12) square feet in area;
3. Not exceed four (4) feet in height; and
4. Use materials and colors which are the same, or substantially the same, as those used in the building identified by the sign. [Ord. 997 S4(C)(4), 1981.]

17.52.070 Design Standards for Temporary and Portable Signs

Portable advertising signs may be displayed for the purpose of advertising a special sale or event, subject to approval by the City Administrator, or his designee, of a temporary permit under the following conditions and limitations:

A. Display. Only one portable advertising sign shall be displayed on a development or complex at any given time.

B. Time Period and Duration. The display of a portable sign shall not exceed a total time period of six (6) weeks in a calendar year. Each display shall be considered as a minimum of one (1) week in duration and shall not exceed a maximum of one (1) month duration. Changes in copy on a portable sign shall not be considered a separate display.

C. Size Limits. Portable signs shall not exceed a sign area of thirty-two (32) square feet, or a height of six (6) feet above the natural ground elevation.

D. Setbacks. Portable signs shall observe at least one-half of the yard setback requirement of the district in which it is located.

E. Anchoring. All signs approved under this provision shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its approved location, and allows the prompt removal of the sign between display periods.

F. Exceptions. No portable sign shall be allowed under this provision for any business or development which has a changeable copy sign incorporated into their permanent identification sign.

G. Illuminated Signs. Illumination of any sign, or portion thereof, in the shape of an arrow, or any other shape which may be construed as a traffic-control device is prohibited. Signs containing any electrical components or parts or illuminated by electrical lighting must be approved under the National Electrical Code as modified by State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state-approved power outlet.

H. Hazards. No sign, light, electrical cord, streamer, banner, or other apparatus shall be situated or used in a manner which creates a hazard. [Ord. 997 S4(C)(5), 1981.]
17.52.080 Election and Campaign Signs

Temporary campaign signs are not allowed on any public property or in street rights-of-way. However, they may be allowed as follows:
A. Campaign signs are allowed on private property and on portions of the right-of-way not improved for vehicle traffic, subject to the property owner's approval.
B. Campaign signs must not interfere with clear vision requirements under Chapter 17.54.
C. Signs must be removed within two weeks following the election.
D. All campaign and election signs shall comply with state law.

17.52.090 Limitations in Residential Districts

In a residential zoning district, signs may be permitted subject to the following limitations:
A. Identification signs shall not exceed a total of one square foot in area, except that in the case of multiple-family dwellings, an identification sign of not greater than ten (10) square feet in area may be used providing it does not interfere with the clear-vision area.
B. Signs pertaining to the lease, rental or sale of property shall be limited to two (2) signs per lot and shall not exceed six (6) square feet in area.
C. Signs advertising the sale of a tract or lots in a subdivision shall be limited to one (1) sign per tract or subdivision, and shall not exceed thirty-two (32) square feet in area.
Chapter 17.54

Clear Vision

Sections:

17.54.010  Applicability
17.54.020  Establishment of Clear Vision Areas
17.54.030  Measurement of Clear Vision Areas

17.54.010  Applicability

Clear vision standards shall apply to all development in the city.

17.54.020  Establishment of Clear Vision Areas

A. Areas. In all zoning districts a clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, a street and a driveway to an off-street parking lot with a capacity of more than eight (8) automobiles, or a street and a railroad.

B. Standards. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding thirty-six (36) inches in height measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade. Growth of foliage and plants shall be limited to thirty-six (36) inches. (Ord. 947 S4.070, 1979.)

17.54.030  Measurement of Clear Vision Areas

A clear vision area shall consist of a triangular area two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this section, or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides. The following measurements shall establish clear vision areas (see Figure 1, Clear Vision Diagram):
FIGURE 1
CLEAR VISION AREA DIAGRAM

Right-of-Way Width

| 80 feet | 20 feet |
| 60 feet | 30 feet |
| 50 feet or less | 40 feet |

Measurement

Each Lot Line

[Clear Vision Areas]

(ORD. 947 S4.080 1979.)
Chapter 17.56

Drainage

Sections:

17.56.010 Applicability

17.56.020 Standards

17.56.010 Applicability

The development standards for surface water drainage shall apply to all developments in the City of Gladstone except for substantial improvement or lesser remodel or reconstruction of existing single-family or two-family dwellings.

17.56.020 Standards

Adequate provisions shall be made to ensure proper drainage of surface waters, to preserve natural flow of watercourses and springs and to prevent soil erosion and flooding of neighboring properties or streets. Such provisions shall include, but not be limited to the following;

A. Generally. All development shall be planned, designed, constructed and maintained to:

1. Protect and preserve existing natural drainage channels to the maximum practicable extent;
2. Protect development from flood hazards;
3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
4. Assure that waters drained from the site are substantially free of pollutants, including sedimentary materials, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing or grading;
5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
6. Provide drywells, trench drains, or similar methods, as necessary to supplement storm drainage systems;
7. Avoid placement of surface detention or retention facilities in road rights-of-way.
B. Watercourses. Where culverts cannot provide sufficient capacity without significant environmental degradation, the city may require the watercourse to be bridged or spanned.

C. Easements. In the event that a development or any part thereof is traversed by any watercourse, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the city. This does not imply maintenance by the city.

D. Obstructions. Channel obstructions are not allowed, except as approved for the creation of a detention or retention facility. Fences with swing gates may be utilized. (Ord. 997 §3(A)(4), 1981.)

E. Surface Drainage and the Storm Sewer System. Drainage facilities shall be provided within each development and to connect the development’s drainage to drainways or storm sewers outside the development. Design of drainage within the development shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the development and to allow extension of the system to serve such areas.
Chapter 17.58
Grading & Fill

Sections:

17.58.010 Applicability
17.58.020 General Provisions

17.58.010 Applicability

The development standards for grading and fill shall apply to all development permits issued by the City of Gladstone except for substantial improvement or lesser remodel or reconstruction of existing single-family or two-family dwellings.

17.58.020 General Provisions

A. Grading of Building Sites. Grading and fill of building sites shall conform to Chapter 70 of the Uniform Building Code. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended. When deemed necessary, the building official may require geological studies to determine the suitability of the site. (Ord. 948 S30, 1979.)

B. U.B.C. Requirements. The building official shall enforce Chapter 70 of the U.B.C. and shall require soils reports and/or engineering studies before issuing a building permit for fill, excavation, construction or related activities involving soils with restrictive features such as instability, wetness, flooding or other limitations. (Ord. 947 S4.180, 1979.)
Chapter 17.60

Utilities

Sections:

17.60.010 Applicability
17.60.020 Standards

17.60.010 Applicability

The development standards for utilities shall apply to all development permits issued by the City of Gladstone except for substantial improvement or lesser remodel or reconstruction of an existing single or two-family dwelling.

17.60.020 Standards

Utility services and facilities shall be appropriate to the scale and type of development and consideration shall include, but not be limited to the following standards:

A. Site Disturbance. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.

B. Electricity, Gas, Communications. All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company servicing the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.

C. Underground Facilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

D. Sanitary Sewers. All development which has a need for sanitary sewers shall install the facilities pursuant to the requirements set forth by the public works department. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities. Requirements for development shall include the following:

1. Sanitary sewers shall be installed to city standards to serve or be available to all development. Design shall take into
account the capacity and grade to allow for desirable extension beyond the development. If required, sewer facilities will, without further sewer construction, be sized to directly serve property outside the development.

2. If the area outside the development to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the developer as is desirable to assure financing his share of the construction. If it is determined by the city that a larger sized line than normally required to serve the property is desirable to provide for future extension, the city will reimburse the developer the difference in cost of pipe between that required to serve the development and that stipulated by the city.

3. In areas that will not be served by a public sewer, the minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

E. Water Services. All development which has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the utility district serving the development. In addition, requirements for development shall include the following:

1. Water lines to serve residential developments shall be a minimum six (6) inch nominal diameter and water lines to service commercial and industrial developments shall be a minimum eight (8) inch nominal diameter with valves and fire hydrants serving each building site in the development and connecting the development to city mains shall be installed. Prior to starting building construction, the design shall take into account provisions for extension beyond the development and to adequately grid the city system. Hydrant spacing to be based on accessible area served according to A.I.A. recommendations and as approved by the fire chief.

