

AFFIDAVIT OF POSTING

ORIDNANCE #154

STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
 AND WASHINGTON)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 20th day of August, 1980, I caused to be posted copies of the attached Ordinance #154, the Recommended Zoning Ordinance in the following four public and conspicuous places of the City, to wit:

- Wilsonville Post Office
- Wilsonville City Hall
- Lowrie's Food Market
- Kopper Kitchen

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 26th day of August, 1980.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me this 23rd day of September, 1980


NOTARY PUBLIC, STATE OF OREGON

My commission expires: May 10, 1981

CITY OF WILSONVILLE

MEMO

August 30, 1980

DATE

RE: ZONING ORDINANCE #154

The Zoning Ordinance has not been placed in the Ordinance master file due to the volume of material involved. Also the master copy is needed for printing purposes.

A copy is available.

6/18/90

The attached is a copy
of the Zoning Ordinance.
The whereabouts of the
original is unknown.
JK

CITY OF



P.O. Box 220 / Wilsonville, Oregon 97070
503/682-1011

ZONING ORDINANCE NO. 154

CITY COUNCIL CHAMBERS

P.O. Box 220
Wilsonville, Oregon
97070

(503)
682-1011

CITY OF



P.O. Box 220 / Wilsonville, Oregon 97070
503/682-1011

CITY COUNCIL

William G. Lowrie, Mayor
Joy Abele
Bill Lubersky
George C. Vlahos
Bob Harris

PLANNING COMMISSION

Richard Drew, Chairman
Helen Burns
Bob Dant
Stan Maves
Marlene Rifai
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Advisors to Planning Commission

Phillip R. Balsiger
William Stark
George Boldt
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Larry Kelly

CITY STAFF

Edward F. Davis, City Administrator/Planner
Ben Altman, Comprehensive Planner
Judee Emison, Planning Secretary
Mike Kohlhoff, Legal Counsel

The preparation of this report was financed in part through a planning assistance grant from the State of Oregon Administered through the Land Conservation and Development Commission.

August 1980

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ZONING ORDINANCE NO. 154

WILSONVILLE, OREGON

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

ARTICLE I.

INTRODUCTION

SECTION I.01 TITLE

This Ordinance shall be known and may be cited and referred to as the "Wilsonville, Oregon, Zoning Ordinance No. 154."

SECTION I.02 PURPOSE

This Ordinance is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to encourage the most appropriate use of land; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to provide proper drainage; to facilitate adequate and economical provision of public improvements and services, and to conserve, stabilize, and protect property values; all in accordance with the Statewide Land Use Goals and Guidelines and a Comprehensive Plan for land use and development of the City. The purpose is further to provide a method of administration and to prescribe penalties for violations of provisions hereafter described -- all as authorized by the provisions of Oregon Revised Statutes (ORS) 227.010 to 227.280, and any subsequent amendments.

SECTION I.03 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be construed as the minimum requirements for the promotion of the public safety, health, morals and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreement between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger space than is imposed or required by other ordinances, rules or regulation, or by easement, covenants or agreements, the provisions of this Ordinance shall govern. Titles and subtitles are part of the text for purposes of interpretation.

ARTICLE 2.

PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 2.01 OFFICIAL ZONING MAP

The City is hereby divided into zones, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Recorder, together with the date of the adoption of this Ordinance.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time, be made or published, the Official Zoning Map, which shall be located in the Office of the City Clerk, shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the City.

The perimeter boundaries of the Official Zoning Map and the City are intended to be conterminous to each other at all times. When any irregularities of the two perimeter boundaries are found, the zoning of the adjacent zoning district shall extend to the city limits.

ARTICLE 3.

ZONES AND BOUNDARIES THEREOF

SECTION 3.01 ZONES

A. The following Zones are established by this Ordinance:

1. Residential Agricultural I, which shall be designated as "RAI" Districts.
2. Residential, which shall be designated as "R" Districts.
3. Planned Development Residential, which shall be designated "PDR."
4. Planned Development Commercial, which shall be designated "PDC."
5. Planned Development Industrial, which shall be designated "PDI."

SECTION 3.01 Cont.

- B. The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Ordinance for each District in which it is located, save and except as Article 9 non-conforming uses may apply.
- C. The Replacement Table below is the replacement relationship of the Zones established by this Zoning Ordinance to those replaced Zones of the previous Zoning Ordinance.

Replacement Table

<u>Established Zones</u>	<u>Previous Zones</u>	<u>New Ord. Sec.</u>	<u>Old Ord. Sec.</u>
RAI	RA-I	5.01	5.06
R	R-7, R-10, R-20 & MR-I	5.02	5.01, 5.015, 5.02, 5.07
PDR	PD Regulation	6.01	12.01 et seq
PDC	C-1, C-2, Square 76, City Center & PC&I	6.01	5.020, 5.03, Ord. #66, 5.035, 13.01
PDI	I-1, I-2 & PC&I	6.01	5.04, 5.05, 13.01, et seq

- D. Any C-1, C-2, I-1 and I-2 zones existing at the time of the enactment of this Ordinance shall not only be designated appropriately under the applicable planned development zone as set forth in the Replacement Table, but shall also be considered as having final approval (Stage Two) pursuant to Section 6.10C, et. seq., and shall be eligible to apply for Design Review Board approval. However, upon a finding by the Design Review Board that the contemplated development presents a planning concern of such substantial magnitude that under the scope of the Design Review Board's authority a determination cannot be adequately made, then the proposed development or the affected part thereof shall be remanded to the Planning Commission for hearing under Section 6.10C, et. seq.
- E. Any PC&I and PC&I zones existing at the time of this Ordinance shall not only be designated appropriately under the applicable planned development zone as set forth in the Replacement Table, but shall also have the equivalent approval status, irregardless of whether it was in phases or not, under the current planned development regulations, Article 6, as it or its phases received under the prior applicable planned development regulations, and, in no event, shall that be less a Section 6.10B, Preliminary Approval (Stage One).
- F. Any zoned land upon which no development has occurred shall be subject to an expiration date and shall be governed by Section 12.04.

SECTION 3.02 ZONE BOUNDARY LINES

Except where reference is made on said map to a street line, political boundary, or other designated line by dimensions shown on said map or maps, the zone boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads or the extension of such lines as they existed at the time of the adoption of this Ordinance.

Questions concerning the exact location of zone boundary lines shall be determined by the Planning Commission.

Whenever any street, alley or public way is vacated by official action as provided by law, the zone adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended zone or zones.

ARTICLE 4.

DEFINITIONS

SECTION 4.01 DEFINITIONS

For the purpose of this Ordinance, the following terms are hereby defined. When not inconsistent with the context, all words used in the present tense include the future. The word "Lot" includes parcel and plot. The word "Structure" includes building. The word "Occupy" includes premises designed or intended to be occupied. The word "Use" includes designed or intended to be used. The word "Person" may mean persons, association, firm, co-partnership, or corporation. The word "Shall" is always mandatory. All other words shall have the following respective meanings:

Accessory Building or Use: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot.

Adjoining: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.

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

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

SECTION 4.01 Cont.

Attached Family Dwelling Units: A building or structure designed to house two (2) or more families, whether related to each other or not.

Basement: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining ground.

Boarding House: A building or premises not lodging more than three (3) people for compensation and/or, where meals are offered for compensation for three (3) or more persons, but not more than nine (9) persons. An establishment where meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment sleeping four (4) or more people shall be deemed a hotel.

Building: Any structure built for the support, shelter or enclosure of any persons, animals, chattels, or property of any kind.

Building of Structural Height: The term 'height of building' shall be deemed to mean the perpendicular distance from the average elevation of the adjoining ground to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the middle height gable between the eaves and ridge of a pitch or hip roof. If a building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

Building Line: A line that is adjacent to the front side of a main building parallel to the front lot line.

City Center: See Section 6.07A(2)(o).

Commercial Recreation: A planned development commercial center or complex of recreational and complimentary uses. Typical uses include golf courses, bowling alleys, theaters, tennis and racquetball clubs, health spas, swim centers, pool halls and sports complexes. Appropriate complimentary uses would include restaurants and sporting goods stores.

Density: The number of residential units per acre of land.

Dwelling: A building, mobile, or manufactured home, designed for residential occupancy, but not a house trailer.

Dwelling, Single-Family: A detached building designed for and occupied exclusively by one family and the household employees of that family, but not a trailer house.

SECTION 4.01 Cont.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, but not a trailer house.

Family: One or two persons with their direct descendants and adopted children (and including domestic employees thereof) together with not more than five (5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or less persons living in such housekeeping unit shall be considered a separate family.

Floor Area: The area of the building, exclusive of porches and exterior stairs which shall extend to the exterior faces of all walls. Floor area shall include all levels within a structure, including mezzanines and additional stories above the first floor.

Frontage: All the property abutting a street.

Home Occupation: 'Home Occupation' means an occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family residing within the dwelling place, provided, however, there shall be no structural alteration or changes in the dwelling, or on the premises and there is no display of merchandise on the premises which can be seen from the exterior of the dwelling, and any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of containing structure.

Hospital, Animal: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat and veterinary hospitals.

Hotel: A building which is designed or used to offer lodging, with or without meals, for compensation, for four (4) or more people.

Kennel: Any lot or premises on which four (4) or more dogs, more than four (4) month's of age, are kept for boarding, breeding or sales.

Lot: A parcel of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

Lot Area: The total horizontal area within the lot lines of a lot.

SECTION 4.01 Cont.

Lot Coverage: The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

Lot Depth: The lot depth is the mean average distance between the front lot line and rear lot line of a lot measured within the lot boundaries.

Lot, Key: A lot, the side line of which abuts the rear line of one or more adjoining lots.

Lot Line, Rear: Any boundary line opposite and most distant from a front line and not intersecting a front lot line, exception in the case of a corner lot.

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

Lot, Through: Any lot, except a corner lot, that abuts two or more streets.

Lot, Width: The 'lot width' is the mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

Manufactured Home: A structure intended for residential use that has sleeping, cooking and plumbing facilities, and which is constructed off-site and designed to be transported to a site for installation and/or assembly of modular components to form a permanent structure.

Manufactured or Mobile Home Parks: A tract or parcel of land designed specifically for the location of two or more manufactured or mobile home units.

Manufactured or Mobile Home Subdivision: A residential subdivision designed specifically for manufactured and mobile home units which is divided into separately owned single lots per home unit.

Mobile Home: A structure intended for residential use that has sleeping, cooking and plumbing facilities, and which is constructed off-site and designed to be transported to a site to be used as a permanent structure.

Neighborhood Commercial: A planned development commercial center or complex of commercial uses to provide for the daily convenience, needs for goods and services of nearby residential areas. Typical uses include grocery, hardware, and drug stores; barber and beauty stores; banks; laundry and dry cleaning; and professional offices. Motor vehicle service stations are not permitted.

SECTION 4.01 Cont.

Non-Conforming Use: A legally established building, structure or use, which was established prior to the adoption of this Ordinance and which does not conform in its construction, area, yard requirements, height, or use, to the regulations of the district in which it is located.

Office Complex: A planned development commercial center or complex of administrative, professional and general office uses. Typical uses include governmental, financial, architectural, medical, dental, legal, real estate, accounting, insurance and general business offices.

Parking Space: A permanently surfaced and marked area not less than nine (9) feet wide and eighteen (18) feet long, excluding paved area necessary for access, for the parking of a motor vehicle.

Parking Space, Compact: A permanently surfaced and marked area not less than eight and one-half (8 1/2) feet wide and seventeen (17) feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle, and shall be appropriately identified.

Premises: A lot with or without buildings.

Professional-Type Services: A 'professional-type service' shall include activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate and insurance sales.

Rooming House: Same as Boarding House.

Sight-Obscuring Planting: A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach a height of at least six (6) feet within thirty (30) months after planting.

Sign Area: For the purposes of this Section, the area of a detached sign or structure or of any sign or structure not utilizing an integral part of the building for its background shall mean the largest cross-sectional area of the sign measured to a line encompassing all portions of the sign or structure, including tubing used in lighting such sign or structure, but excluding supporting posts without attached lighting. The area of any sign or structure utilizing an integral part of the building as a background shall mean the area within the shortest line drawn to include all letters, designs, and tubing which are a part of said sign or structure.

SECTION 4.01 Cont.

School, Commercial: A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

School, Private: Includes private kindergartens, nurseries, day care facilities and play schools.

Screening: Sight-obscuring fence, or sight-obscuring planting.

Service Center: A planned development commercial center or complex of uses related to serve the motoring public and located at or near the freeway interchanges. Typical uses include restaurants, motels, automobile and truck service stations and centers.

Story: That portion of a building included between a floor and the ceiling next above it, exclusive of a basement.

Street: The entire right-of-way of a dedicated public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place and other such terms.

Street, Frontage: A street contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property.

Structure: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

Town Center: See Section 6.07A(2)(n).

Trailers, Travel Trailers, Mobile Coaches: A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking or plumbing facilities and is intended for temporary residential and/or recreational uses.

Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied.

SECTION 4.01 Cont.

Yard: The open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, between a structure or structures and any lot line. The minimum horizontal distance between any point on a lot line and the nearest part of any structure or building is the yard depth.

Yard, Front: Any yard abutting a street.

Yard, Rear: Any yard abutting a rear lot line.

Yard, Side: Any yard abutting a side lot line.

ARTICLE 5.

ZONES

SECTION 5.01 RAI RESIDENTIAL AGRICULTURAL ZONE

A. Purpose:

1. The purpose of this zone is to provide large lot residential areas, incidental agricultural uses and small scale livestock raising.

B. Intensity of Use Permitted:

1. The intensity of use permitted shall be governed by the City of Wilsonville Comprehensive Plan densities.

C. Principal Uses Permitted:

1. One Single-family dwelling unit per lot.
2. