

Scappoose Housing Needs Analysis

Work Session #5: Agenda

Monday, August 28, 2017

Scappoose City Council Chambers

33568 E. Columbia Ave

1. Introductions (5 minutes)
2. Review and discussion of proposed changes to the zoning code (100 minutes)
 - For each of the chapters, the primary questions are:
 - Do you have questions or concerns about the proposed changes?
 - With the changes discussed, should the City bring the proposed changes forward?
 - Suggested order of review of chapters:
 - Cottage Housing
 - Floodplain
 - EC and C
 - Downtown Overlay
 - A-1 (revisited with changes)
 - Definitions (revisited with changes)
3. Public comment (10 minutes)
4. Next steps (5 minutes)

17.62.010--17.62.030

Chapter 17.62
C GENERAL COMMERCIAL

Sections:

17.62.010 Purpose.

17.62.030 Permitted and Conditional uses.

~~17.62.040 Conditional uses.~~

~~17.62.0450 Dimensional requirements--Commercial and mixed-use buildings.~~

~~17.62.060 Dimensional requirements--Multifamily buildings~~

~~Residential districts.~~

~~17.62.070 Dimensional requirements Live/Work townhouse or live/work multifamily buildings~~

~~17.62.080 Live/Work Requirements.~~

~~17.62.090 Special Buffer Requirements for multifamily and Live/Work multifamily buildings.~~

~~17.62.010 Architectural character for multifamily and Live/Work multifamily buildings.~~

17.62.010 Purpose. The purpose of the general commercial zone is to provide for a concentrated, central commercial, office and major retail goods and services area with opportunities for employment and business and professional services in close proximity to residential services and located adjacent to arterial or collector streets. (Ord. 634 §1 Exh. A (part), 1995)

17.62.030 Permitted and Conditional uses.

<u>Use</u>	
Church	Permitted outright ¹
Community recreation facilities	Permitted outright ¹
Convenience sales	Permitted outright ¹
Cultural exhibits and library services	Permitted outright ¹
Day care facility	Permitted outright ¹
Mixed-use building Dwelling units located on the second floor of the commercial structure	Permitted outright ¹
Eating and drinking establishments	Permitted outright ¹
Equipment rentals, general	Permitted outright ¹
Financial, insurance and real estate services	Permitted outright ¹
Food and beverage retail sales	Permitted outright ¹
General retail sales	Permitted outright ¹
Home occupation (Type I) subject to Chapter 17.142, Home Occupations	Permitted outright ¹
Hospitals	Permitted outright ¹
Hotel/motel	Permitted outright ¹
Lodge, fraternal and civic assembly	Permitted outright ¹
Medical and dental services	Permitted outright ¹

Multifamily dwelling units per A-1 requirements, when located at least two hundred feet from Highway 30 and outside of the Scappoose Creek Floodplain	Permitted outright ¹
<u>Live/work townhouses or live/work multifamily building</u>	<u>Permitted outright¹</u>
Parking facilities	Permitted outright ¹
Passenger terminals	Permitted outright ¹
Personal services, general	Permitted outright ¹
Postal services	Permitted outright ¹
Professional and administrative services	Permitted outright ¹
Public agency administrative services	Permitted outright ¹
Public safety facilities and public support facilities	Permitted outright ¹
Repair services for household and personal items, excluding automotive	Permitted outright ¹
Residential care facility when located at least two hundred feet from Highway 30 and outside of the Scappoose Creek Flood Plain	Permitted outright ¹
Sales grooming and veterinary of small animals	Permitted outright ¹
Vehicle fuel sales, retail	Permitted outright ¹
Any permitted use on a temporary basis subject to Scappoose Municipal Code 17.128, Temporary Commercial and Industrial Uses	Permitted outright ¹
Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 17.93	Permitted outright ¹
Public and private schools including but not limited to charter schools and career schools as defined and regulated by the State of Oregon.	Permitted outright ¹
Home occupations (Type II) subject to Chapter 17.142, Home Occupations	Conditional use ²
Major impact utilities, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property	Conditional use ²
Ministorage with or without a caretaker dwelling	Conditional use ²
Wholesaling, storage and distribution, provided that all activities are conducted entirely within a building or structure	Conditional use ²
Outside storage subject to buffering and screening according to Chapter 17.100, Landscaping, Screening and Fencing	Conditional use ²
Outside dining facilities	Conditional use ²
Commercial amusement facilities such as bowling alleys or movie theaters other than adult motion picture theaters	
Wireless communication facilities, subject to the provisions of Chapter 17.93.	

¹In the general commercial zone, activities shall be conducted within an enclosed structure or building and are subject to Chapter 17.120, Site Development Review. Only these uses and their accessory uses are permitted outright. (

²These uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 17.130, Conditional Use, other relevant sections of this title and any conditions imposed by the planning commission.

17.62.050 Dimensional requirements--Commercial and mixed-use buildings.

Dimensional Requirements	Requirement¹
Minimum lot area	Ten thousand square feet
Minimum lot width	Fifty feet
Minimum setback	
Front Yard	Ten feet and landscaped per Section 17.100.090;
Corner lots	The minimum setback for the side facing the street shall be twenty feet
Internal side or rear yard setback	No internal side or rear yard setback shall be required, except thirty feet shall be required where abutting a residential zoning district and the planning commission may reduce that required yard setback by fifty percent pursuant to Chapter 17.100, Landscaping, Screening and Fencing
Maximum height	No <u>commercial</u> building shall exceed fifty feet in height. <u>A mixed-use building shall not exceed sixty feet in height.</u> Within one hundred fifty feet of a residential zone, no building shall exceed thirty-five feet in height
Maximum lot coverage	Ninety percent including all buildings and impervious surfaces

Commented [BG1]: Is this sufficient buffer between commercial buildings and residential zones?

¹Additional requirements shall include any applicable section of this title. (Ord. 634 §1 Exh. A (part), 1995)

17.62.060 Dimensional requirements--Residential districts-Multifamily buildings. Dimensional requirements for residential uses in the expanded commercial district are the same as the A 1 zone, Chapter 17.56, A 1 High Density Residential. (Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)

<u>Dimensional Requirements</u>	<u>Requirement</u>
<u>Minimum density</u>	<u>15 dwelling units per net acre</u>
<u>Minimum lot width</u>	<u>Fifty feet</u>
<u>Minimum setback</u>	
<u>Front Yard</u>	<u>Fifteen feet</u>
<u>Front of garages or carports</u>	<u>Twenty feet from the property line where access occurs</u>
<u>Side yard</u>	<u>Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side for corner lots</u>
<u>Rear yard</u>	<u>Twenty feet</u>
<u>Setbacks for accessory building behind a residence</u>	
<u>Side</u>	<u>Five feet each</u>
<u>Rear</u>	<u>Five feet</u>
<u>Maximum height</u>	<u>Thirty five Sixty feet</u>
<u>Accessory Building</u>	<u>Twenty two feet</u>
<u>Maximum building coverage</u>	<u>Eighty percent, including all buildings and impervious surfaces</u>
<u>Minimum landscape</u>	<u>Twenty percent</u>

17.68.070 Dimensional requirements Live/Work townhouse or live/work multifamily building

<u>Dimensional Requirements</u>	<u>Requirement</u>
<u>Minimum density</u>	
<u>Townhouse</u>	<u>Two thousand five hundred square feet per unit</u>
<u>Multifamily</u>	<u>15 dwelling units per net acre</u>
<u>Minimum lot width</u>	
<u>Townhouse</u>	<u>Twenty-five feet per unit</u>
<u>Multifamily buildings</u>	<u>Fifty feet</u>
<u>Minimum setback</u>	
<u>Front Yard</u>	<u>Fifteen feet</u>
<u>Front of garages or carports</u>	<u>Twenty feet from the property line where access occurs</u>
<u>Side yard</u>	<u>Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side for corner lots</u>
<u>Rear yard</u>	<u>Twenty feet</u>
<u>Setbacks for accessory building behind a residence</u>	
<u>Side</u>	<u>Five feet each</u>
<u>Rear</u>	<u>Five feet</u>
<u>Minimum height</u>	<u>Two stories</u>
<u>Maximum height</u>	
<u>Townhouse</u>	<u>Forty-five feet</u>
<u>Multifamily</u>	<u>Thirty five Sixty feet</u>
<u>Accessory Building</u>	<u>Twenty two feet</u>
<u>Maximum building coverage</u>	<u>Eighty percent, including all buildings and impervious surfaces</u>
<u>Minimum landscape</u>	<u>Twenty percent</u>

17.62.080 Live/Work Requirements. Each Live/Work unit shall meet the following requirements:

1. The ground floor commercial or office space will have visibility, signage, and access from the primary street.
2. A live/work unit with residential uses on the ground floor must be located outside of the Scappoose Creek Floodplain.
3. To preserve the pedestrian orientation of the commercial or office space, alley or rear access is required to provide services and residential parking.
4. Each Live/Work Unit shall have a minimum work space of 200 square feet and a minimum living area of 600 square feet.
5. Each Live/Work Unit shall have a minimum of one (1) off-street parking space for each dwelling unit and one (1) off-street parking space for the first 1,000 square feet of non-residential floor area. Additional off-street parking spaces for non-residential floor area over and above the first 1,000 square feet shall be provided pursuant to Chapter 17.106 (Off-Street Parking and Loading Requirements).

17.62.090 Special Buffer Requirements for multifamily buildings and live/work multifamily buildings. Buffer requirements for multifamily uses in the expanded commercial district are the same as the A-1 zone, See Section 17.56.60.

17.62.100 Architectural character for multifamily and live/work multifamily buildings. Architectural character requirements for multifamily uses in the expanded commercial district are the same as the A-1 zone, See Section 17.56.70.

Chapter 17.84

SENSITIVE LANDS--FLOODING

Sections:

- 17.84.010 Purpose.
- 17.84.015 Definitions.
- 17.84.030 General provisions.
- 17.84.040 Permitted uses.
- 17.84.050 Administration.
- 17.84.060 Approval process.
- 17.84.070 Maintenance of records.
- 17.84.120 Alteration of water courses.
- 17.84.130 Interpretation of FIRM boundaries.
- 17.84.140 Standards.
- 17.84.170 Regulations pertaining to fill.
- 17.84.180 Floodways.
- 17.84.190 Special standards for Zone AO.
- 17.84.195 Floodplain area density adjustment.
- 17.84.200 Special regulations for development in the Scappoose Creek floodway fringe (Zones A, AE, and AO).
- 17.84.210 Storage, placement or stockpiling buoyant or hazardous materials in flood hazard areas (Zones A, AE, and AO).
- 17.84.220 Variances to flood damage prevention.
- 17.84.230 Expiration of approval--Standards for extension of time.
- 17.84.250 Application submission requirements.

17.84.010 Purpose. A. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flooding. In general, the city's flood hazard chapter is designed:

1. To protect human life and health;
2. To minimize expenditures of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard.

B. The city seeks to minimize or mitigate flood hazards by:

1. Implementing FEMA floodplain requirements for participation in the National Flood Insurance Program;
2. Prohibiting all encroachments in floodways (including parking lots) unless they conform to Chapter

17.84.180;

3. Establishing a general development permit process to ensure compliance with FEMA regulations;

4. Establishing specific requirements for construction or substantial improvements in the floodway fringe and Zone AO;

5. Requiring planning commission review and approval of proposals to store, place or stockpile buoyant or hazardous materials in special flood hazard areas;

6. Advocating the construction of cluster developments in special flood hazard areas over other types of development;

7. Prohibiting filling in floodways and regulating filling in floodway fringe areas to conform to Section 17.84.170 of this title. (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A (part), 1995))

17.84.015 Definitions. For the purposes of this chapter, the following definitions apply:

"Accessory structures" includes sheds or small detached garages (Note Section 17.84.140(I).)

"Applicant" refers to a person, organization, or agency applying for a development permit.

"Area of special flood hazard (SFHA)" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation of maps always includes the letter "A" (e.g., A, AE, AO). Federally regulated lending institutions require the purchase of flood insurance for residential and some nonresidential structures in these zones.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year" flood. Map designation always includes the letter "A" (e.g., A, AE, AO).

"Base flood elevation (BFE)" means the elevation of the base flood.

"Buoyant material" means a material which displaces a weight of water equal to its own weight; capable of floating.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

"Development permit" refers to a document or building permit authorizing an applicant to commence construction/development activities in a special flood hazard area.

"Federal Emergency Management Agency (FEMA)" means the federal agency charged with implementing the National Flood Insurance Program. FEMA provides Flood Insurance Rate Maps with the accompanying Flood Insurance Study to the city of Scappoose.

"Fill" means the placement of any material on the land for the purpose of increasing its elevation in relation to that which exists. Fill materials include but are not limited to the following: soil, rock, concrete, etc.

"Flood" means a general and temporary condition of partial or

complete inundation of normally dry land areas from:

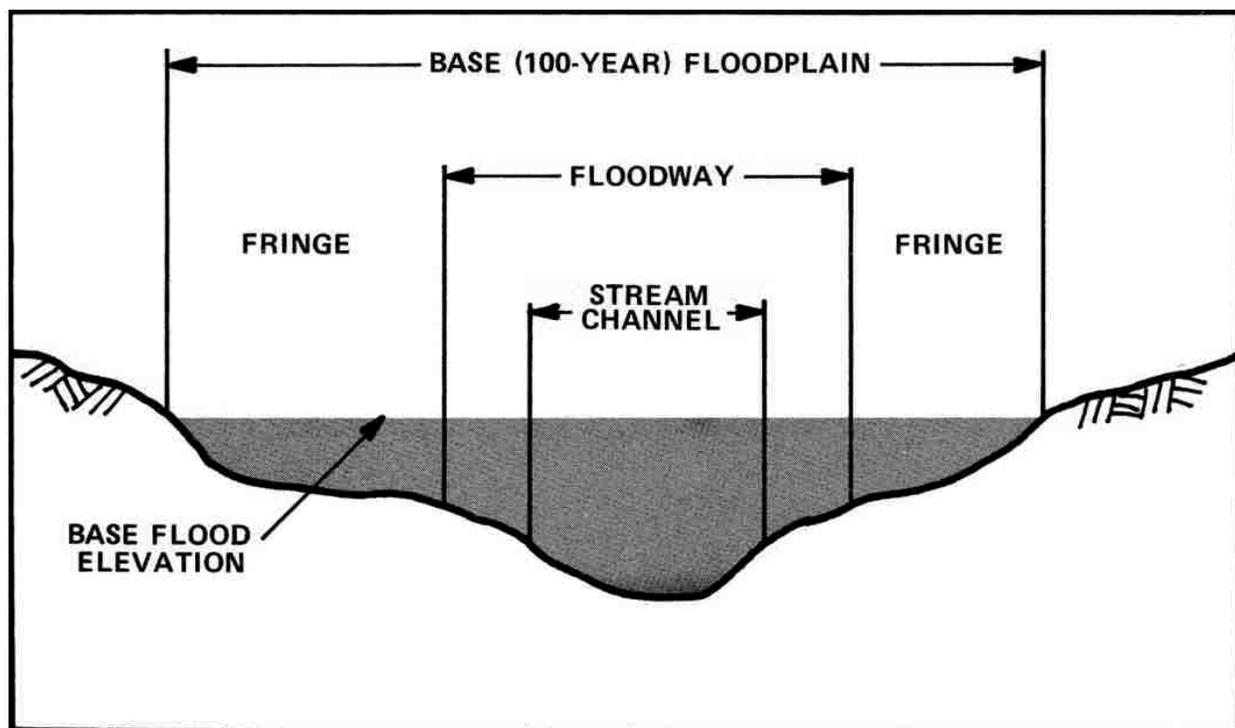
1. The overflow of inland or tidal waters; and/or 2. The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation more than one foot. Once established, nothing can be placed in the floodway that would cause any rise in base flood elevations. The city generally prohibits encroachments on designated floodways. (Section 17.84.180, Floodways). Floodways are depicted on the flood relationships diagram set out below.

Floodplain Relationships Diagram



"Floodway fringe" refers to those areas outside the floodway but within the one hundred-year floodplain. Note floodway relationships diagram set out above.

"Hazardous material" refers to a combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment.

"Lowest floor" means the lowest portion of the lowest floor

of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at Section 17.84.140.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." All manufactured homes in a SFHA shall be anchored to a permanent foundation pursuant to Section 17.84.140.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

"Permanent foundation" means an approved structural support system that is capable of resisting flood forces. A building anchored to a permanent foundation is required to resist flotation, collapse, and lateral movement produced by a one hundred-year flood. A permanent foundation may include reinforced piers or block walls, posts, concrete walls, properly compacted fill or other systems of equivalent strength. Dry stacked concrete blocks do not constitute a reinforced pier.

"Public works projects" refers to projects that are necessary to enhance or maintain general public welfare. Such projects may include, but are not limited to, flood control structures, public buildings, city infrastructures, utilities, parks and projects associated with resource protection.

"SFHA." See "Special flood hazard area."

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Special flood hazard area (SFHA)" refers to areas that are subject to a one hundred-year flood. They are depicted on Flood Insurance Rate Maps by the letter "A." In Scappoose, this would include Zone A, AE and AO. See "Zone designations."

"Special land use permit" refers to a document authorizing an applicant to store or stockpile buoyant or hazardous materials in a special flood hazard area. Requires planning commission approval.

"Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the

construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" is a term that, for floodplain management purposes, means a walled and roofed building. The term also includes manufactured homes, and gas and liquid storage tanks that are principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of its market value before the damage occurred.

"Substantial improvement" means any repair, rehabilitation, addition, reconstruction or other improvement of a structure, that includes the cumulative value of all building permits, and the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Zone designations:

1. Zone A (lacking a base flood elevation) is depicted on FEMA Flood Insurance Rate Maps. It represents areas subject to a one hundred-year flood event but for which no base flood elevations have been determined. This does not, however, remove a builder's responsibility for obtaining base flood elevations. Sections 17.84.050(C) and 17.84.140(D)(4) are applicable in Zone A.

2. Zone AE (base flood elevation provided) is depicted on FEMA Flood Insurance Rate Maps. It represents areas subject

to a one hundred-year flood event. Base flood elevations appear on the map.

3. Zone AO represents areas of shallow flooding on FEMA Flood Insurance Rate Maps. Depths vary between one and three feet and are shown on the map. The nature of Zone AO makes it a special case for which special standards are required. (Note Section 17.84.190.)

4. Zone X (shaded) appears on Flood Insurance Rate Maps. The shaded Zone X represents areas subject to a one hundred-year flood event but where depths are less than one foot or the drainage area is less than one square mile. Shaded Zone X in the vicinity of Scappoose is also associated with areas protected by dikes or levees from a one hundred-year flood. This chapter does not regulate development activities in shaded Zone X. (Ord. 828, 2013; Ord. 815 §1, 2011; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A (part),1995)

17.84.030 General provisions. A. This chapter shall apply to all special flood hazard areas (Zones A, AE, AO) within the jurisdiction of the city.

B. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled the "Flood Insurance Study for Columbia County, Oregon and Incorporated Areas," effective November 26, 2010, with accompanying Flood Insurance Rate Maps, is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Planning Department.

C. All new construction and substantial improvements shall be constructed with materials and utilize equipment resistant to flood damage.

D. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

E. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system in accordance with the state of Oregon Building Codes and Plumbing Code.

G. All new construction, all manufactured homes and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

H. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A (part),1995)

17.84.040 Permitted Uses. A. The following uses shall be permitted in special flood hazard areas and shall not require a

permit under this chapter:

1. Agricultural uses which do not meet the definition of "development";
2. Removal of poison oak, tansy ragwort, blackberry or other noxious vegetation; and
3. Fences outside the floodway with sufficient openings so as not to impede, retard, or change the direction of the flow of water or catch or collect debris carried by such water. All other fences shall require applicable development permits.

B. The following uses shall be permitted in special flood hazard areas and shall require a development permit under this Chapter in addition to any applicable federal, state or county permits:

1. Residential zones: A single-family detached dwelling or a single-family manufactured home and their accessory uses on lots greater than 20,000 square feet where a structure is to be placed within an area regulated by this Chapter;
2. Commercial and Industrial zones: Permitted uses of the underlying zone and their accessory uses on lots greater than 20,000 square feet where a structure is to be placed within an area regulated by this Chapter;
3. Installation, reconstruction or improvement of underground utilities or roadway improvements including sidewalks, curbs, streetlights and driveway aprons;
4. Minimal ground disturbance(s) but no landform alterations;
5. Substantial improvements to existing structures;
6. Community recreation uses such as bicycle and pedestrian paths or athletic fields or parks;
7. Public and private conservation areas for water, soil, open space, forest and wildlife resources; and
8. Public works projects.

C. A development permit shall be obtained before construction or development begins within any area of special flood hazard or drainageway unless specifically allowed in subsection A of this section. The permit shall apply to all structures including manufactured homes. (Ord. 813, 2010; Ord. 809, 2010; Ord. 740 §19, 2004; Ord. 636 §1 (part), 1996; Ord. 634 §1 Exh. A.(part), 1995)

17.84.050 Administration. A. The planner is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with Chapter 17.162.

B. Duties of the planner shall include, but not be limited to:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval

is required;

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.84.180 are met;

4. Review all applications for a development permit to determine if the proposed project is located in the floodway fringe. If located in the floodway fringe, assure the special standards requirements are met (Section 17.84.200).

C. When base flood elevation data has not been provided in accordance with Section 17.84.030, the applicant shall supply such data. In this instance, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

D. The recipient of a development permit shall provide certification from a registered engineer, or surveyor that buildings are elevated or flood-proofed according to standards set forth in Section 17.84.140. Appropriate certification forms will be provided by the city.

E. A development permit shall not be issued for construction in Zone AE or Zone AO within the Scappoose Creek floodway fringe until the application satisfies the requirements set forth in Section 17.84.200.

F. Applicants receiving a development permit to construct or substantially improve a residential or nonresidential structure in Zones A or AE shall comply with applicable standards in Sections 17.84.140, and 17.84.200.

G. Applicants receiving a development permit to construct or substantially improve a residential or nonresidential structure in Zone AO shall comply with applicable standards in Section 17.84.140, 17.84.190 and 17.84.200.

H. A special land use permit, requiring planning commission approval, shall be obtained prior to storing or stockpiling buoyant or hazardous materials in a special flood hazard area. (See Section 17.84.210.) (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A. (part), 1995)

17.84.060 Approval process. A. The applicant for a development permit shall be the recorded owner of the property or an agent authorized in writing by the owner.

B. The planner and public works director shall review all development permit applications to determine that all necessary permits are obtained from those federal, state, or local governmental agencies from which prior approval is also required.

C. The planner shall apply the standards set forth in this chapter when reviewing an application for a development permit. (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A. (part), 1995)

17.84.070 Maintenance of records.

A. When base flood elevation data is provided through the Flood Insurance Study or required as in Section 17.84.050(C), the applicant shall provide certification of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed structures, the applicant shall submit a Floodproofing Certificate by a registered surveyor verifying and recording the actual elevation (in relation to mean sea level) prior to construction and the actual elevation (in relation to mean sea level) to which the structure was floodproofed.

C. The planner shall maintain the floodproofing certifications required in this chapter.

D. The planner shall maintain for public inspection all other records pertaining to the provisions in this chapter. (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.120 Alteration of water courses. A. The planner shall notify adjacent communities and the State Department of Land Conservation and Development prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration.

B. The planner shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.130 Interpretation of FIRM boundaries. The planner shall make interpretation, where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76). (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.140 Standards. In Zone A, Zone AE, and Zone AO, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

2. All manufactured homes shall likewise be anchored to prevent flotation, collapse and lateral movement, and shall

be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during condition of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to eliminate infiltration of floodwaters into the system.

2. New and replacement sanitary sewerage systems shall be designed to eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

3. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, consistent with Oregon Department of Environmental Quality standards.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, the applicant shall provide such information.

E. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot or more above base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or shall meet or exceed the following minimum criteria:

1. A minimum of two openings with a net area of not

less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters; and

4. Screening, fencing or otherwise obstructing open areas between pillars on pile or pillar foundations shall be prohibited.

F. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed one foot or more above the base flood elevation. The structure shall be watertight below the base flood elevation with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.84.070(C).

4. Nonresidential structures that are elevated, not floodproofed, shall meet the same standards for space below the lowest floor as described in subsection E of this section.

5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood elevation will be rated as if floodproofed to the base flood level).

G. Manufactured Homes. All manufactured homes to be placed or substantially improved in Areas of special flood hazard shall be placed on a permanent foundation such that the bottom of the longitudinal chassis frame beam is at or above base flood elevation. The permanent foundation shall be resistive to flood velocities and may include concrete slabs, stem walls, and piers that are firmly embedded in the ground. Manufactured homes may be placed on reinforced (not dry-stacked) concrete blocks providing the home is firmly anchored to the ground pursuant to this section. If placed on a stem wall, the structure shall meet the same standards for space below the lowest floor as described in subsection E of this section and the anchoring requirements of Section 17.84.140(A). Electrical crossover connections shall be a minimum of one foot above base flood elevation.

H. Recreational Vehicles. A recreational vehicle placed on site is required to either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
3. Meet the requirements of subsection G above and the elevation and anchoring requirements for manufactured homes.

I. Accessory Structures. Accessory structures such as sheds, small detached garages, etc., to be located in Zone A, Zone AO, or Zone AE may be exempt from elevation provided the following conditions are met:

1. Accessory structures cannot be more than two hundred square feet in area and cannot be subject to state of Oregon Building Codes;
2. Accessory structures shall not be used for human habitation;
3. Accessory structures shall be designed to have low flood potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures;
6. The portions below the Base Flood Elevation shall be constructed with flood-resistant materials;
7. The structures shall be designed to equalize hydrostatic forces on exterior walls by allowing the automatic entry and exit of flood waters. Designs for complying with this requirement shall be certified by a licensed professional engineer or architect or:
 - a. provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - c. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention;
8. Mechanical, electrical, heating, and utility equipment shall be elevated or floodproofed to or above the Base Flood Elevation;
9. The structures are limited to parking and/or limited storage; and
10. If the structures are located in the floodway, they shall meet the requirements of Section 17.84.180. (Ord. 828, 2013; Ord. 815 §2, 2011; Ord. 813, 2010; Ord. 809, 2010; Ord. 636 §1 (part), 1996; Ord. 634 §1 Exh. A.(part), 1995)

17.84.170 Regulations pertaining to fill. A. No filling operations of any kind shall be allowed in the floodway.

B. No fill in floodway fringe areas shall be allowed unless the net effect of excavation and filling operations (on-site) constitutes no positive change in fill volume, as certified by a registered professional engineer.

C. Fill shall be allowed under city fill permit procedures in shaded Zone X and shall not be regulated by this Chapter.

D. No structure shall be built nor any excavation grading, nor filling shall be done within the one hundred-year flood plain without first meeting the requirements of this chapter regulating construction, alteration, repair and moving of buildings. (Ord. 828, 2013; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.180 Floodways. A. Floodways are established in special flood hazard areas (SFHA) to transport the waters of a one hundred-year flood out of the community as quickly as possible. Encroachments on the floodway generally produce a rise in base flood elevations and contribute to other hydraulic problems. Accordingly, the city prohibits encroachments, including fill, new construction, parking, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

C. Projects for stream habitat restoration may be permitted in the floodway provided:

1. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023) or Department of Army, Portland District Nationwide Regional Permit NWP 5, 13, 27, or 37; and,

2. A qualified professional (a Registered Professional Engineer or staff of NRCS, the City, or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,

3. No structures would be impacted by a potential rise in flood elevation; and,

4. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

D. New installations of manufactured dwellings in floodways are prohibited. Manufactured dwellings may only be

located in floodways according to one of the following conditions:

1. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or

2. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:

a. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;

b. The replacement manufactured dwelling shall have the bottom of the longitudinal chassis frame beam at or above the base flood elevation;

c. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the City; and

d. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties. (Ord. 815 §3, 2011; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.190 Special standards for Zone AO.

A. Zone AO is depicted on Flood Insurance Rate Maps (FIRMS). The zone coincides with areas subject to a one hundred-year flood where depths vary between one and three feet. Zone AO is associated with areas where sheet flow is most evident; i.e., where there is no clear channel. Flood depths appear on the FIRM.

B. Proposed construction in Zone AO shall comply with the General Standards provided in Section 17.84.140, excepting areas specifically covered in this section.

C. New construction and substantial improvements of residential structures in Zone AO shall:

1. Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site a minimum of one foot above the flood depth number specified on the FIRM (at least two feet if no depth number is specified);

2. Have adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

D. New construction and substantial improvements of non-

residential structures in Zone AO shall:

1. Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site a minimum of one foot above flood depth number specified on the FIRM at least two feet if no depth number is specified); or together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below is watertight; walls shall be substantially impermeable to the passage of water and structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If floodproofing method is used, compliance shall be certified by a registered professional engineer. Such certifications shall be provided to the official as set forth in Section 17.84.070(C).

2. Have adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.195 Floodplain area density adjustment. In order to provide incentive for siting and re-siting residential dwelling units to avoid special flood hazard areas (SFHA), any partition, subdivision, or site development review application involving land that is subject to this chapter may be paired with a sensitive lands development permit - flooding application in such a manner as to provide for the development of allowed housing types to the net density that would have existed for the base zone without the restrictions provided by 17.84.040,B1-2. Density may be transferred out of SFHA to areas of the parcel not regulated by this chapter provided the following standards are met:

1. Density may be transferred only on contiguous lots under common ownership. Density may not be transferred to properties under different ownership.

2. A map shall be submitted showing the net buildable area outside of the floodplain to which the density will be transferred.

3. The portion of the parcel within the SFHA shall be dedicated to the City as open space unless the City determines the SFHA should be placed in a conservation easement.

4. The density of the buildable area may not be increased to more than one and one-half (1.5) times the permitted density of the underlying zone. Fractional units are to be rounded down to the next whole number.

5. Development shall only qualify for such a density bonus if any structures existing previous to the adoption of the floodplain ordinance are removed or relocated outside of the SFHA.

17.84.200 Special regulations for development in the Scappoose Creek floodway fringe (Zones A, AE, and AO). A. Proposed development or substantial improvement in the Scappoose Creek floodway fringe shall conform with applicable general and specific standards in Section 17.84.140, and special standards in Zone AO (Sections 17.84.190 and 17.84.200). (Ord. 828, 2013; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.210 Storage, placement or stockpiling buoyant or hazardous materials in flood hazard areas (Zones A, AE, and AO). A. The transportation of buoyant or hazardous materials (Note: see Section 17.84.015, Definitions) from rising floodwaters contributes to the community's flood hazard. Accordingly, a permit shall be obtained from the planning commission prior to storage, placement or stockpiling in a flood hazard zone (A, AE, AO). The application shall be processed according to Chapter 17.162.

1. In determining whether or not a permit will be granted to store, place or stockpile buoyant or hazardous materials in a flood hazard area, the planning commission shall consider the following:

- a. The nature of the materials (e.g., buoyancy, toxicity, flammability);
- b. The danger that materials may be swept onto other properties or structures with resulting injury or damage;
- c. The necessity of locating the materials on the particular site, especially in terms of public benefit;
- d. The ability of emergency vehicles to reach the site in times of flooding;
- e. The availability of alternative locations which are less susceptible to flooding;
- f. The applicant's plan for hazard mitigation;
- g. The requirements of development, including

Section 17.84.200.

17.84.210--

B. The placement, storage or stockpiling of buoyant or hazardous materials in a floodway is prohibited unless it is associated with a short-term public works project. The planning commission must consider the flood potential and establish a time in which the materials must be removed. (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.220 Variances to flood damage prevention. A. A variance is a departure or grant of relief from the strict letter of the flood damage prevention chapter. It is designed for those situations where a proposed action is in keeping with the purpose of the chapter but there are practical difficulties in meeting strict chapter standards. The conditions for granting variances are stringent. When dealing with a flood hazard there is little margin for error.

B. All flood hazard variances are deemed to be a major variance as defined in Chapter 17.134 and shall be so

administered and appealed.

C. The planner shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

D. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

E. Variances shall not be issued within a designated floodway.

F. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant that outweighs the risk associated with the variance; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances; cause fraud or a victimization of the public.

G. Variances as interpreted in the National Flood Insurance Program are based on the General Zoning Law Principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

H. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential and complies with all other variance criteria.

I. Any applicant to whom a variance is granted shall be given notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation. (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.230 Expiration of approval--Standards for extension of time. A. Approval of a development permit shall be void under any of the following circumstances:

1. Substantial construction of the approved plan has not been completed within a one-year period; or
2. Construction on the site is a departure from the approved plan; or
3. If the start of construction, repair, reconstruction, placement or other improvement is not within 180 days of the permit date (see "start of construction" under 17.84.015 Definitions).

B. The planner may, upon written request by the applicant, grant an extension of the start of construction for 180 days,

provided that:

1. No changes are made on the original plan as approved by the approval authority;
2. The applicant can show intent of initiating construction of the site within the extension period; and
3. There have been no changes to the applicable comprehensive plan policies, provisions of this title, Flood Insurance Study, or FIRMS on which the approval was based.

C. Notice of the decision shall be provided to the applicant. (Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

17.84.250 Application submission requirements. A. All applications shall be made on forms provided by the planner and shall be accompanied by:

1. For applications proposing encroachments on the floodway a registered professional engineer's certification that the proposed project will not cause a rise in base flood elevation during a one hundred-year event as it exists on the current FIRM Flood Insurance Rate Map or create additions that would be detrimental to adjacent or neighboring properties;

2. One reproducible copy of the development plan(s) and necessary data or narrative which explains how the development conforms to the standards. Sheet size for the development plan(s) and required drawings shall not exceed eighteen inches by twenty-four inches and the scale for all development plans shall be an engineering scale;

3. A list of the names and addresses of all who are property owners of record within two hundred feet of the site.

B. The development plan and narrative may be combined on one map and shall include the following information:

1. Existing site conditions including vicinity map showing the location of the property in relation to adjacent properties and including parcel boundaries, dimensions and gross area;

2. The location, dimensions and names of all existing and platted streets and other public ways, railroad tracks and crossings, and easements on adjacent property and on the site and proposed streets or other public ways, easements on the site;

3. The location, dimensions and setback distances of all existing structures, improvements, utility and drainage facilities on adjoining properties and existing structures, water, sewer, improvements, utility and drainage facilities to remain on the site; and proposed structures, water, sewer, improvements, utility and drainage facilities on the site;

4. Contour lines at two-foot intervals for slopes from zero to ten percent and five-foot intervals from slopes over ten percent;

5. The drainage patterns and drainage courses on the site and on adjacent lands;

6. Potential natural hazard areas including:

- a. Floodplain areas,

b. Areas having a high seasonal water table within zero to twenty-four inches of the surface for three or more weeks of the year,

c. Unstable ground (areas subject to slumping, earth slides or movement). Where the site is subject to landslides or other potential hazard, a soils and engineering geologic study based on the proposed project may be required which shows the area can be made suitable for the proposed development,

d. Areas having a severe soil erosion potential,
and

e. Areas having severe weak foundation soils;

7. The location of trees having a six-inch caliper at four feet. Only those trees that will be affected by the proposed development need to be sited accurately. Where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be required;

8. Identification information, including the name and address of the owner, developer, and project designer, and the scale and north arrow;

9. A grading and drainage plan at the same scale as the site conditions and including the following:

a. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals,

b. A statement from a registered engineer supported by factual data that all drainage facilities are designed in conformance A.P.W.A standards and as reviewed and approved by the public works director. (Ord. 828, 2013; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A. (part), 1995)

Chapter 17.68
EC EXPANDED COMMERCIAL

Sections:

- 17.68.010 Purpose.
- 17.68.030 Permitted and Conditional uses.
- ~~17.68.040 Conditional uses.~~
- 17.68.050 Dimensional requirements ~~Commercial and mixed-use buildings.~~
- 17.68.060 Dimensional requirements ~~Multifamily buildings~~

~~Residential districts.~~

- 17.68.070 Dimensional requirements Live/Work townhouse or live/work multifamily buildings
- 17.68.080 Live/Work Requirements.
- 17.68.090 Special Buffer Requirements for multifamily and live/work multifamily buildings.
- 17.68.100 Architectural character for multifamily and live/work multifamily buildings.

17.68.010 Purpose. The purpose of the EC zone is to provide areas:

- A. For combining light manufacturing, office, retail sales, and complementary related commercial uses;
- B. For combining uses which have no off-site impacts in terms of noise, odor, glare, lights, vibration, smoke, dust or other types of off-site impacts;
- C. For combining parking, landscaping and other design features which physically and visually link structures and uses within one development;
- D. Which utilize a basic street and utility pattern which will permit flexibility in the size of development sites and provide internal circulation which connect to adjoining sites; and
- E. Which provide for a circulation system that provides direct access to arterials or collectors that will not channel traffic through residential areas. (Ord. 634 §1 Exh. A (part), 1995)

17.68.030 Permitted uses.

Use	
Agricultural sales	Permitted outright ¹
Automotive and equipment:	Permitted outright ¹
1. Repairs provided that a five-foot landscaped perimeter setback surround all outdoor parking and storage areas and all repair work is performed indoors;	
2. Sales/rental/storage of farm equipment, automobiles, recreational vehicles, boats or light equipment, provided that a five-foot landscaped perimeter setback surrounds all	

outdoor parking and all storage areas are buffered and screened in accordance with Chapter 17.100, Landscaping, Screening and Fencing.	
Building materials sales and storage	Permitted outright ¹
Building maintenance services	Permitted outright ¹
Business equipment sales and services	Permitted outright ¹
Church	Permitted outright ¹
Commercial amusement facilities including bowling alleys, video arcades, and movie theaters other than adult motion picture theaters	Permitted outright ¹
Communication services	Permitted outright ¹
Construction sales and services	Permitted outright ¹
Day care facility	Permitted outright ¹
Mixed-use building Dwelling units located on the second floor of the commercial structure	Permitted outright ¹
Eating and drinking establishments	Permitted outright ¹
Equipment rental and sales	Permitted outright ¹
Financial, insurance and real estate services	Permitted outright ¹
General retail sales	Permitted outright ¹
Home occupation (Type I) subject to Chapter 17.142, Home Occupations	Permitted outright ¹
Laundry services	Permitted outright ¹
Medical and dental services	Permitted outright ¹
Mini-storage with or without caretaker dwelling	Permitted outright ¹
Multifamily dwelling units per A-1 requirements when located at least two hundred feet from Highway 30 and outside of the Scappoose Creek Flood Plain	Permitted outright ¹
<u>Live/Work townhouses or live/work multifamily building</u>	<u>Permitted outright¹</u>
Packaging and production of finished products from previously prepared materials	Permitted outright ¹
Parking facilities	Permitted outright ¹
Participation sports and recreation, indoor	Permitted outright ¹
Postal services	Permitted outright ¹
Professional and administrative offices	Permitted outright ¹
Public safety services	Permitted outright ¹
Public support facilities	Permitted outright ¹
Recreational vehicle parks subject to Chapter 17.94, Manufactured Home Regulations	Permitted outright ¹
Research services	Permitted outright ¹
Residential care facilities when located at least two hundred feet from Highway 30 and outside of the Scappoose Creek Flood Plain	Permitted outright ¹
Small animal sales and services including veterinary	Permitted outright ¹
Vehicle fuel sales, retail	Permitted outright ¹
Wholesale, storage and distribution	Permitted outright ¹
Hotel/motel	Permitted outright ¹

Any permitted use on a temporary basis subject to Scappoose Municipal Code 17.128, Temporary Commercial and Industrial Uses	Permitted outright ¹
Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 17.93	Permitted outright ¹
Public and private schools including but not limited to charter schools and career schools as defined and regulated by the State of Oregon.	Permitted outright ¹
Adult bookstore, entertainment or motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five feet from any property line and shall be screen and buffered in accordance with Section 17.100.090. In addition, location shall be at least one thousand five hundred feet, measured in a straight line, from any of the following: 1. Residential district 2. Public or private nursery, preschool, elementary, junior, middle or high school 3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital 4. Public library 5. Community recreation 6. Church	Conditional use ²
Automotive and equipment body repairs conducted wholly within an enclosed structure	Conditional use ²
Fleet storage with no buildings or structures, provided that a five-foot screened and buffered perimeter setback surrounds all outdoor parking and storage areas	Conditional use ²
Home occupations (Type II) subject to Chapter 17.142, Home Occupations	Conditional use ²
Outside storage subject to buffering and screening in accordance with Chapter 17.100, Landscaping, Screening and Fencing	Conditional use ²
Outside dining facilities	Conditional use ²
Major impact utilities provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property	Conditional use ²
Radio towers and transmitters	Conditional use ²
Wireless communication facilities, subject to the provisions of Chapter 17.93.	Conditional use ²

¹In the expanded commercial zone, except as specifically stated, activities shall be conducted within an enclosed building or structure and are subject to ~~site development review~~, Chapter 17.120, Site Development Review. Only these uses and their accessory uses are permitted outright.

² These uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter

17.130, Conditional Use, other relevant sections of this title and any conditions imposed by the planning commission:

17.68.050 Dimensional requirements—Commercial and mixed-use buildings.

Dimensional Requirements	Requirement ¹
Minimum lot size	Ten thousand square feet
Minimum lot width	One hundred feet
Minimum setback	
Front Yard	Shall be a minimum of ten feet and shall be landscaped per Section 17.100.090
Corner lots and through lots	The minimum setback for the side facing the street shall be twenty feet
Side or rear yard	None required except thirty feet shall be required where abutting a residential zoning district and the planning commission may reduce the required yard setback by fifty percent pursuant to Chapter 17.100, Landscaping, Screening and Fencing.
Maximum height	No <u>commercial</u> building shall exceed fifty feet in height. <u>A mixed-use building shall not exceed sixty feet in height.</u> Within one hundred fifty feet of a residential zone, no building shall exceed thirty-five feet in height.
Maximum lot coverage	The maximum lot coverage shall be ninety percent including all buildings and impervious surfaces

Commented [BG1]: Is this sufficient buffer between commercial buildings and residential zones?

¹Additional requirements shall include any applicable section of this title. (Ord. 634 §1 Exh. A (part), 1995)

17.68.060 Dimensional requirements--~~Residential districts-Multifamily buildings.~~ Dimensional requirements for residential uses in the expanded commercial district are the same as the A-1 zone, Chapter 17.56, A-1 High Density Residential. (Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)

<u>Dimensional Requirements</u>	<u>Requirement</u>
<u>Minimum density</u>	<u>15 dwelling units per net acre</u>
<u>Minimum lot width</u>	<u>Fifty feet</u>
<u>Minimum setback</u>	
<u>Front Yard</u>	<u>Fifteen feet</u>
<u>Front of garages or carports</u>	<u>Twenty feet from the property line where access occurs</u>
<u>Side yard</u>	<u>Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side for corner lots</u>
<u>Rear yard</u>	<u>Twenty feet</u>
<u>Setbacks for accessory building behind a residence</u>	
<u>Side</u>	<u>Five feet each</u>
<u>Rear</u>	<u>Five feet</u>
<u>Maximum height</u>	<u>Thirty-five Sixty feet</u>
<u>Accessory Building</u>	<u>Twenty two feet</u>
<u>Maximum building coverage</u>	<u>Eighty percent, including all buildings and impervious surfaces</u>
<u>Minimum landscape</u>	<u>Twenty percent</u>

17.68.070 Dimensional requirements Live/Work townhouse or live/work multifamily building

<u>Dimensional Requirements</u>	<u>Requirement</u>
<u>Minimum density</u>	
<u>Townhouse</u>	<u>Two thousand five hundred square feet per unit</u>
<u>Multifamily</u>	<u>15 dwelling units per net acre</u>
<u>Minimum lot width</u>	
<u>Townhouse</u>	<u>Twenty-five feet per unit</u>
<u>Multifamily buildings</u>	<u>Fifty feet</u>
<u>Minimum setback</u>	
<u>Front Yard</u>	<u>Fifteen feet</u>
<u>Front of garages or carports</u>	<u>Twenty feet from the property line where access occurs</u>
<u>Side yard</u>	<u>Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side for corner lots</u>
<u>Rear yard</u>	<u>Twenty feet</u>
<u>Setbacks for accessory building behind a residence</u>	
<u>Side</u>	<u>Five feet each</u>
<u>Rear</u>	<u>Five feet</u>
<u>Minimum height</u>	<u>Two stories</u>
<u>Maximum height</u>	
<u>Townhouse</u>	<u>Forty-five feet</u>
<u>Multifamily</u>	<u>Thirty five Sixty feet</u>
<u>Accessory Building</u>	<u>Twenty two feet</u>
<u>Maximum building coverage</u>	<u>Eighty percent, including all buildings and impervious surfaces</u>
<u>Minimum landscape</u>	<u>Twenty percent</u>

17.68.080 Live/Work Requirements. Each Live/Work unit shall meet the following requirements:

1. The ground floor commercial or office space will have visibility, signage, and access from the primary street.
2. A live/work unit with residential uses on the ground floor must be located outside of the Scappoose Creek Floodplain.
3. To preserve the pedestrian orientation of the commercial or office space, alley or rear access is required to provide services and residential parking.
4. Each Live/Work Unit shall have a minimum work space of 200 square feet and a minimum living area of 600 square feet.
5. Each Live/Work Unit shall have a minimum of one (1) off-street parking space for each dwelling unit and one (1) off-street parking space for the first 1,000 square feet of non-residential floor area. Additional off-street parking spaces for non-residential floor area over and above the first 1,000 square feet shall be provided pursuant to Chapter 17.106 (Off-Street Parking and Loading Requirements).

17.68.090 Special Buffer Requirements for multifamily buildings and live/work multifamily buildings. Buffer requirements for multifamily uses in the expanded commercial district are the same as the A-1 zone, See Section 17.56.60.

17.68.100 Architectural character for multifamily and live/work multifamily buildings. Architectural character requirements for multifamily uses in the expanded commercial district are the same as the A-1 zone, See Section 17.56.70.

Chapter 17.80DOWNTOWN OVERLAYSections:

- 17.80.010 Purpose.
- 17.80.020 Applicability.
- 17.80.030 Uses.
- 17.80.040 Dimensional requirements.
- 17.80.050 Parking lots for commercial uses.
- 17.80.060 Lighting.
- 17.80.070 Service areas.
- 17.80.080 Building height and architectural character.
- 17.80.090 Signs.
- 17.80.100 Landscaping.

17.80.010 Purpose. The purpose of the downtown overlay is to encourage the preservation, improvement and renewal of the existing business district of the city maintaining a center of commercial and civic activity for the community; encourage pedestrian traffic; encourage higher density residential development in support of commerce; require design features that reduce conflicts with vehicular traffic flow; and improve the general appearance, safety and convenience of the downtown area by requiring greater attention to the design of buildings, parking, landscaping, lighting and traffic circulation. (Ord. 811, 2010; Ord. 682, §4 (part), 1999)

17.80.020 Applicability.

A. West of Highway 30, the downtown overlay shall apply to properties beginning on the north side of E.M. Watts Road and extending north to Scappoose-Vernonia Highway and including all properties with frontages on either side of West First Street or Highway 30 or the connecting side streets, excepting the residential properties north of E.J. Smith Road and west of NW 1st Street. East of Highway 30, the downtown overlay shall apply to properties from Williams Street south to East Columbia Avenue with frontages on NE First Street; properties from East Columbia Avenue south to Santosh Street with frontages on SE First Street or SE Second Street; properties with frontages on East Columbia Avenue extending east from Highway 30 to West Lane Road; and properties with frontages on both West Lane Road and East Columbia Avenue, as shown on Figure 17.80.1.

B. The design standards of this Chapter are not applicable to exterior maintenance or repair of existing structures or improvements.

C. The provisions of this Chapter shall apply to all new residential and commercial construction. The Chapter shall also apply to major exterior modifications except for existing single-family residences.

E. Changes to existing commercial uses and multi-family residential uses shall be subject to this Chapter if any of the following changes ~~is~~ are proposed:

1. An increase of ten percent or more in dwelling unit density, or lot coverage for residential development;
2. A change in the ratio or number of different types of dwelling units;
3. An increase in the height or width of the building(s) by more than twenty percent;
4. Demolition or replacement of more than twenty-five percent of the surface area of any exterior wall or roof;
5. A change that requires additional on-site parking in accordance with Chapter 17.106; or
6. A change in the type and location of access ways and parking areas where off-site traffic would be affected.

F. Except as specifically exempted in this chapter, all other requirements of Title 17 shall apply within the downtown overlay. (Ord. 811, 2010; Ord. 738 §1 (part), 2003; Ord. 682 §4 (part), 1999)

17.80.030 Uses.

Use	
Where base zoning is commercial, permitted and conditional uses shall be as defined in <u>the</u> underlying base zone.	See the uses permitted in the base zone
Where base zoning is residential, permitted and conditional uses shall be as defined in the underlying base zone, plus the following additional permitted uses: <ol style="list-style-type: none"> 1. Bed and breakfast facilities; 2. Library services; 3. Professional offices where building footprint is four thousand square feet or less; 4. Dwelling units located on the second upper floor(s) of professional offices <u>Mixed-use building</u> where building footprint is four thousand square feet or less; 5. Single family attached Townhouses on individual lots three thousand (3,000) square feet or greater, not to exceed four units or eighty 	See the uses permitted in the base zone

feet from end-wall to end-wall, whichever is less.	

17.80.040 Dimensional requirements.

Dimensional Requirements	Requirement ¹
Minimum lot size Commercial base zoning	No minimum lot area shall be required.
Minimum lot size Residential base zoning with commercial uses	Six thousand (6,000) square feet.
Minimum lot size Residential base zoning with residential uses Single-family detached residential dwelling unit sixteen feet or greater in height Single-family detached above sixteen feet or less in height <u>Townhouse</u> <u>Duplex</u> <u>Triplex</u> <u>Quad-plex</u>	Three thousand (3,000) square feet Forty-five hundred Six thousand (6,000) <u>4,500</u> square feet or <u>Three thousand (3,000) square feet per townhouse</u> <u>Six thousand (6,000) square feet per duplex</u> Six thousand (6,000) square feet for the first two attached units plus an additional three thousand (3,000) <u>2,000</u> square feet for each additional dwelling unit Six thousand (6,000) square feet for the first two attached units plus an additional three thousand

	(3,000 <u>2,000</u>) square feet for each additional dwelling unit
Lot Width	<p>Where uses are commercial, no minimum lot width shall be required.</p> <p>Where uses are residential, the minimum lot width shall be thirty feet for detached residences and twenty feet for single-family attached townhouses.</p>
Setbacks.	<p>Where uses are commercial,</p> <ul style="list-style-type: none"> a) No setback shall be permitted between the front of the building and the property line adjoining the street. The planner may authorize minor exceptions up to eight feet where necessary due to lot configuration, visual clearance area requirements, or the need to accommodate overhanging elements such as awnings, signage, or architectural features. Such setback exceptions shall be limited to the minimum necessary. b) <u>Side yard setbacks shall be a minimum of three feet each with any street side setback no less than ten feet.</u> <p>Where uses are residential,</p> <ul style="list-style-type: none"> a) The front yard setback shall be a minimum of ten feet; b) The front of garages or carports shall be located a minimum of twenty feet from the property line where access occurs; c) Side yard setbacks for detached residential dwelling units shall be a minimum of three feet each with any street side setback no less than ten feet; d) Side yard setbacks for attached townhouses on individual lots shall be zero

	<p>at the common property line and shall be a minimum of three feet at side yards for end units with any street side setback no less than ten feet;</p> <p>e) Side yard setbacks for detached accessory buildings shall be a minimum of three feet each;</p> <p>f) The rear yard setback shall be a minimum of twenty feet, except the minimum rear yard setback for an accessory building shall be five feet.</p>
Maximum height	No building shall exceed thirty-five feet in height, <u>except a mixed use building with commercial or professional office space on the first floor with residential units above shall not exceed forty-five feet in height.</u>

¹Base zoning dimensions are not applicable within the downtown overlay.

17.80.050 Parking lots for commercial and multi-family uses. A. Parking lots shall be in accordance with Chapter 17.106, Off Street Parking and Loading Requirements, except as specifically defined in this section. Illustrations of desirable parking lot designs are shown in the 1998 ODOT/DLCD Quick Response Project and/or the 2002 ODDA Resource Team Report.

B. Location of Parking.

1. New off-street surface parking lots shall be located to the side or rear of buildings. Parking at midblock or behind buildings is preferred. When parking cannot be located at midblock or behind buildings, perimeter screening and planting shall be required, complying with design standards for parking perimeter screening and planting, subsection D of this section.
2. New off-street surface parking lots shall not be located between a front facade of a building adjacent to a public street, and the public street.
3. New parking lots and garages shall not be located within twenty feet of a street corner.

C. Design of Parking Lots.

1. Off-street surface parking areas shall be designed to be as unobtrusive, and as attractive in appearance, as possible.

2. Angled or perpendicular parking spaces shall provide, where needed, extruded curbs (tire stops) or widened curbs to prevent bumper overhang into landscape areas or walkways.
3. Landscaping around and within surface parking areas shall equal ten percent of the total parking area.
4. Landscaping shall be installed within planting bays, and in any other area where parking stalls, circulation aisles, driveways and pedestrian movements shall not be precluded by the landscaping.
5. Pedestrian accessways through surface parking lots shall be clearly identifiable through use of different paving materials, pavement markings, grade separation, or landscaping, well-lighted, and as short as practicable.
6. Surface parking lot vehicular accessways ~~shall not exceed twenty feet in width, and~~ shall not be located within twenty-five feet of a corner.
7. New parking areas shall be designed to the extent practicable to connect with existing parking areas on adjacent sites to minimize usage of the street for parallel movements.

D. Parking Perimeter Screening and Planting. Parking areas adjacent to public streets shall provide landscaping which meets one of the following standards:

1. A five-foot-wide planting strip between the right-of-way or back of sidewalk and the parking area. The planting strip may be pierced by pedestrian accessible and vehicular accessways. Planting strips shall be planted with an evergreen hedge. Hedges shall be no less than thirty-six inches or more than forty-two inches in height at maturity. Materials shall achieve a balance between low-lying and vertical shrubbery and trees. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot; or
2. A solid decorative wall or fence thirty-six inches in height parallel to and not nearer than one foot from the right-of-way line. The area between the wall or fence and the street line shall be landscaped. Materials shall achieve a balance between low-lying and vertical shrubbery and trees. The required wall or fence and landscaping shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance for vehicles exiting the parking lot; or
3. A transparent screen or grille forty-eight inches to seventy-two inches in height parallel to the right-of-way line. A one foot minimum planting strip shall be located either inside the screen, or between the screen and the right-of-way. The plant strip shall be planted with a hedge or other landscaping. Materials shall achieve a balance between low-lying and vertical shrubbery and trees. The required screen or grill and landscaping shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance for vehicles exiting the parking lot.

E. Reduced Off-Street Parking Requirements for commercial uses.

1. For any structure meeting the applicability provisions of Chapter 17.120 (Site Development Review) or Chapter 17.130 (Conditional Use), the Planning Commission may grant reduced off-street parking standards within the following parameters:

a. Up to a 100-percent reduction capacity for the area existing between NW Laurel Street and NW Casey Street/J.P. West Road for properties having frontages on either side of West First Street, Highway 30, or the connecting side streets.

b. Up to a twenty-five (25) percent reduction capacity for properties in the downtown overlay on the east side of Highway 30. (Ord. 811, 2010; Ord. 738 §1 (part), 2003; Ord. 682 § 4 (part), 1999)

17.80.060 Lighting.

A. Illustrations of desirable lighting are shown in the 1998 ODOT/DLCD Quick Response Project and/or the 2002 ODDA Resource Team Report.

B. Pedestrian scale street lighting shall be provided along East Columbia Avenue and along West First Street.

C. Pedestrian scale street lights shall be no taller than twenty feet and shall be a design approved by the planner. Lamps shall be metal halide bulbs or other white light source.

D. Additional pedestrian-oriented site lighting (i.e., path lighting including step lights, well lights and bollards) is encouraged.

E. Fixture height and lighting levels shall be commensurate with their intended use and function and shall assure compatibility with neighboring land uses. Baffles shall be incorporated to minimize glare and to focus lighting to its intended area.

F. Minimum lighting levels shall be provided for public safety in all urban spaces open to public circulation.

G. No lighting standard shall exceed twenty-five feet in height.

H. Accent lighting on architectural focal points and landscape features is encouraged.

I. Seasonal lighting is encouraged. (Ord. 811, 2010; Ord. 738 §1 (part), 2003; Ord. 682 § 4 (part), 1999)

17.80.070 Service areas.

A. Illustrations of desirable service area screening are shown in the 1998 ODOT/DLCD Quick Response Project and/or the 2002 ODDA Resource Team Report.

B. Except for single-family dwelling units, all on-site service areas, loading zones and outdoor storage areas, waste storage, disposal facilities, transformer and utility vaults and similar activities shall be located in an area not visible from a street or urban space. If this is not possible, then the service area, loading zone or storage area shall be fully screened from public view. Prohibited screening includes chain-link fencing with or without slats. Acceptable screening includes

a stone, masonry or wood enclosure which may be freestanding or incorporated into a building wall. (Ord. 811, 2010; Ord. 738 §1 (part), 2003; Ord. 682 § 4 (part), 1999)

17.80.080 Building height and architectural character.

A. Building Height for Commercial Uses.

1. The minimum facade height for single-story buildings shall be sixteen feet for buildings with unbroken rooflines, but may be as short as fourteen feet for buildings providing architectural diversity to roof profiles. Building height shall be measured from the highest grade point of the building frontage from ground to top of cornice or midpoint of roof slope.

B. Architectural Character.

1. Awnings on building containing commercial uses.

a. Awnings at the ground level of commercial buildings are encouraged.

b. Awnings shall not obscure or distract from significant architectural features and should fit within the window bays (either above the main glass or the transom window).

c. The color of the awning shall be compatible with its attached building.

2. Building Exterior. The exterior walls of building facades shall be of suitable durable building materials including the following: stucco, stone, terra-cotta, tile, cedar shakes and shingles, beveled or shiplap or other narrow-course horizontal boards or siding, vertical board and batten siding, articulated architectural concrete masonry units (CMU), or similar materials which are low maintenance, weather resistant, abrasion resistant, and easy to clean. Prohibited building materials include the following: plain concrete, plain concrete block, corrugated metal, unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet press board) and similar quality, nondurable materials.

3. Building Fronts.

a. All residential structures shall utilize at least two of the following design features to provide visual relief along the street frontage:

1. Dormers;
2. Recessed entries;
3. Cupolas;
4. Bay or bow windows;
5. Gables;
6. Covered porch entries;
7. Pillars or posts;
8. Eaves (minimum eighteen inch projection); or
9. Off-sets on building face or roof (minimum sixteen inches).

b. Ground floor windows shall be provided on commercial building facades.

c. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows of commercial buildings.

d. Ground floor building facades on commercial buildings shall contain unobscured windows or glass doors for at least forty-five percent of the wall area and fifty percent of the wall length within the first nine feet of wall height. Lower window sills shall not be more than three feet above grade except where interior floor levels prohibit such placement, in which case the lower window sill shall not be more than a maximum of four feet above the finished exterior grade.

e. On the ground floor, commercial buildings shall incorporate large display windows with transom windows above.

f. New commercial buildings whose street frontage is more than forty-five feet wide shall be designed to convey a sense of division through the use of either pilasters, window and door openings, recessed entries, off-sets or other architectural details and shall break any flat, monolithic facade by including architectural elements such as bay windows, changes in materials, or other articulation such as columns or vertical architectural elements to provide pedestrian scale to the ground floor. (Ord. 811, 2010; Ord. 738 §1 (part), 2003; Ord. 682

17.80.090 Signs. A. Signs shall be in accordance with the requirements of Chapter 17.114, Signs. (Ord. 682 §4 (part), 1999)

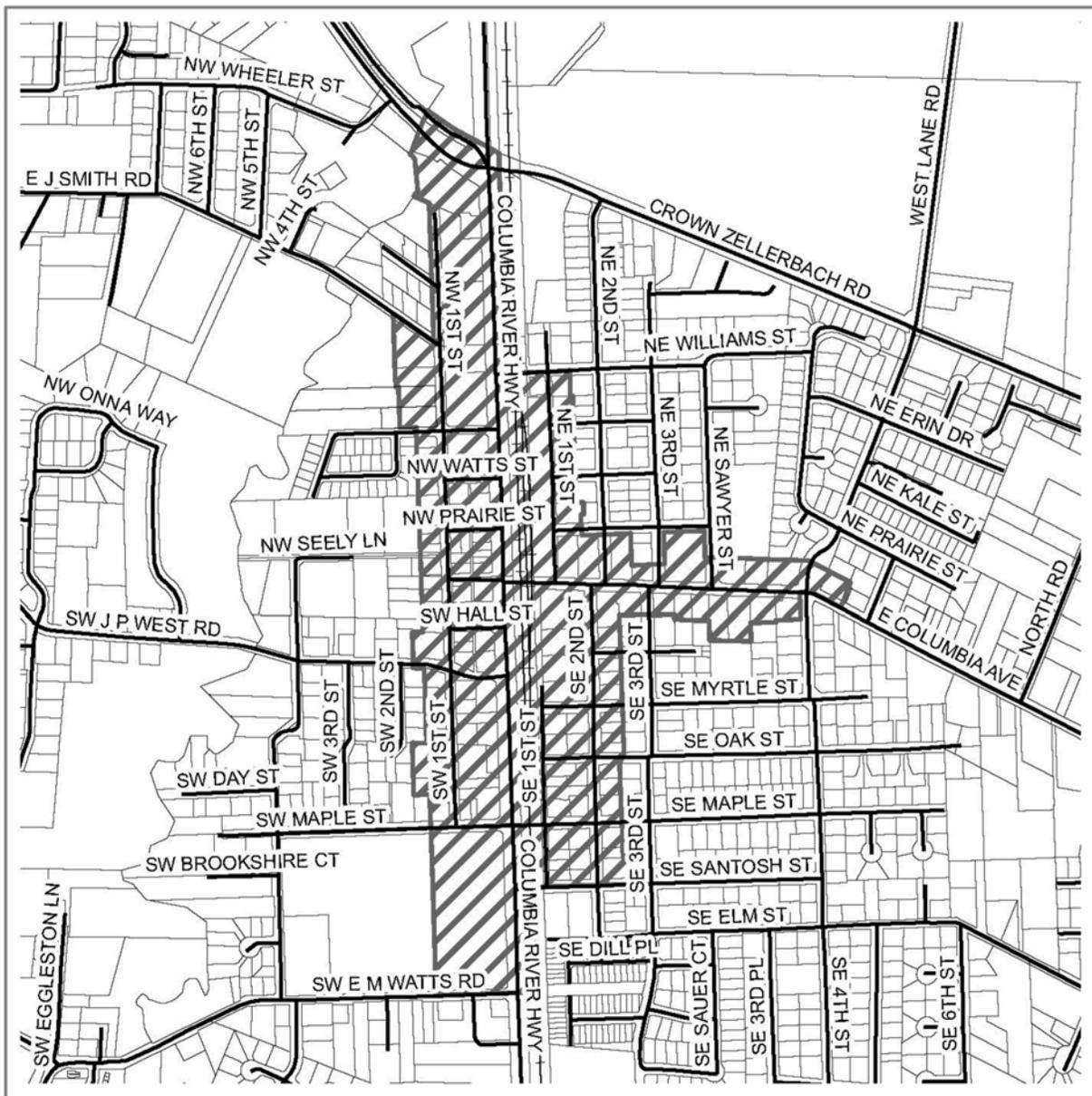
17.80.100 Landscaping.

A. The landscaping requirements of Sections 17.100.090 (Buffering and screening requirements) and 17.100.100 (Screening-Special provisions) shall not apply within the downtown overlay.

B. Pedestrian scale lighting and hanging floral baskets may be substituted for street trees for frontages on the west side of Highway 30 from the northwest corner of JP West Road north to the southwest corner of Watts Street. Such substitutions shall be in accordance with the standards in Section 17.80.060. The design of the fixture shall be subject to approval by the planner.

C. One street tree shall be required per 35 feet of linear street frontage or fraction thereof, except where the planner approves alternative plantings due to visual clearance area requirements, awnings, street lights, doors or other conflicts. Species of street trees shall be subject to approval by the planner and may vary from the approved street tree list where a smaller stature of tree is necessary to resolve conflicts. (Ord. 820 §5, 2012; Ord. 811, 2010; Ord. 682 §4 (part), 1999) (Ord. 820 §3, 2012)

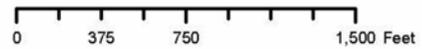
Scappoose Downtown Overlay



SCAPPOOSE GIS

Legend

-  Streets
-  Taxlots Boundary
-  Downtown Overlay



Chapter 17.56

A-1 HIGH DENSITY RESIDENTIAL

Sections:

17.56.010 Purpose.

17.56.020 Permitted and Conditional uses.

~~17.56.040 Conditional uses.~~

17.56.050 Dimensional requirements.

17.56.060 Live/Work Requirements.

17.56.070 Special Buffer Requirements for multifamily buildings and live/work multifamily buildings.

17.56.080 Architectural character for multifamily buildings and live/work multifamily buildings.

17.56.010 Purpose. The purpose of the A-1 zoning district is to provide for multiple-family residential units in moderate to high density residential developments. (Ord. 634 §1 Exh. A (part), 1995)

17.56.020 Permitted and Conditional uses.

Use	
Manufactured home parks, subject to Section 17.94.050	Permitted outright ¹
Accessory Dwelling Units (ADU's) subject to the provisions of Chapter 17.92	Permitted outright ¹
<u>Cottage housing subject to the provisions of Chapter 17.58</u>	<u>Permitted outright¹</u>
Townhouse Single-family dwelling with a common wall with one other single family dwelling	Permitted outright ¹
Duplex	Permitted outright ¹
<u>Triplex</u>	Permitted outright ¹
<u>Quadplex</u>	Permitted outright ¹
Multifamily dwelling units limited to a maximum of eight attached units per building with a minimum fifteen foot separation between buildings containing dwelling units	Permitted outright ¹
Residential care facility	Permitted outright ¹
Day care home or facility	Permitted outright ¹
Home occupation (Type I) subject to Chapter 17.142	Permitted outright ¹
Public park and recreation areas, provided that all building setbacks shall be a minimum of thirty feet from any property line	Permitted outright ¹
Public support facilities	Permitted outright ¹
Sewage pump station	Permitted outright ¹
<u>Live/work townhouses or multifamily building</u>	<u>Conditional use²</u>
Bed and breakfast facilities, provided	Conditional use ²

that no other such facilities exist within four hundred feet	
Church, provided that all building setbacks shall be a minimum of twenty feet from any property line	Conditional use ²
Day care facility	Conditional use ²
Home occupation (Type II) subject to Chapter 17.142	Conditional use ²
Professional office building	Conditional use ²
Retail sales establishments under four thousand square feet	Conditional use ²
Library services	Conditional use ²
Electrical power substation	Conditional use ²
Minor impact utilities	Conditional use ²
Public safety facilities	Conditional use ²
Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 17.93	Conditional use ²

¹These uses and their accessory uses are permitted outright outside of the Scappoose Creek Flood Plain. In the A-1 zone within the Scappoose Creek Flood Plain only uses listed in Section 17.84.040 shall be permitted.

²These uses and their accessory uses may be permitted in the A-1 zone when authorized by the planning commission in accordance with the requirements of Chapter 17.130, other relevant sections of this title and any conditions imposed by the Planning Commission when such uses are located outside of Scappoose Creek Flood Plain

17.56.050 Dimensional requirements.

Dimensional Requirements	Requirement
Minimum lot area: Outside of the Scappoose Creek Flood Plain	
<u>Multifamily buildings¹</u>	Five thousand square feet for the first two attached units and two thousand square feet for each additional unit
<u>Townhouse²</u>	Two thousand five hundred square feet per unit
<u>Duplex</u>	Five thousand square feet <u>per duplex</u>
<u>Triplex</u>	<u>Five thousand square feet for the first two attached units and two thousand square feet for each additional unit</u>
<u>Quad-plex</u>	<u>Five thousand square feet for the first two attached units and two thousand square feet for each additional unit</u>

<u>Other uses</u>	<u>The minimum lot area for all other uses shall be five thousand square feet</u>
Minimum lot width	
<u>Townhouse</u>	<u>Twenty-five feet per unit</u>
<u>Multifamily buildings</u>	Fifty feet
Flag lots	Twenty-five feet of frontage along a public right-of-way
Minimum setback	
Front Yard	Fifteen feet
Front of garages or carports	Twenty feet from the property line where access occurs
Side yard	Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side for corner lots
Rear yard	Twenty feet
Rear yard for accessory building	Five feet
Setbacks for accessory building behind a residence	
Side	Five feet each
Rear	Five feet
<u>Distance between multifamily buildings on the same lot</u>	<u>Fifteen feet</u>
Maximum height	Thirty five <u>Forty-five</u> feet
Accessory Building	Twenty two feet
Maximum building coverage	Eighty percent, including all buildings and impervious surfaces
Minimum landscape	Twenty percent

¹Live/Work multifamily buildings have the same dimensional requirements as multifamily buildings

²Live/Work townhouses have the same dimensional requirements as townhouses

17.56.060 Live/Work Requirements. Each Live/Work unit shall meet the following requirements:

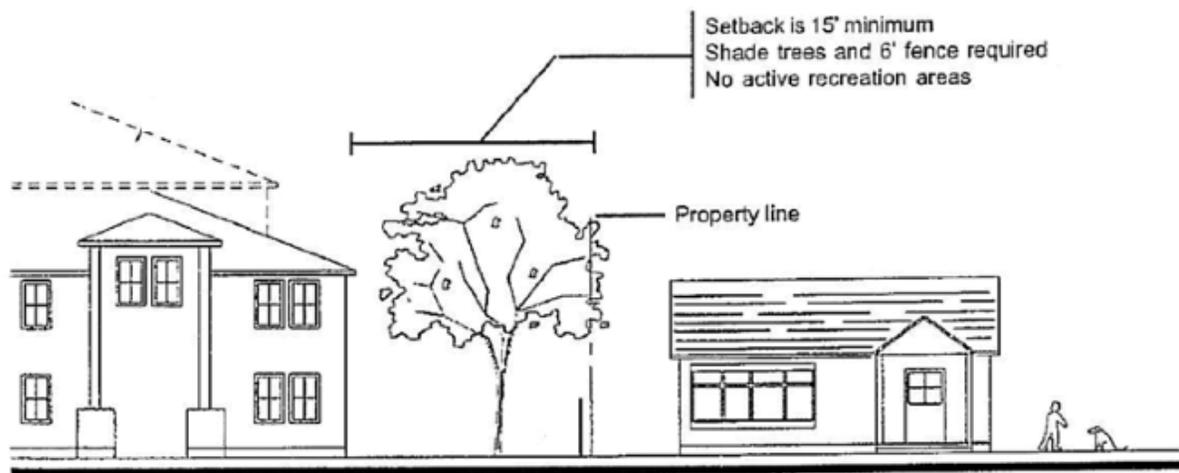
1. The ground floor commercial or office space will have visibility, signage, and access from the primary street.
2. A live/work unit with residential uses on the ground floor must be located outside of the Scappoose Creek Floodplain.
3. To preserve the pedestrian orientation of the commercial or office space, alley or rear access is required to provide services and residential parking.

4. Each Live/Work Unit shall have a minimum work space of 200 square feet and a minimum living area of 600 square feet.
5. Each Live/Work Unit shall have a minimum of one (1) off-street parking space for each dwelling unit and one (1) off-street parking space for the first 1,000 square feet of non-residential floor area. Additional off-street parking spaces for non-residential floor area over and above the first 1,000 square feet shall be provided pursuant to Chapter 17.106 (Off-Street Parking and Loading Requirements).

17.56.070 Special Buffer Requirements for multifamily and live/work multifamily buildings. Multifamily and live/work multifamily buildings (5 or more units on the same property) that is adjacent to R-1, R-4 or MH zoning districts shall provide a minimum 15-foot buffer area in addition to the setbacks in 17.56.050 between the multifamily development or live/work multifamily buildings and the R-1, R-4 or MH zoned property. Within this buffer the following applies (see Figure 17.56-1):

1. Site obscuring landscaping shall be required. The Planning Commission may require retention of existing vegetation; installation of a 6-foot minimum height site-obscuring fence with shade trees planted a maximum of 30 feet on center; and/or other landscaping to provide visual buffering.
2. No parking lots, drive aisles, or active recreation areas (tot lots, swimming pools, etc.) shall be allowed within the 15-foot buffer (garden spaces shall not be considered active recreation areas).

Figure 17.56-1. Special buffer requirements for multifamily buildings adjacent to R-1, R-4, or MH zoning districts



17.56.080 Architectural character for multifamily and live/work multifamily buildings.

1. Architectural Character.

- a. Building Exterior. The exterior walls of building facades shall be of suitable durable building materials including the following: stucco, stone, terra-cotta, tile, cedar shakes and shingles, beveled or shiplap or other narrow-course horizontal

boards or siding, vertical board and batten siding, or similar materials which are low maintenance, weather resistant, abrasion resistant, and easy to clean. Prohibited building materials include the following: plain concrete, plain concrete block, corrugated metal, unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet press board) and similar quality, nondurable materials.

2. Building Fronts.

a. All residential structures shall utilize at least four of the following design features to provide visual relief along the street frontage:

1. Dormers;
2. Recessed entries;
3. Cupolas;
4. Bay or bow windows;
5. Gables;
6. Covered porch entries;
7. Pillars or posts;
8. Eaves (minimum eighteen-inch projection); or
9. Off-sets on building face or roof (minimum sixteen inches).

Chapter 17.26

DEFINITIONS

Sections:

- 17.26.010 Meaning of words generally.
- 17.26.020 Meaning of common words.
- 17.26.030 Meaning of specific words and terms.

17.26.010 Meaning of words generally. All of the terms used in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or definition appears in the Oregon Revised Statute, or the context in which they are used clearly indicates to the contrary. (Ord. 634 §1 Exh. A (part), 1995)

17.26.020 Meaning of common words. A. All words used in the present tense include the future tense.
B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
C. All words used in the masculine gender include the feminine gender.
D. The word "shall" is mandatory and the word "may" is permissive.
E. The words "building" includes the word "structure."
F. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
G. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary. (Ord. 634 §1 Exh. A (part), 1995)

17.26.030 Meaning of specific words and terms. (Also see Chapters 17.84, 17.88, 17.94 and Chapter 17.114). As used in this title:

"Abut/abutting" and "adjacent/adjoining or contiguous lots" means two or more lots joined by a common boundary line or point.

"Accept" means to receive as complete and in compliance with all submittal requirements.

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

"Access way" means a pedestrian and/or bicycle connection between two rights-of-way, or to achieve other connectivity needs as determined by the planning commission. An access way conforms to city standards and is in either an off-street public right-of-way or a public access easement on private property.

"Accessory building" means a detached subordinate building, the use of which is clearly incidental to that of the existing principal building and is located on the same lot with the principal building.

Accessory buildings may include garages, carports, sheds, greenhouses, storage buildings, and similar structures.

"Accessory use" means a use customarily incidental, appropriate and subordinate to the existing principal use and located on the same lot.

"Addition" means a modification to an existing building or structure which increases the site coverage or building volume.

"Administrative decision" means a decision by the planner.

"Adult bookstore" means an establishment having at least ten percent of its merchandise, items, books, magazines, other publications, films or videotapes for sale, rent or viewing on the premises that are distinguished or characterized by their emphasis on matters depicting the sexual activities or anatomical areas.

"Adult motion picture theater" means an establishment used for the presentation of motion pictures or videotapes having as a dominant theme material distinguished or characterized by an emphasis on matter depicting sexual activities or anatomical areas.

"Alley" means a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

"Alteration" means a change in construction, use or occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition or codification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one classification to another or from one division to another per the Uniform Building Code.

Alteration, Structural. "Structural alteration" means any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

"Amendment" means a change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a zone on the zoning map or the boundaries of a designation on the comprehensive plan map.

"Animal hospital" means any building or portion thereof designed for the care, observation or treatment of animals.

"Appeal" means a request that a final decision by the initial hearing authority be considered by a higher authority.

"Approval authority" means either the planner, the planning commission, or the council, depending on the context in which the term is used.

"Auto wrecker" means any person who wrecks, dismantles, permanently disassembles or substantially alters the form of any motor vehicle.

"Auto wrecking yard" means any land, building or structure, used for the wrecking or storing in the open of such motor vehicles or the parts thereof, or sale of used automobile parts, or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof and are not being restored to operation. Two or more dismantled, obsolete, inoperable motor

vehicles on one lot, or the parts thereof, shall constitute a wrecking yard.

"Automobile service station" means any premises used for supplying gasoline, oil, minor accessories and service, excluding body and fender repairs, for automobiles at retail direct to the customer.

"Automobile and truck sales area" means an open area, other than a street, used for the display, sale of, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

"Basement" means a portion of a building which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground and not deemed a story unless the ceiling is six feet or more above the grade. "Bed and breakfast" means an owner-occupied single-family residential dwelling where meals and lodging are offered for compensation that contains no more than two rental units and limits guest stays to five days or less.

"Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, foods or materials of any kind or nature.

"Building envelope" means that portion of a lot or development site exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

"Building official" means a person duly authorized by a municipality and the State of Oregon with responsibility for the administration and enforcement of the State Building Code in the municipality, or his duly authorized representative.

"Building type" means:

—A. 1. Nonresidential: buildings not designed for use as human living quarters.

a. Detached. A single main building, freestanding and structurally separated from other buildings.

b. Attached. Two or more main buildings placed side by side so that some structural parts are touching one another, located on a lot or development site or portion thereof.

2. Residential.

a. "Single-family detached dwelling:" any detached freestanding structure ~~designed for occupancy by one family. One dwelling unit is a freestanding and structurally separated from any other dwelling unit or buildings,~~ located on a lot or planned unit development site.

b. "Accessory dwelling unit:" a self-contained secondary unit with a separate entrance and kitchen used in conjunction with an existing single-family detached dwelling.

c. "Townhouse" is a dwelling designed or used for occupancy by one household, having a common wall with one or more other dwelling, where each dwelling unit is on an individual, legally subdivided or partitioned lot. A row of townhouses will be comprised of between two to four attached units. Townhouses will have independent services

that include but are not limited to sewer, water, and electricity. Townhouse dwellings will have a zero lot line at the common wall.

d. "Duplex or two-family dwelling:" any building with two attached housing units designed to be occupied by two families living independently of each other, and containing two kitchens. The two dwelling units placed so that some structural parts are in common and are located on a single common lot or planned unit development site.

e. "Triplex" is a building with three attached housing units, having a common wall with two other dwellings on a common lot.

f. "Quadplex" is a building with four attached housing units, having a common wall with three other dwellings on a common lot.

g. "Multifamily dwelling:" any building or portion thereof designed or used for occupancy by three or more families living independently of each other and containing independent kitchens. A structure containing at least three five dwelling units in any vertical or horizontal arrangement placed so that some structural parts are in common and are located on a single lot or planned unit development site.

h. "Mixed-use building:" any commercial building with commercial uses on the ground floor and residential uses on any floors above the ground floor.

i. "Live/work townhouse or live/work multifamily building:" A building type that consists of commercial space on the ground floor and residential space on the ground and/or upper floors. The permitted live/work dwelling types are defined below:

i. Live/work Townhouse: A townhouse in which a business shall be limited to the ground floor, and may not exceed 50% of the floor area of the entire townhouse unit, excluding the garage.

ii. Live/Work multifamily building: A residential multi-story, multi-unit building with a minimum of 50% of the building ground floor used as retail, office or commercial space. Residential units may be rented or for sale (condominium or cooperative) units.

"Caretaker dwelling" means a single-family detached dwelling for housing the caretaker of an approved industrial development and located on the same lot as the approved industrial development.

"Carport" means a covered shelter for an automobile open on two or more sides. A carport shall not attach two single-family dwellings or create duplexes, or multifamily dwellings except when the carport contains common building structural parts designed to be an integral part of a continuous structure.

"Church" means a structure or set of structures, the principal purpose which is for persons to regularly assemble for worship, and which has legally been recognized by the state of Oregon.

"City" means the city of Scappoose.

"City recorder" means the person designated by the city manager to perform the duties of city recorder for the city of Scappoose, Oregon.

"Commercial use" means establishments or places engaged in the distribution and sale or rental of goods and the provision of services.

"Commission" means the planning commission of Scappoose, Oregon.

"Complete" means every item is included without omissions or deficiencies.

"Complex" means a structure or group of structures developed on one lot of record.

"Comprehensive plan" means the coordinated land use map and policy statement of the governing body of the city as acknowledged by the state of Oregon.

"Conditional use" means a use which may be approved, denied or approved with conditions by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

"Contiguous". See "Abut/abutting."

"Council" means the city council of Scappoose, Oregon.

"Court" means an open unoccupied space other than a yard, on the same lot with a building and enclosed on two or more sides of such building.

"Day care facility" means any facility that provides day care to children, including a child day care center, group day care home, home of a family day care provider, including those known under a descriptive name such as nursery school, preschool or kindergarten.

"Day care home" means a day care facility located in a single family residence that is certified by the state of Oregon to care for no more than sixteen children at any given time.

"Declarant" means the person who files a declaration as required under ORS 92.075 to subdivide or partition property.

"Declaration" means the instrument described in ORS 92.075 by which the subdivision or partition plat was created.

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure or resource.

"Density" means the intensity of residential land uses, usually stated as the number of housing units per acre.

"Density transfer acre/acreage" means potentially hazardous or resource areas within which development may occur or from which density may be transferred to buildable portions of the site, only after it has been demonstrated by the applicant that the development can occur in compliance with criteria established by the comprehensive plan and implementation ordinances.

"Development" means any activity that makes a material change in the use or appearance of a structure or land, including partitions and subdivisions as provided in Oregon Revised Statutes 92 and 227.215.

"Development permit" refers to any document or building permit that authorizes an applicant to commence construction or development activities.

"Development site" means the lot or combination of lots upon which development occurs.

"Drainageway" means undeveloped land inundated during a twentyfive-year storm with a peak flow of at least five cubic feet per second and conveyed, at least in part, by identifiable channels that either drain to the Scappoose floodway directly or after flowing through other drainageways, channels, creeks or floodplain.

"Dwelling unit" means one or more rooms containing permanent provisions for living, sleeping, eating, cooking and sanitation and designed for occupancy by one family.

"Easement" means a grant or the right to use designated land for specific purposes.

"Erect" means the act of placing or affixing a component of a structure upon the ground or upon another such component.

"Family" means an individual or two or more persons related by genetics, adoption or marriage or a group of five or fewer persons (excluding domestic employees) who are not related by genetics, adoption or marriage.

Fence, Sight-Obscuring. "Sight-obscuring fence" means a barrier consisting of wood, masonry, evergreen shrubbery or similar materials, which obstructs vision.

"Final action," "final decision" or "final order" means a determination reduced to writing, signed and filed by the appropriate approval authority that includes a statement of the facts determined to be relevant by the approval authority as the basis for making its decision.

"Flag lot" means a lot located behind another lot, plus a strip out to the street for an access drive. A flag lot results from the subdivision or partitioning of a lot or parcel which is more than twice as large as the minimum allowed in the underlying zone, but has insufficient frontage to allow two dwellings to front along a public street.

"Floor area" means the gross horizontal area, under roof, of all floors of a building, measured from the exterior walls, excluding vents, shafts, courts and space devoted to off-street parking. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

"Frontage" means that portion of a development site which abuts a public street.

Garage, Private. "Private garage" means a building or portion of a building in which motor vehicles used by the tenant of the structure on the premises are stored or kept.

Garage, Public. "Public garage" means a structure that provides facilities for the repair of motor vehicles including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance or repair.

"Grade" means the average of the finished ground level at the center of all walls of the building. In case the walls are parallel to and within five feet of a sidewalk, the above ground level should be measured at the sidewalk.

"Gross acres" means all of the land area included in the legal description of the property.

"Habitable room" means an undivided enclosed space within a dwelling designed for sleeping, living, cooking or dining purposes excluding attics, cellars, corridors, hallway, laundries, serving or storage pantries, bathrooms, closets or similar places.

"Height" means the vertical distance of a structure measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the structure. Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding TV dish receivers, aerials, flag poles and other similar objects not used for human occupancy, are not subject to the building height limitations of this title if located outside the Public Use Airport Safety and Compatibility Overlay Zone.

"Home occupation" means a lawful activity, secondary to the use of the dwelling for living purposes, that is conducted entirely within a dwelling or accessory building and that includes no outside display of merchandise with any sale of merchandise clearly incidental to the use of the building for dwelling purposes. "Homeowners association" means an incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

"Implementing ordinance" means an ordinance adopted to carry out the comprehensive plan, including, but not limited, to the provisions of this title.

"Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles or motor vehicle parts, iron, steel or other old or scrap ferrous or nonferrous materials, metal or nonmetal materials.

"Junk yard" means the use of more than two hundred square feet of the area of any lot for the dismantling or for the storage or keeping of junk.

"Industrial use" means any use of land, structure or natural resources involving the manufacturing, processing or assembly of semifinished or finished products from raw materials, or similar treatment or packaging of previously prepared materials.

"Land form alteration" means any manmade change to improved or unimproved real estate, including but not limited to, the addition of buildings or other structures, mining, quarrying, dredging, filling, grading, earthwork construction, stockpiling of rock, sand, dirt or gravel or other earth material, paving, excavation or drilling operations.

"Legislative" means a land use decision that applies to a large number of individuals or properties.

"Loading space" means 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 for 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.

"Lot" means a unit of land that is created by a subdivision or partition of land. "Lot," "parcel," and "property" may be used interchangeably in this title to refer to a separate property regardless of its derivation.

"Lot area" means the total horizontal area within the property lines of a lot exclusive of public and private roads, and access easements to other property or the private driveway ("pole") area of a flag lot.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two streets where the interior angle of such intersection does not exceed one hundred thirty-five degrees.

"Lot coverage" means the percent of a lot area covered by the vertical and horizontal projection of any structures or buildings.

"Lot depth" means the distance from the midpoint of the front property line to the midpoint of the rear property line.

Lot, Interior. "Interior lot" means a lot other than a corner lot and having frontage on only one street.

"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means in the case of an interior lot, a property line which abuts the street; in the case of a corner, through lot or flag lot, the shorter of the two property lines which abut the street or access way or from which primary vehicular access to the property is gained.

Lot Line, Rear. "Rear lot line" means the property line most distant from and generally opposite the front property line.

Lot Line, Side. "Side lot line" means any lot boundary not a front or rear property line.

"Lot of record" means a plot of land that was not created through an approved subdivision or but which was created by deed or other instrument recorded prior to 4/4/83 (the effective date of this title).

Lot, Through. "Through lot" means an interior lot which has frontage on two parallel or approximately parallel streets.

"Lot width" means the average horizontal distance between the side property lines measured at the building line.

"Major impact utility" means services and utilities which have a substantial visual impact on an area. Typical uses are electrical and gas distribution substations, radio microwave, telephone transmitters and cable TV receivers and transmitters.

"Major partition" means a partition of land which creates three lots or less within one calendar year and includes the creation of a road or street.

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

"Manufactured home park" means any place where four or more manufactured homes are located on a lot tract, or parcel of land

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

"Modular home" means a structure constructed in accordance with federal requirements for modular construction including compliance with Uniform Building Codes.

"Mining and/or quarrying" means premises from which any rock, sand, gravel, topsoil, clay, mud, peat or mineral is removed or excavated for sale, as an industrial or commercial operation, and exclusive of excavating and grading for street and roads and the process of grading a lot preparatory to the construction of a building for which a permit has been issued by a public agency.

"Minor impact utility" means services which have minimal off-site visual impact.

"Minor partition" means a partition of land which creates three lots or less within one calendar year, and does not include the creation of a road or street.

"Net acres" means the total amount of land which can be used for development.

"Nonconforming use or structure" means a lawfully existing structure or use, or one in the process of being constructed at the time of the adopting of this title, which does not conform to the requirements of this title and the zoning district in which it is located.

"Owner" means any person, agent, firm or corporation having a legal or equitable interest in the property, or, when there is a recorded land sales contract in place, the purchaser of the land.

"Parcel" means a unit of land that is created by partitioning land.

"Park" means any land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public.

"Parking space" means an area within a private or public parking area, building or structure meeting the specific dimensional requirements and designated as parking for one vehicle.

"Partitioning land" means division of 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.

"Pathway" means a walkway, bikeway or access way conforming to City standards and separated from the street right-of-way, that may or may not be within a public right-of-way.

"Permitted use" means a use which is allowed outright, but is subject to all applicable provisions of this title.

"Person" means an individual, corporation, governmental agency, official advisory committee of the city, business trust, estate, trust, partnership, association, two or more people having a joint or common interest or any other legal entity.

"Planner" means the person designated by the city manager as responsible for planning activities for the city.

"Plat" means a final map, or other writing containing all the descriptions, locations, specifications, dedications, and provisions concerning a subdivision or partition.

"Principal building" means the primary structure on a lot built for the support, shelter, protection or enclosure of any persons, animals or property of any kind, excluding an accessory building. The principal building shall conform to the stated uses within the zoning district and all other restrictions of this title.

"Property line" means the division line between two units of land.

"Property line adjustment" means the relocation of a common property line between two abutting properties which does not result in the creation of an additional lot, or the creation of a substandard lot.

"Public support facilities" means services which are necessary to support uses allowed outright in the underlying zone and involves structures necessary to support the primary use that are not listed as permitted outright or conditionally in the underlying zones, such as power lines and poles, fire hydrants, bus stops, benches and mailboxes. Public support facilities include the following transportation uses:

1. Operation, maintenance, and repair of existing transportation facilities identified in the city Transportation System Plan;
2. Dedication of right-of-way, authorization of construction, and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards; and
3. Changes in the frequency of transit, rail, and airport services.

"Public works director" means the person designated by the city manager to have the authority for review and approval of all public works planning and construction.

"Quasi-judicial" means action which involves the application of adopted policy to a specific parcel or action. "Receipt" means an acknowledgement of submittal.

"Recreational vehicle" means a vacation trailer or other unit with or without motor power which is designed for human occupancy and to be used temporarily for recreational purposes and is identified as a recreational vehicle by the manufacturer.

"Recreational vehicle park" means any property developed for the purpose of parking or storing recreational vehicles on a temporary or transient bases, wherein two or more of such units are placed within five hundred feet of each other on any lot, tract or parcel of land under one ownership.

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

"Residence" means a structure designed for occupancy as living quarters for one or more persons.

"Residential care home" means any home licensed by or under the authority of the Department of Human Resources as defined in ORS 443.400, a residential home registered under ORS 443.480 to 443.500

or an adult foster home licensed under ORS 443.505 to 443.825 which provides residential care for five or fewer individuals who need not be related, excluding required staff persons.

"Residential care facility" means any facility licensed or registered by or under the authority of the Department of Human Resources as defined in ORS 443.400 to 443.460 or licensed by the Children's Services Division which provides residential care for six to fifteen individuals who need not be related, excluding required staff persons.

"Residential use" means a structure used for human habitation by one or more persons.

"Reserve strip" means a strip of property usually one foot in width overlaying a dedicated street which is reserved to the city for control of access until such time as additional right-of-way is accepted by the city for continuation or widening of the street.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term "right-of-way for land division purposes" means that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. "Road." See "street"

"Scappoose-based nonprofit organization" means an organization which has nonprofit status as defined by the state of Oregon which raises funds which are used by the organization and is located in the city.

"Scappoose Creek Flood Plain" means the Areas of Special Flood Hazard adjacent to Scappoose Creek identified in the "Flood Insurance Study for Columbia County, Oregon and Incorporated Areas," effective November 26, 2010, with accompanying Flood Insurance Rate Maps. These areas are designated on the maps as Zones A, AE, or AO.

"Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

"Setback" means the minimum allowable distance between the property line and any structural projection. Structural projections include fireplaces, porches, balconies, decks, canopies and similar features. Cornices, eaves, belt courses, sills or similar architectural features may extend or project into a required yard not more than thirty-six inches.

"Sidewalk" means a paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb, drainage facility (e.g., ditch or swale), or planter strip.

"Story" means 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 or unused underfloor space is more than six feet above grade as defined in this section for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined in this section at any point, such basement or unused underfloor space shall be considered as a story.

Story, First.

"First story" means the lowest story in a building which qualifies as a story, as defined in this section, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined in this section, for more than fifty percent of the total perimeter, or more than eight feet below grade, as defined in this section, at any point.

Story, Half.

"Half story" means a story under a gable or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the finished floor level directly above a basement or unused underfloor space is not more than six feet above grade, as defined in this section, for more than fifty percent of the total perimeter or is not more than twelve feet above grade as defined in this section, at any point, such basement or unused underfloor space shall be considered as a half story.

"Street" or "road" means 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, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. Street, Private. "Private street" means an access way which is under private ownership.

"Structure" means that which is built or constructed, erected, or air-inflated, permanent or temporary; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground. Among other things, structure includes buildings, walls, signs, billboards and poster panels.

"Subdivide land" means to divide an area or tract of land into four 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.

"Subdivision" means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

"Substantial" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the replacement value of the structure.

"Use" means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

"Visual clearance area" means a triangular area, two sides of which are lot lines, for distances as defined in Chapter 12.10. The third

side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

"Walkway" means a sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way, Pathway, Sidewalk.

"Wetlands" means land often called swamp, marsh or bog that exhibits all of the following characteristics:

1. The land supports hydrophytic vegetation. This occurs when more than fifty percent of the dominant species from all strata are classified as wetland species;
2. The land has hydric soils. Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile;
3. The land has wetland hydrology. Wetland hydrology is permanent or periodic inundation, or soil saturation for a significant period (at least one week) during the growing season.

"Yard" means an open space unobstructed from the ground upward except as otherwise provided in this title.

1. "Front yard" means a yard between the side lot lines, measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.
2. "Rear yard" means a yard between side lot lines, measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building.
3. "Side yard" means a yard between the front and rear yards, measured horizontally at right angles to the side lot lines from the side lot line to the nearest point of the building.
4. "Street side yard" means a side yard on the street side of a corner lot.

"Zoning district" means an area of land within the Scappoose city limits designated for specific types of permitted developments subject to the development requirements of that district. (Ord. 857, 2016; Ord. 828 2013; Ord. 820 §4, 2012; Ord. 813, 2010; Ord. 740 §1, 2004; Ord. 728 §1, 2002; Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)