2. If the city determines that a water line size greater than the required minimum in diameter is required to provide for future extension of the water system, the city will reimburse the developer the difference in cost of pipe and valves between that of a the minimum diameter and the size stipulated by the city.
F. Coordination with Street Surfacing. All underground utilities, sanitary sewers and storm drains installed in streets by the developer or by any utility company shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length minimizing the necessity for disturbing the street improvements when service connections are made.

G. As-built Submittals. A map showing all public improvements, as built, shall be filed with the city engineer upon completion of the improvements. (Ord. 948 §34, 1979.)

H. Conditions for Refund to Developer.
1. If required water mains or sewer facilities will without further construction other than individual laterals, directly serve properties outside the development, the city may enter into an agreement with the developer to require owners of the other benefiting properties to refund to the developer, a pro rata portion of the cost of the extension prior to allowing the benefiting property to connect thereto.
2. Any such agreement shall contain a provision that the developer agrees to completely indemnify and hold harmless the city for any claim or injury or action arising from the city’s administration of such agreement.
3. The right to require such a refund shall not continue for more than ten (10) years after the date of installation of the extension.
4. The amount to be refunded and the individual proration of the same shall be determined by the city and such determination shall be final. (Ord. 948 §36, 1979.)
**Chapter 17.62**

**Special Uses**

17.62.010  **Applicability**

The standards of this chapter shall apply to applications for development of special uses.

17.62.020  **Church, Hospital, Nursing Home, Convalescent Home & Retirement Home**

A.  **Areas of Consideration.** Church, hospital, nursing home, convalescent home, retirement home may be allowed after consideration of factors such as:

1.  Sufficient area provided for the building, required yards, and off-street parking;

2.  Location of site relative to the service area of the church, hospital or home;

3.  Probable growth and growth needs;

4.  Site location relative to land uses in the vicinity; and

5.  Adequacy of access from principal streets together with the probable effect on traffic volumes of abutting and nearby streets.

B.  **Setback.** A church, hospital, nursing home, convalescent home or retirement home may exceed the height limitations of the zoning district in which it is located to a maximum height as determined by the fire chief if the total floor area of the building does not exceed one and one-half times the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the structure. (Ord. 947 S6.020(2), 1979.)
C. A church, hospital, nursing home, convalescent home or retirement home shall be at least thirty (30) feet from the side or rear lot line.

17.62.030 Schools and Associated Buildings, Structures and Facilities

A. Nursery Schools. Nursery schools shall provide and maintain at least one hundred (100) square feet of outdoor play area per child. A sight-obscuring fence at least four (4) feet but not more than six (6) feet in height shall separate the play area from abutting lots.

B. Elementary Schools. Elementary schools shall provide a basic site area of five (5) acres plus one (1) additional acre for each one hundred (100) pupils of predicted ultimate enrollment.

C. Secondary Schools. Secondary schools shall provide a basic site area of ten (10) acres plus one (1) additional acre for each one hundred (100) pupils of predicted ultimate enrollment. [Ord. 947 S6.020(3), 1979.]

17.62.040 Foster Homes and Group Homes

A. New Construction. Any new construction shall conform to the dimensional standards (off-street parking requirements, etc.) of the zone in which the use is located.

B. Health, Safety and Welfare. The health, safety and welfare of the dependents shall be deemed the responsibility of the licensing agency and other agencies for administration of health and life safety codes.

C. Extent of Use. Applicants must specify the extent of the use in as much detail as possible. For example:
   1. Maximum number of dependent individuals anticipated at one time;
   2. Site modifications required:
   3. Length of time request is for, if known;
   4. Number of employees, or others assisting in care, if any.

D. Applicants must provide written evidence from licensing agency that criteria for license is met. (Ord. 1006 S8, 1982.)

17.62.050 Day Care Centers

A. Submittal Information. In addition to the general provisions of Section 17.70.050, an application for a day care center shall include the following:
   1. A description of the proposed use including the maximum number of day care persons to be served, number of staff, and estimated days and hours of operation;
2. A site plan showing existing or proposed structures and improvements, including landscaping, play yards and parking areas, and locations of structures and improvements on adjacent properties;

3. Either structural details and/or plans, or a statement acceptable to the fire department indicating the structure either does or can meet applicable fire safety standards.

B. All day care centers shall meet the following minimum requirements:

1. The proposed center shall maintain all applicable licenses required by the appropriate agencies for the use described in the application. In the event the license cannot be issued until final land use actions are completed, a statement from the appropriate agencies indicating the applicant has complied or can comply by satisfying conditions will be sufficient for submittal purposes.

2. Design Standards. All day care centers shall be subject to design review. Special considerations for this use are:
   a. Compatibility of appearance with the surrounding area;
   b. Provision of usable on-site open space appropriate to the needs of day care persons;
   c. Clearly defined property boundaries.

3. Off-Street Parking.
   a. Parking spaces shall be provided on-site in defined locations with adequate turn-around space, and not in landscaped areas. Passenger loading areas may be provided on-site.
   b. A minimum one (1) space for each staff member shall be provided plus one (1) space per five (5) day-care persons under twelve (12) years of age, and one (1) space per seven (7) day-care persons over twelve (12) years of age.
   c. These parking standards may be reduced if the applicant can demonstrate a lesser number of spaces are necessary due to client needs, shared parking, etc. However, this provision is not intended to allow development of a site due to insufficient size, shape, topographic character or location.

C. Definitions. Definitions for this section shall be those in Children Services Division 10 standards for rules governing day care facilities, OAR 412-10-010 (1) through (17). (Ord. 1005 S1[B], 1985).
17.62.060 Utility Substation or Related Facility

Standards:
A. In any residential zoning district, all equipment storage on the site shall be within an enclosed building.
B. The use shall be fenced and provided with landscaping.
C. Minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to the adjacent property.
D. As far as possible, transmission towers, poles, overhead wires, pumping stations, and similar gear shall be so located, designed and installed as to minimize conflicts with the scenic values of the neighborhood or city as a whole. (Ord. 947 §6.020(4), 1979.)

17.62.070 Mobile Home Park

Mobile home parks shall meet the requirements of Chapter 446, Oregon Revised Statutes, and the Rules and Regulations Governing the Construction and Sanitary Operation of Travelers' Accommodations and Trailer Parks adopted by the Oregon State Board of Health. In addition, the following minimum standards shall apply:
A. Parking Space Requirement. A parking space shall be provided for each mobile home space on the site. In addition, guest parking spaces shall be provided in every mobile home park within two hundred (200) feet of the mobile home spaces served and at a ratio of one (1) parking space for each two (2) mobile home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.
B. Fencing and Landscaping. A sight-obscuring fence or hedge not more than six (6) feet high shall enclose the mobile home park except at points of ingress and egress. A built-up fence, as distinguished from a hedge, shall be so located as to conform to front and side yard requirements of the zoning district and suitable landscaping shall be provided in the required yard.
C. Density Standards. In no event shall the density exceed ten (10) mobile homes per gross acre. Density requirements shall be established as the minimum square footage of gross site area for each mobile home. If it is determined by the Planning Commission that a street widening or other street dedication is necessary, the amount of land dedicated shall be subtracted from the gross site area when calculating the proposed density. The minimum land area to establish a mobile home park shall be one (1) acre.
D. Yard Requirements. Front yard from abutting street shall be at least twenty-five (25) feet but no closer than fifty (50) feet from the center of the road. Side and rear yards shall be at least thirty (30) feet from any interior property line abutting property zoned R-7.2. Side and rear yard shall be at least ten (10) feet from any interior property line. Mobile homes situated in one space shall be separated by at least ten (10) feet from mobile homes in an adjoining space.

E. Recreation Area. A minimum of four thousand (4,000) square feet of recreation area shall be provided for each gross acre of land in the proposed mobile home park. The recreation area may be in one (1) or more locations in the park. At least one (1) recreation area shall have a minimum size of ten thousand (10,000) square feet. The recreational site or sites are to be of a size and shape adequate for the intended use and location shall be convenient to all mobile home sites in the park. [Ord. 947 S6.020(5), 1979.]

17.62.080 Use Not Enclosed in a Building

In a commercial or industrial district, a permitted use or its accessory use not wholly enclosed within a building may be permitted subject to the following standards:

A. Screening. A sight-obscuring fence or evergreen hedge may be required when, in the judgement of the Planning Commission, such a fence or hedge is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

B. Signs & Lights. The placement and design of signs and lights may be regulated to preserve the values of nearby properties, to protect them from glare, noise or other distractions, or to protect the character of the district.

C. Other Conditions. The Planning Commission may require any other condition that is found to be necessary to ensure a neat and uncluttered appearance. (Ord. 947 S6.020(6), 1979.)

17.62.090 Commercial Amusement or Recreation Establishment

A commercial amusement or recreation establishment may be authorized after consideration of the following factors:

1. Adequacy of access from principal streets together with the probable effect on traffic volumes of abutting and nearby streets;
2. Adequacy of off-street parking;
3. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building site. [Ord. 947 S6.020(7), 1979.]
17.62.100 Recreation Park

A. Utility Hookups. Recreation vehicles utilizing a recreation park must be provided with individual sewer, water and electrical hookups. Tents may be erected and utilized for overnight camping only at approved individual campsites.

B. Campsite Requirements. Each campsite shall contain a minimum of one thousand (1,000) square feet and shall be provided with waste disposal, sanitary and toilet facilities deemed appropriate and suitable by the Planning Commission. Provision shall be made for preservation or development of landscaping or fencing on the property to ensure buffering from adjacent development. Each recreation vehicle space shall contain a minimum of one thousand five hundred (1,500) square feet, shall be a minimum of thirty (30) feet in width, and shall abut upon a gravel or paved drive with a minimum roadway width of twenty (20) feet.

C. Use of Recreational Vehicles. Recreational vehicles shall be located in such spaces with a minimum of fifteen (15) feet between recreational vehicle and any building. No recreational vehicle used for living purposes shall remain in a recreational park for more than two (2) consecutive days and nights unless a recreational vehicle parking space is available. Occupancy of recreational parks by individual campers shall be limited to no more than fourteen (14) consecutive days. [Ord. 947 S6.020(8), 1979.]

17.62.110 Aggregate Resource Extraction

The Planning Commission shall require the following to be submitted for a permit to extract aggregate materials:

A. Extraction Plan. An extraction plan that, at a minimum, meets the following requirements:
1. That extraction be carried out in a manner that protects surrounding property from damage and meets state and federal codes;
2. That extraction activity be screened from view;
3. That dust be controlled;
4. That operations be limited to daylight hours;
5. That there be direct access to major or minor arterials.

B. Restoration Plans & Performance Bonds. Restoration plans and performance bonds will be required to assure site rehabilitation. [Ord. 947 S6.020(10), 1979.]
17.62.120 Off-Street Parking and Storage of Truck Tractors and/or Trailers

A. Truck tractors are considered to be those vehicles defined by ORS 483.012 (2). Semi-trailers are considered to be those vehicles defined by ORS 481.045(3)(a), (b) and (c).

B. Locational Criteria.
1. Situated in the C-3 general commercial zoning district;
2. In proximity to a freeway, preferably with direct access to at least a minor arterial;
3. Avoid direct access through residential areas.

C. Site Characteristics.
1. The site shall be large enough to accommodate the proposed use to include maneuvering areas.
2. The surface and/or base must be of sufficient strength to support trucks and trailers, including trailer standing gear.
3. Consider impact on surrounding commercial uses.

D. Design Standards.
1. The site shall be screened to obscure direct view from adjacent streets and property.
2. A sight-obscuring buffer shall be provided within the landscaped strip.
3. Side and Rear Yards.
   a. When the use abuts a residential district, a buffer shall be provided to adjacent properties, a distance equal to the setback required by the residential district.
   b. When the proposed use abuts a commercial district, a five (5) foot buffer shall be required.
4. Corner vision requirements of Chapter 17.54 shall be met. [Ord. 1041 S1(c), 1985.]

17.62.130 Light Manufacturing

Light manufacturing as an accessory use to a use permitted outright in Section 17.20.020:

A. Manufacture, compounding, processing, packaging or treatment of previously prepared materials may be allowed when clearly accessory to retail or wholesale sales of that product(s) on the site:
1. The applicant shall demonstrate compliance with adopted noise standards for that zoning district, to include hours of manufacturing operation;
2. Truck traffic (to include delivery vehicles) shall not access the site on streets primarily serving residential areas;

B. The applicant shall demonstrate the site is of adequate size and shape to accommodate the proposed use;
C. Adequate facilities to serve the proposed use are present or can be provided in conjunction with development to include fire protection, waste disposal and transportation facilities;

D. "Accessory" shall be construed to mean manufacturing necessary to support the commercial nature of the use and is not necessarily limited to less square footage, number of employees, etc., with respect to "incidental or subordinate" as defined in Chapter 17.06.
Chapter 17.64
Design Standards for Land Divisions

Sections:

17.64.010 Applicability
17.64.020 Blocks
17.64.030 Building Sites
17.64.040 Building Lines
17.64.050 Large Building Sites
17.64.060 Maintenance of Minimum Title Requirements
17.64.070 Access

17.64.010 Applicability

The design standards for land divisions shall apply to all subdivisions, major or minor partitions of land or lot line adjustments.

17.64.020 Blocks

A. General. The length, width and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated, consideration of the need for traffic safety, convenience, access, circulation and control, and recognition of limitations and opportunities of topography.

B. Sizes. Blocks shall not exceed one thousand (1,000) feet in length between street lines, except for blocks adjacent to arterial streets or unless topographic conditions or the layout of adjacent streets justify a variation. The recommended minimum distance between intersections on arterial streets is one thousand eight hundred (1,800) feet.

C. Easements.
   1. Utility lines - Easements for sewers, drainage, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of twelve (12) feet in width and centered on rear or side lot lines at change of direction points of easements, except for guywire tie-back easements which shall be six (6) feet wide by twenty (20) feet long along lot lines.
   2. Watercourses - If a tract is traversed by a watercourse such as a drainageway, channel or stream, there shall be provided
a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse and adequate in width for the purpose. Streets, parkways or greenways parallel to or integrated with major watercourses may be required.

3. Pedestrian and Bicycle Ways - In blocks over eight hundred (800) feet in length, a pedestrian or bicycle way with a minimum width of ten (10) feet shall be provided through the middle of the block when desirable for public convenience. If unusual conditions require blocks longer than one thousand two hundred (1,200) feet, two (2) pedestrian ways may be required. When desirable for public convenience, or when called for in the Comprehensive Plan, pedestrian ways may be required to connect cul-de-sacs, to pass through unusually shaped blocks, or to facilitate a linked system of pedestrian ways or greenways or bicycle ways.

4. Greenways - When called for in the Comprehensive Plan, the Planning Commission may require the dedication, reservation or setting aside of greenways which will be open or accessible to the public. Except for trails or paths, such greenways will usually be left in a natural condition without improvements. Where appropriate, greenways may be combined with easements for utilities or watercourses. (Ord. 948 S28, 1979.)

17.64.030 Building Sites

A. Size and Shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The width of a lot shall be at least fifty (50) feet except that corner lots shall have a width of at least sixty (60) feet to permit appropriate building setback from both streets. Minimum lot depth in a residential district shall be sixty (60) feet. In the case of irregular lots, the width shall be measured along the front building line. Except in a PUD development, in no case shall a lot area be less than the zoning district required. The Planning Commission may, when such a minimum in the case of multi-family dwelling subdivision development would result in a conflict with the minimum area requirements of the zoning ordinance, require larger minimum area requirement so as to conform to the zoning ordinance. These minimum standards shall apply with the following exceptions:

1. Where property is zoned and planned for commercial or industrial use, other widths and areas may be permitted at the
discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Frontage. Except as set forth below and in Section 17.64.030 A and cases of cul-de-sacs, each lot and parcel shall abut upon a street other than an alley for a width of at least fifty (50) feet. Each lot and parcel shall abut upon a cul-de-sac for a width of at least twenty (20) feet.

C. Through Lots and Parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

D. Lot and Parcel Side Lines. The lines of lots and parcels as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. (Ord. 948 S29, 1979.)

17.64.040 Building Lines

If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat or shall be included in the deed restrictions. (Ord. 948 S31, 1979.)

17.64.050 Large Building Sites

In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size. (Ord. 948 S32, 1979.)

17.64.060 Maintenance of Minimum Title Requirements

No lot area, yard or other open space existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title, and no lot area, yard or other open space which is required by this title for one use shall be used as the required lot area, yard or other open space for another use. (Ord. 947 S4.010, 1979.)
17.64.070 Access

A. Except as modified in subsection B of this section, every lot shall abut a street, other than an alley, for at least twenty (20) feet.

B. In a residential district a lot may abut upon a private easement for a width of at least twenty (20) feet; provided, that the Planning Commission grants approval upon making a finding that the private easement is of adequate width, alignment, grade and restricted length to afford the same degree of public safety as a public street and that unusual circumstances make extension of the public street system impractical. (See Section 17.50.604).
### Chapters 17.66 - 17.81

**USE PERMITS AND AMENDMENTS**

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Chapter 17.66

General Provisions

Sections:

17.66.010  Purpose
17.66.020  Authorization to Grant or Deny
17.66.030  Land Use Permits Generally
17.66.040  Limitation of Reapplications

17.66.010  Purpose

The purpose of the chapters on Use Permits and Amendments is to set forth the process and standards for reviewing land use permits and for amending this code and the city's comprehensive plan.

17.66.020  Authorization to Grant or Deny

Authorization to grant or deny land use permits is vested in the City Council unless otherwise specified under each provision.

17.66.030  Land Use Permits Generally

A. Evaluation Criteria Provided. All applications for zone changes, conditional uses, variances, and restoration, replacement or alteration of a nonconforming use shall be evaluated under the specific criteria listed within this Ordinance. Unless otherwise specified, all such applications shall be subject to the procedures under Section 17.90.060.

B. Conditions of Approval. The granting of a land use permit may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially deleterious effects resultant from approval of the permit, or to fulfill the public need for public service demands created by approval of the request.

C. Findings. The decision and findings for a decision shall be made in writing and shall be provided to the applicant and all others requesting same.

D. Process. An applicant may apply at one time for all permits pertaining to a development.
17.66.040 Limitation of Reapplications

A. No application of a property owner for an amendment to the text or map shall be considered by the Planning Commission within the one year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants. (Ord. 947 §8.040, 1979.)

B. No application of a property owner or agent for a variance, conditional use or expansion of a nonconforming use shall be considered by the Planning Commission or City Council within the one year period immediately following a previous decision on the application, unless there was a material misrepresentation or there has been a substantial change in the facts surrounding the application. (Ord. 1054 §1, 1985.)
Chapter 17.68
Amendments and Zone Changes

Sections:

17.68.010 Authorization to Initiate Amendments
17.68.020 Public Hearings on Amendments and Zone Changes
17.68.030 Record Maintenance
17.68.040 Conditions
17.68.050 Evidence Supplied by Applicant

17.68.010 Authorization to Initiate Amendments

A. Initiation. An amendment to the text of this title or to the Comprehensive Plan or zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner, contract purchaser or authorized agent.

B. Application. The request by a property owner for an amendment shall be accomplished by filing an application with the city using forms prescribed by the city and submitting the information required from the applicant under Section 17.68.050. (Ord. 947 S8.010. 1979.)

17.68.020 Public Hearings on Plan and Zone Amendments

Procedures for Public Hearings on Plan and Zone Amendments are contained in Chapter 17.94.

17.68.030 Record Maintenance

The City Recorder shall maintain records of amendments to the text and plan or zoning map. (Ord. 947 S8.030, 1979.)

17.68.040 Conditions

A. City Council May Require Conditions. When necessary to properly relate new developments to existing or anticipated conditions in the vicinity or to make possible a higher quality of development than would otherwise be possible, the City Council may determine that a zone change will be accompanied by the acceptance or accomplishment of certain specified conditions. Conditions and requirements invoked pursuant to a zoning map amendment shall thereafter apply to the property so zoned.
B. Acceptance of Conditions. Such conditions shall be designed to further the objectives of the Comprehensive Plan and the zoning ordinance codified in this title and shall clearly set forth, in written form or upon drawings, all restrictions and requirements which will be applicable to the property rezoned. Where a zone change is made subject to such conditions, it shall become effective upon written acceptance and filing of the applicable terms and conditions by the property owner and by any other person intending to have an ownership interest in or to develop the property. The signed acceptance of conditions shall be filed with the city recorder and a certified copy shall also be filed in the county deed records at the expense of the petitioner.

C. Type of Conditions. Conditions may include special measures designed to limit use or density, screen or separate buildings or portions of the site from adjoining property; limit access from important thoroughfares or through residential areas; provide additional right of way for an abutting street; preserve or provide public access to greenspace, floodplains, or river frontage.

D. No Variance of Ordinance Standards. In connection with the adoption of a zoning amendment, ordinance standards may be varied only when the Planning Commission finds that the development proposed and covered by specific limiting conditions will provide benefits and safeguards equal to or better than those possible under a strict interpretation of the zoning ordinance. In no case shall a use not specifically permitted within the zoning district be allowed under this section and Section 17.68.050. When circumstances are as described in Section 17.72.020, exist, the regular variance procedures shall be followed.

E. Building Permit Conditions. In addition to conditions as described above in this section, the council may also provide that a zoning amendment will become effective upon satisfactory performance by the applicant of certain conditions or actions, such as a bona fide application for a building permit within a specified period of time.

[Ord. 947 S8.050 (Part), 1979.]

17.68.050 Evidence Supplied by Applicant

The applicant seeking a zoning map change pursuant to the provisions of Section 17.68.010 must show by a preponderance of the evidence the following, unless otherwise provided for in this title:

1. Granting the request fulfills a public need, the greater departure from present land use patterns, the greater the burden of the applicant;
2. The public need is best carried out by granting the petition for the proposed action, and that need is best served by granting the petition at this time;

3. The proposed action is consistent with the Comprehensive Plan;

4. Proof of significant change in a neighborhood or community or mistake in the planning or zoning for the property under consideration may be additional relevant factors to consider;

5. The property and affected area is presently provided with, or concurrent with development can be provided with, adequate public facilities, including, but not limited to, transportation systems.
Chapter 17.70

Conditional Uses

Sections:
17.70.010 Authorization to Grant or Deny
17.70.020 Additional Standards Designated
17.70.030 Conditional Uses Generally
17.70.040 Time Limit on Permit
17.70.050 Procedure for Taking Action on Application

17.70.010 Authorization to Grant or Deny

A. Conditional uses listed in this title may be permitted, enlarged, altered or denied upon authorization of the City Council in accordance with the city's development standards and the procedures set forth in Chapter 17.70 and upon affirmative findings of all the following criteria. The applicant must demonstrate the proposed use:

1. Is listed as a conditional use in the underlying district,
2. Is suitable for the proposed site considering size, shape, location, topography, existence of improvements and natural features;
3. Is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use;
4. Will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district; and
5. Satisfies the policies of the Comprehensive Plan which apply to the proposed use.

B. Additional Conditions of Approval. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to those standards and requirements expressly specified by this Title and by the Comprehensive Plan, additional conditions which the Planning Commission considers are necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension;
2. Limiting the height of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the number of required off-street parking spaces;
5. Limiting the number, size, location and lighting of signs;
6. Increasing the street width;
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
8. Designating sites for open space.

C. Pre-existing Uses. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change in the use or in lot area or an alteration of structure shall conform with the requirements for conditional use. (Ord. 947 S6.010, 1979.)

17.70.020 Additional Standards Designated

In addition to the standards of the zoning district in which the conditional use is located and the general and development standards of this title, conditional uses shall meet the standards set forth in Chapter 17.62. [Ord. 947 S6.020 (part), 1979.]

17.70.030 Conditional Uses Generally

A. Setback. In any zoning district additional yard requirements may be imposed.

B. Limitation on Access to Property and on Openings to Buildings. The city may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within fifty (50) feet of residential property in a residential zoning district if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

C. Signs. Unless otherwise specified in Chapter 17.52, in the case of a conditional use, the sign limitations of a zoning district may be exceeded to allow one indirectly illuminated sign or non-illuminated sign, not more than ten (10) square feet in area, on each side of a structure abutting a street. In addition, a church may have a bulletin board not exceeding twenty (20) square feet in area. Said sign shall pertain to the conditional use and may be located in required yards, subject to the requirements of clear vision areas.

D. Assurance of Performance. The city may require such assurances it deems necessary to guarantee development in accordance with the standards established and conditions imposed in granting a conditional use. Such assurances may include a surety bond equivalent in monetary value to the improvements required. [Ord. 947 S6.020(1), 1979.]
17.70.040  **Time Limit on Permit**

Authorization of a conditional use shall be void after one (1) year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the City Council may extend authorization for an additional period not to exceed one (1) year, upon request. In the event of transfer of ownership before development, the conditional use permit will be null and void. (Ord. 947 S.040, 1979.)

17.70.050  **Procedure for Taking Action on Application**

The procedure for taking action on a conditional use application shall be as follows:

A. **Application.** A property owner may initiate a request for a conditional use by filing an application with the city using forms prescribed by the city.

B. **Procedures for taking action on applications are contained in Chapter 17.94.**

C. **Permits Issued.** The City Council shall promptly advise the city recorder of its action, and if an application is approved, the city recorder shall incorporate the terms and conditions stipulated by the council in the issuance of permits to the applicant. (Ord. 947 S6.030, 1979.)
Chapter 17.72

Variances

17.72.010 Authorization to Grant or Deny

A. Scope. Variances from this title may be authorized where it can be shown that strict application of the provisions in this title would cause an undue or unnecessary hardship.

B. Limitations. No variance shall be granted to allow the use of property for a purpose not authorized within the zoning district in which the proposed use would be located. In granting a variance, the Planning Commission, or City Council upon appeal, in addition to the time limitation of Section 17.72.040 may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and otherwise achieve the purposes of this title. (Ord. 947 §7.101,1979.)

17.72.020 Circumstances for Granting

A variance may be granted only in the event that all the following circumstances exist:

A. Exceptional of Extraordinary Circumstances. Exceptional or extraordinary circumstances apply to property which do not apply generally to other properties in the same zoning district or vicinity, and which result from lot size or shape, legally existing prior to the date or the ordinance codified in this title, topography, or other circumstances over which the applicant has no control.

B. Preservation of Rights. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zoning district or vicinity possess.

C. Not Materially Detrimental. The variance would not be materially detrimental to the purposes of this title, or to property in the same zoning district or vicinity in which the property is located, or otherwise conflict with the Comprehensive Plan or any planning policy or objective.
D. **Minimum Variance.** The variance requested is the minimum variance which would alleviate the hardship.

E. **Not Result of an Illegal Act.** The request for a variance is not the result of an illegal act on the part of the applicant. (Ord. 947 §7.020, 1979.)

17.72.030 **Procedure**

The procedures for action of a variance shall be as follows:

A. **Application.** A property owner may initiate a request for a variance by filing an application with the city, using forms prescribed by the city. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The application shall be accompanied by a written statement explaining reasons for the request and showing how the variance is consistent with the Comprehensive Plan. The Planning Commission may request other drawings or materials essential to an understanding of the variance request.

B. **Procedures for taking action on applications are found in Chapter 17.94.**

17.72.040 **Time Limit**

Authorization of a variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the City Council may, in its discretion, extend authorization for an additional period not to exceed one year upon request. (Ord. 947 §7.040, 1979.)
Chapter 17.74

Authorization of Similar Uses

Section:

17.74.010 Authorization of Similar Uses

The Planning Commission may permit in a particular zoning district a use not listed in this title, provided the use is of the same general type and character as the uses permitted there by this title. However, this section does not authorize the inclusion in a zoning district where it is not listed of a use specifically listed in another zoning district or which is of the same general type and is similar to a use specifically listed in another zoning district. (Ord. 947 S9.070, 1979.)
Chapter 17.76

Exceptions

Sections:

17.76.010 Exceptions, Generally
17.76.020 Nonconforming Uses and Nonconforming Structures
17.76.030 Lot Size Requirements
17.76.040 Yard and Setback Requirements

17.76.010 Exceptions, Generally

Exceptions to the requirements of Title 17 of the Gladstone Municipal Code may be granted under the provision of this chapter.

17.76.020 Nonconforming Uses and Nonconforming Structures

A. Continuance of a Nonconforming Use. Subject to the provisions of this section, a nonconforming use or structure may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this title is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this title.

B. Discontinuance of a Nonconforming Use. If a nonconforming use is discontinued for a period of one (1) year, further use of the property shall conform to this title.

C. Change or Expansion of a Nonconforming Use. An existing nonconforming use may be changed to another nonconforming use which more nearly conforms with use classifications of the zoning district in which the structure is located, and which complies with all other requirements of this section; provided, that such change is given as prescribed by Chapter 17.94 and after a public hearing is conducted pursuant to said notice. No change of use shall be allowed which generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes than the existing nonconforming use; and further provided that such change would not enlarge on the basic use of the structure or premises by increasing the need for parking facilities or being a more intensive use of the structure or
changing the basic character of the structure and premises unless the change is to make the building and premises more nearly conform to the character of the zoning classification of the zoning district in which the structure is located.

D. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding seventy-five percent (75%) of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to the requirements of this title.

E. Plans Otherwise Approved. Nothing contained in this section shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been issued by the city and construction commenced prior to the adoption of the ordinance codified in this title, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one year from the time the permit is issued. (Ord. 947 SS.010, 1979.)

F. Residential Uses. Residential uses existing in commercial and industrial zones shall not be deemed nonconforming for the purpose of expansion, remodeling or alteration for residential use or for accessory uses, so long as there is no increase in density.

17.76.030 Lot Size Requirements.

If a lot or the aggregate of contiguous lots held in a single ownership, as recorded in the office of the County Recorder on or before October 26, 1971, has an area or dimension which does not meet the lot size requirements of the zoning district in which the property is located, the holdings may be occupied by a use permitted in the zoning district subject to the other requirements of the zoning district; provided, that if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwellings consistent with the density requirements of this title. (Ord. 947 SS.020, 1979.)

17.76.040 Yard and Setback Requirements

The following exceptions to yard requirements may be authorized for a lot in any zoning district:

A. Average of Adjacent Front Yards. If there are buildings on both abutting lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required depth for the zoning district, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots, or ten (10) feet, whichever is greater.
B. Related to Abutting Yards. If there is a building on one abutting lot which is within one hundred (100) feet of the lot, and this building has a front yard of less than the required depth for the zoning district, the front yard for the lot need not exceed a depth of halfway between the depth of the front yard of the abutting lot and the required front yard depth, or ten (10) feet, whichever is greater. (Ord. 947 §5.030, 1979.)
Chapter 17.78

Home Occupations

Sections:

17.78.010 Use Allowed as Home Occupations
17.78.020 Limitations on Home Occupations
17.78.030 Procedure to Establish and Maintain a Home Occupation

17.78.010 Uses Allowed as Home Occupations

In all zones, home occupations in the same lot accessory to the principal residential uses shall be permitted only in the following categories:
1. Office for professional, personal or business services;
2. Studio for arts, handicrafts or tutoring;
3. Shop for limited or customer production or minor repair service;
4. Headquarters for a craftsman or salesman.

17.78.020 Limitations on Home Occupations

Any such home occupation shall comply with the following limitations:
1. No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building.
2. No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations.
3. The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate non-residential district.
4. All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed accessory building.
5. Any home occupation which causes abnormal automobile or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited.
6. No significant enlargements of alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted.
7. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.

8. Dimensions, power rating or weight of such equipment and tools used in the conduct of a home occupation shall not exceed that of normal household equipment and tools.

9. Signs advertising a home occupation or any aspect thereof shall not exceed a total of one (1) square foot in area and shall be affixed directly to the dwelling.

10. Any materials used or any item produce or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building.

11. Tutoring, counseling or personal services which cannot be conducted except by personal contact shall be by appointment only between the hours of 7:00 a.m. and 10:00 p.m. and shall not be oriented toward or attract passers by. Parking spaces needed for the conduct of this type of home occupation shall be provided on-site and in a defined area which is appropriately designed and surfaced for that purpose, not located within the side or the rear yard setbacks of the district. No more than one (1) client/customer vehicle shall be located on the property or in the adjacent right-of-way at one time.

12. An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

13. Retail activity shall be limited to the mail order type of business.

14. Except as set forth in Section 17.78.020 (B)(11) customer and client contact shall be primarily by telephone or mail and not on the premises.

15. No more than twenty-five percent (25%) of the floor area as defined in Section 17.06.195 may be used for the operation of a home occupation including storage of equipment, materials, and completed products.

17.78.030 Procedure to Establish and Maintain a Home Occupation

1. The procedures to establish and maintain a home occupation are set forth in Section 17.94.050 and subject to the requirements below.

2. Permits for home occupancy may be revoked at any time if the requirements of this code are not being met.

3. No permit shall be issued by the City Administrator or his designee until or unless the applicant has received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than seventy-five percent.
(75%) of all property in the area bounded by lines one hundred fifty (150) feet from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval.

4. If, in the opinion of the applicant, the City Administrator or his designee has acted arbitrarily and capriciously in withholding or revoking a permit for home occupation, he may request an interpretation of the code by the Planning Commission. In such cases, the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the Planning Commission on any day between 8:00 a.m. to 10:00 p.m.

5. The city shall not issue a business license until a home occupation permit is issued by the City Administrator or designee.

6. A violation of any standard of this chapter or any condition of approval for a home occupation is a Class "A" infraction. A separate violation occurs for each day that the violation continues. (Ord. 1076 SS1,2,3,4, 1987; Ord. 1007 S1, 1982; Ord. S4.090, 1979.)
Chapter 17.80
Design Review

Sections:

17.80.010  Objectives
17.80.020  Applicability
17.80.030  Review Plan – Content and Minor Exceptions
17.80.040  Submittance Requirements
17.80.050  Minor Exceptions
17.80.060  Validity

17.80.010  Objectives

The following objectives of the regulations in this chapter are as follows:

A. To preserve the natural environment and protect and enhance the visual character of the city, and to ensure compliance with the goals, objectives and policies of the Gladstone Comprehensive Plan, zoning and subdivision ordinances.

B. To encourage orderly development and to assure that structures, signs and other improvements are appropriately related to their site, and to surrounding sites and structures. Due regard shall be given to the aesthetic qualities of the terrain and landscaping, and proper attention given to exterior appearance of structures, signs, energy conservation and other improvements.

C. To protect neighboring owners and users by assuring that reasonable provisions have been made for such matters as surface water drainage, the preservation of views, light, air and solar access and those other aspects of design which may have substantial effects on neighboring land uses. (Ord. 997 S1, 1981.)

17.80.020  Applicability

A. Except for single-family dwellings and duplexes in single-family residential zones (R-7.2 and R-5), no building permit shall be issued for a new building or structure or for major remodeling of an existing building or structure; and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure, until an application under this chapter has been reviewed and approved by the city. Nothing in this section shall be construed to require replacement of any part of a building, structure or landscaping. For purposes of this section, the term "major remodeling"
means any work that substantially changes the exterior appearance of a building or structure. The city administrator, or his designee, may make an initial determination whether a proposed project requires an application or whether the project is exempt under this section. (Ord. 997 S2, 1981).

B. The design and development standards set forth in this title shall be reviewed by the Planning Commission consistent with the procedures therein.

C. Final certificate of occupancy shall not be granted until all conditions of design review approval have been met.

17.80.030 Content

Design review plans shall be submitted to the city and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided. [Ord. 997 S3 (B) (10), 1981.]

17.80.040 Submittance Requirements

A. Site Analysis. A site analysis plan shall be drawn at a suitable scale [e.g. one (1) inch equals one hundred (100) feet, one (1) inch equals fifty (50) feet or one (1) inch equals twenty (20) feet] showing, as appropriate, the following detail or characteristics:
   1. Relations to adjacent lands;
   2. Location and species of trees greater than six (6) inches in diameter at five (5) feet;
   3. Topography;
   4. Natural drainage;
   5. Significant wildlife habitat;
   6. Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and
   7. Natural features and structures having a visual or other significant relationship with the site.

B. Site Plan. A site development plan shall be drawn at a suitable scale [e.g. one (1) inch equals one hundred (100) feet, one (1) inch equals fifty (50) feet, or one (1) inch equals twenty (20) feet] showing, as appropriate, the following:
   1. Access to site from adjacent rights-of-way, streets and arterials;
   2. Parking and circulation areas;
   3. Location and design of buildings and signs;
   4. Orientation of windows and doors;
5. Entrances and exits;
6. Private and shared outdoor recreation spaces;
7. Pedestrian circulation;
8. Outdoor play areas;
9. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
10. Areas to be landscaped;
11. Exterior lighting;
12. Special provisions for handicapped persons;
13. The size, species and approximate locations of plant materials to be retained or placed on the site; and

C. Master Plan. A master plan for an entire development should be included when requested.

D. Waivers. The City Administrator, or his designee, may waive some submittal requirements appropriate to the scale of the project when they are not necessary for a thorough review. [Ord. 997 S3(B)(2), 1981.]

E. Signs. Submittal requirements for signs are as follows:
1. Freestanding Signs.
   a. Location of sign on site plan.
   b. Elevation of sign (indicates size, total height, height between bottom of sign and ground, color, materials, means of illumination).
2. On-building Sign.
   a. Building elevation with location of sign (indicates size, color, materials and means of illumination).
   b. Plot plan showing location of signs on building in relation to adjoining property. [Ord. 997 S4(D), 1981.]

17.80.050 Minor Exceptions
A. In conjunction with the design review plan approval, the Planning Commission may grant minor exceptions from the following requirements:
1. Dimensional standards for yards required in the primary district;
2. Dimensional standards for off-street parking as required in Chapter 17.48;
3. Standards for minimum number of off-street parking spaces as required in Chapter 17.48.

B. Limitations. No minor exceptions shall be greater than twenty-five (25) percent of the requirement from which the exception is requested. Requests greater than twenty-five (25) percent shall be subject to variance procedures.
1. In the case of a minor yard exception for landscaping, the Planning Commission shall find that approval will result in:
   a. More efficient use of the site;
   b. Preservation of natural features, where appropriate;
   c. Adequate provision of light, air and privacy to adjoining properties;
   d. Energy conservation; and
   e. Adequate emergency access.

2. In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Commission shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:
   a. Special characteristics of users which indicate low demand for off-street parking (e.g. low income, elderly);
   b. Opportunities for joint use of nearby off-street parking facilities;
   c. Availability of public transit; and
   d. Natural feature of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards. [Ord. 997 §3 (B) (3), 1981.]

17.80.060 Validity

Design plans which are approved shall remain valid for a period of one (1) year following the date of approval. If at the end of that time construction has not begun, then the design plan approval may be renewed once by the Commission for not more than one year. All construction and development under any building permit shall be in accordance with the approved design plan. Any departure from such a plan may be cause for revocation of the building permit or the denial of an occupancy permit. Any changes in the approved plan shall be submitted to the city for review and approval prior to execution. Site development shall be completed before issuance of occupancy permits unless an extension of not longer than six (6) months is granted by the Planning Commission. (Ord. 997 §8, 1981.)
Chapter 17.82

FEES

Section:

17.82.010 General Provision

17.82.010 General Provisions

A fee shall be charged for all review and approval procedures, land use permits and administrative actions governed by Title 17 of the Gladstone Municipal Code. Fees shall be set by resolution adopted by the Gladstone City Council.

A. Fee Schedule Update. The Gladstone City Council shall update the fee schedule from time to time.

B. Incorporation by Reference. The fee schedule most recently adopted by the City Council is incorporated by reference in this title.

C. Fees Due and Payable. Fees are due and payable at the time of original application unless otherwise specified in the application title.

D. Fees Waived. Fees may be temporarily deferred, reduced or waived for just cause by the City Administrator, Planning Commission or City Council. Fees for unsuccessful applications shall not be refunded.
Chapters 17.90 - 17.99

ADMINISTRATIVE PROCEDURES

Chapters:

17.90 General Provisions
17.92 Appeals
17.94 Hearings
17.96 Improvement Guarantees
17.98 Enforcement
Chapter 17.90

General Provisions

Sections:

17.90.010 Administrative Actions Generally
17.90.020 Initiation of Administrative Action
17.90.030 Pre-Application Conference
17.90.040 Scope of Regulations
17.90.050 Conformance Required for Issuance of a Building Permit
17.90.060 Forms of Petitions, Applications and Appeals
17.90.070 Certificate of Occupancy Required
17.90.080 Applications
17.90.090 Investigations and Reports
17.90.100 Bonding and Assurances
17.90.110 Consolidation of Proceedings
17.90.120 Changes, Alterations or Amendments
17.90.130 Denial - Resubmittal

17.90.010 Administrative Actions Generally

An "Administrative Action" means a proceeding in which the legal rights, duties or privileges of specific parties under general rules or policies provided under ORS 215.010 to 215.233 and 215.402 to 215.422 or any ordinance, rule or regulation adopted pursuant thereto, are required to be determined only after a hearing at which specific parties are entitled to appear and be heard; or designated as Administrative Action by rule or order of the City Council.

17.90.020 Initiation of Administrative Action

An administrative action, unless otherwise specifically provided for by this ordinance, may only be initiated by order of the City Council or a majority of the whole Planning Commission or by the petition of the owner, contract purchaser, option holder, or agent of the owner, of the property in question. Action initiated by a property owner, contract purchaser, option holder, or agent of the owner shall be filed with the city on forms prepared by the city and shall contain such information as the city deems necessary to indicate the nature of the action applied for. If initiated by an agent or option holder, the written consent of the owner of the property shall accompany the application.
17.90.030 Pre-application Conference

With respect to actions initiated by property owner, contract purchaser, option holder, or agent of the owner, the applicant or his authorized representative shall meet and confer with the City Administrator or designee in a pre-application conference at which time views may be exchanged as to the requisites for formal application and the feasibility of approval may be discussed.

17.90.040 Scope of Regulations

A. All subdivision plats, major partition maps, minor partition maps and all streets or ways for the purpose of partitioning land shall be approved by the City Administrator, Planning Commission or City Council, upon appeal, in accordance with the regulations set out in this title.

B. The City Administrator as Administrator. The City Administrator or designee shall administer the provisions of Title 17 of the Gladstone Municipal Code. (Ord. 947 S9.010, 1979.)

17.90.050 Conformance Required for Issuance of Building Permit

No permit shall be issued by the City Administrator or building official for the construction, reconstruction, alteration or change of use of a structure or lot that does not conform to the requirements of this title. (Ord. 947 S9.020, 1979.)

17.90.060 Forms of Petitions, Applications and Appeals

A. City Form Required. Petitions, applications and appeals provided for in this title shall be made on forms prescribed by the city.

B. Submittal Requirements. Applications shall be accompanied by plans and specifications drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any to accommodate thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this title; and a narrative description addressing the appropriate criteria.

C. An application shall be deemed incomplete unless all required information is submitted with the application.
D. The City Administrator or his designee may require additional information to aid in reviewing the application which shall be submitted within ten (10) days of the request or the application is deemed incomplete.

E. The City Administrator or his designee may waive any requirement for information if it is deemed not necessary or not applicable.

17.90.070 Certificate of Occupancy Required

Whenever a land use decision with conditions is granted for premises, or when any building structure or premises is occupied subject to any requirements of this title, no building, structure or premises shall be used or occupied until such time as a certificate of occupancy has been issued by the building official or his designee reflecting compliance with all specified conditions imposed and with all applicable provisions of this title.

A. Required by Building Code. The certificate of occupancy so issued may be the certificate of occupancy required under the building code when indicated thereon and shall not be required for occupancy of any building in a group R3 or M occupancy as defined in the building code.

B. Temporary. A temporary certificate of occupancy may be issued by the building official for the use of a portion or portions of a building, structure or premises prior to completion or occupation or the entire building, structure or premises.

C. Posting. The certificate of occupancy or temporary certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official or designee.

17.90.080 Application Fees

Applications shall be accompanied by the required fees as set by the City Council. (Ord. 997 S5, 1981.)

17.90.090 Investigations and Reports

Investigations and reports shall be furnished by appropriate city staff and coordinated through the City Administrator or designee prior to the coordination of any proposal. (Ord. 997 S6, 1981.)

17.90.100 Bonding and Assurances

The City Administrator may require a performance bond or other adequate assurance that the project is developed according to the approved design plan. (Ord. 997 S7, 1981.)
17.90.110 **Consolidation of Proceedings**

Whenever an application requests more than one approval, or will require more than one land use application to complete the project, the applicant shall submit all application at one time. Applications which fail to comply with requirements shall be deemed incomplete.

17.90.120 **Changes Alterations or Amendments**

Changes, Alterations or Amendments to the substance of the approval or conditions of approval shall be processed as a new application.

17.90.130 **Denial - Resubmittal**

An application which has been denied may not be resubmitted for at least one year after the final disposition of the denial.
Chapter 17.92

Appeals

Sections:

17.92.010 Appeals to Planning Commission
17.92.020 Appeal to City Council
17.92.030 Standings, Who May Appeal
17.92.040 Applicant Appeal
17.92.050 Form of Notice

17.92.010 Appeal to Planning Commission

An appeal from a ruling or interpretation of the City Administrator or designee regarding a requirement of this title may be made only to the Planning Commission and must be accompanied by a filing fee.

17.92.020 Appeal to City Council

An action or ruling of the Planning Commission pursuant to this title may be appealed to the City Council within fifteen (15) days after the Planning Commission has rendered its decision. Written notice of the appeal along with a filing fee, shall be filed with the city. The notice of the appeal should state in detail the nature of the decision, determination or requirement and the grounds upon which the applicant deems herself/himself aggrieved. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal. (Ord. 947 S9.030, 1979.)

17.92.030 Standings Who May Appeal. Only parties with standing may appeal. To have standing the party must have appeared orally or in writing before the previous decision maker (City Administrator or Planning Commission). Signing a petition does not constitute an appearance.

17.92.040 Applicant Appeal. If an applicant appeals a decision of the City Administrator or Planning Commission, he/she shall submit the same application to the hearing body, other than changes necessary to effectuate any conditions of approval. No other view or revision designs or plans will be accepted.
17.92.050 Form of Notice

A. The Notice of Appeal shall contain the following:
   1. A reference to the subject property;
   2. The application number;
   3. The date of the decision appealed from;
   4. The date of the notice of appeal;
   5. A statement of the appellant's qualification as a party with standing to appeal;
   6. The specific grounds for the appeal.

B. The notice must be actually received by the City Administrator or Recorder or their designee within the time provided or it will be dismissed as untimely.

C. An appeal stays proceedings on the matter until final determination by the city.
Chapter 17.94

Hearings

Sections:

17.94.010 General Provisions
17.94.020 Notice
17.94.030 Documents
17.94.040 Hearing Procedure
17.94.050 City Administrator Decisions
17.94.060 Planning Commission Decisions
17.94.070 City Council Decisions
17.94.080 Action on Applications
17.94.090 Aggregate Resource Extraction
17.94.100 Revocation of Approvals

17.94.010 General Provisions

Public Hearings shall be held on all quasi judicial and legislative land use applications.

17.94.020 Notice

A. Written notice of a hearing shall be mailed to all owners of record of property which is (based on the city’s most recent Clackamas County property tax assessment roll) located within one hundred fifty feet (150) feet of the property which is the subject of the notice. Notice shall be mailed twenty (20) days in advance of the scheduled hearing.

B. The notice shall contain the following:
   1. An explanation of the nature of the application and the proposed uses or uses which could be approved;
   2. The applicable criteria from this code and the Comprehensive Plan;
   3. The street address or other geographical reference of the subject property;
   4. The date, time and location of the hearing;
   5. A statement that failure to raise an issue at the hearing, in person or in writing, with sufficient specificity to afford the decision maker an opportunity to respond precludes appeal based on that issue;
   6. The name and phone number of the City representative to contact for further information;
7. A statement that copies of the application and accompanying documents and applicable criteria are available for inspection at no cost and copies will be provided at a reasonable cost;
8. A statement that a copy of the staff report and accompanying documents will be available for inspection at least seven (7) days prior to the hearing, inspections shall be free and copies provided at a reasonable cost; and
9. A general explanation of the requirements for submission, of testimony and the procedures for the hearing.

C. Failure of the property owner to receive notice shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was sent. Notice is deemed given when deposited with the U.S. Postal Service.

17.94.030 Documents

A. All documents or evidence relied upon by the applicant shall be submitted to the City and available for inspection twenty (20) days prior to the hearing.
B. If additional documents or evidence is provided in support of an application after the time specified in §17.94.030(1) any person so requesting shall be entitled to a continuance of the hearing. Such continuances shall not be subject to ORS 215.428 or 227.178 (the 120 day rule).

17.94.040 Hearing Procedure

A. At the start of the hearing a statement containing the following shall be made:
   1. The applicable substantive criteria;
   2. Testimony and evidence must be directed to the criteria;
   3. Failure to raise an issue with sufficient specificity to afford the decision maker an opportunity to respond to the issue may preclude appeal on that issue;
B. Prior to the close of the hearing, if any participant requests, the record shall remain open for at least seven (7) days for the submission of written information. No additional time for rebuttal to this information shall be allowed. Such extensions shall not be subject to ORS 215.428 or 227.178 (120 day rule).
C. If the decision maker reopens the record to admit new evidence, any person may raise new issues relating to the new information.
D. The decision maker shall approve, approve with conditions or deny a land use action. Findings in support of the decision shall be adopted and a written memorandum of the decision shall be mailed
to the applicant and any party requesting notice of the decision, provided the party so requested in writing specifying their address.

E. The Council may remand any land use application to the Planning Commission for further review and recommendation.

F. In the event of a challenge to the impartiality of any member of the Planning Commission or the City Council, the remaining members shall vote whether to excuse the person so challenged. A majority vote of the non-challenged members who are present shall control.

17.94.050 City Administrator Decisions

A. Applicability. All City Administrator actions which require notification under this ordinance shall be subject to the provisions of this section.

B. Applicant Option. An applicant for a land use permit which is subject to City Administrator action under this section may request that such land use action be heard by the Planning Commission.

C. Time Limit. Unless such time limitation is extended with the consent of the applicant, notice of the City Administrator's action shall be mailed within thirty (30) days of receipt of the complete application.

D. Notice.
1. Application Review. A copy of the application shall be sent to the recognized community organization and affected Dual Interest Area Agreement parties for comment prior to the staff decision;
2. Approvals. The City Administrator shall notify all owners of property adjoining the subject property and the applicant of the approval of a land use permit;
3. Denials. The City Administrator shall notify the applicant of the denial of a land use permit.

E. Appeals.
1. The action of the City Administrator shall become final unless appealed in writing within fifteen (15) days of the notice of decision;
2. If appealed, the application shall be reviewed by the Planning Commission which may hold a public hearing if requested by a majority of the Planning Commission.

F. Re-filing. Applications which are denied by the City Administrator under the provisions of this subsection shall be subject to the filing limitations specified under Section 17.66.040(B).

G. The following applications shall be reviewed by the City administrator or his designee and a final decision rendered without notice or hearing except as set forth above:
1. Lot line adjustments;
2. Type I minor partitions, consistent with Section 17.34.020 B;
3. Home occupations.

17.94.060 Planning Commission Decisions

A. The following applications shall be heard by the Planning Commission as public hearings, and a recommendation made to the City Council.
   1. Annexations.
   2. Zone changes and zone map amendments.
   3. Comprehensive plan amendments.
   5. Greenway permits.
   7. A request for revocation of a previous approval granted by the commission.

B. The following applications shall be heard by the Planning Commission as public hearings and final upon their decision unless appealed to the City Council.
   1. Variances.
   2. Expansions of or change of use of non-conforming uses.
   3. Design Review.
   5. Subdivision plats.
   7. Type II minor partition plats.
   8. Any other matter referred to if it by the City Council or City Administrator.

17.94.070 City Council Decisions

A. The following Applications shall be reviewed by the City Council as public hearings and subject to the notice provisions of Section 17.94.020.
   1. Annexations.
   2. Zone changes, and maps amendments.
   3. Comprehensive plan amendments.
   4. Zoning and development code text amendments.
   5. A revocation request for a previous approval granted by the Council or Planning Commission.
   6. All decisions of the Planning Commission appealed to the Council.
   7. Any other matter requested by the City Council.
B. The City Council may accept recommendations from the Planning Commission without conducting an additional public hearing for the following actions:
   1. Conditional Use;
   2. Greenway Permits.

17.94.080 Action on Applications

A. Following a hearing, the Planning Commission or City Council may:
   1. Approve the application/recommendation;
   2. Deny the application/recommendation;
   3. Approve the application/recommendation with conditions.

B. On appeal, the City Council may impose new or additional conditions.

17.94.090 Aggregate Resource Extraction

For applications regarding aggregate resource extraction, the Oregon Department of Geology and Mineral Industries must either be notified or issued a permit for operation.

17.94.100 Revocation of Approvals

The City Council may, at any time after reviewing a recommendation from the Planning Commission and conducting a hearing pursuant to this chapter, modify or revoke any prior approval or approval condition it or the Planning Commission has made, for the following reasons:

A. Material misrepresentation or mistake of fact made on behalf of or by the applicant, whether intentional or unintentional.

B. A failure to comply with conditions of approval.

C. A failure to use the premises in accordance with the terms of approval.

D. A change in State Law mandating compliance.
Chapter 17.96

Improvement Guarantees

Sections:

17.96.010 Agreement for Improvement
17.96.020 Financial Guarantee of Performance

17.96.010 Agreement for Improvement

Before Planning Commission approval and approval of the city engineer or surveyor is certified on a subdivision plat or partition map or before a final occupancy permit is granted, the land divider or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or execute and file with the City Administrator or designee an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed and provided that if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect the amounts from the developer. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city which shall not exceed ten (10) percent of the cost of the improvements to be installed. Further, the developer shall at the city's request file a performance bond or other requested financial assurance of performance. (Ord. 948 S24, 1979.)

17.96.020 Financial Guarantee of Performance

A. Type of Bond. The subdivider or developer shall file with the improvement agreement, one of the following when required:
   1. A surety bond executed by a surety company authorized to transact business in the state on a form approved by the city attorney; or
   2. A personal guarantee co-signed by at least one (1) additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement on a form approved by the City Attorney;
   3. Cash, or irrevocable letter of credit; or
   4. Approved improvement district.
B. Amount. Such amount shall be for a sum approved by the City Administrator, or designee, as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of city inspection.

C. Utilization. In the event the land divider or developer fails to carry out provisions of the agreement and the city has unreimbursed cost or expenses resulting from such failures, the city shall call on the financial guarantee for reimbursement. If the amount of the guarantee exceeds the cost and expense incurred by the city, it shall release the remainder. If the amount of the guarantee is less than the cost and expense incurred by the city, the land divider or property owner shall be liable to the city for the difference.
Chapter 17.98

Enforcement

Sections:

17.98.010 Enforcement Measures

17.98.010 Enforcement Measures

A. The city may take action it deems necessary to enforce the provisions of this title, including the institution of injunction, mandamus, abatement citing to Municipal Court or similar proceedings to prevent, enjoining temporarily or permanently abate, or remove the unlawful location, construction maintenance, repair, alteration or use. [Ord. 947 §10.030 (2), 1979.]

B. Violation of any provision of Title 17 of the Gladstone Municipal Code or condition of approval shall be punished by a fine not to exceed five hundred dollars ($500). In addition, the City Attorney, upon the request of the City Administrator, shall institute any necessary civil proceedings to enforce compliance with the terms of this section.

C. Each violation of a separate provision of this title shall constitute a separate offense and each day that violation of this title is committed or permitted to continue shall constitute a separate offense. (Ord. 935 §1, 1978; Ord. 919 §3, 1978.)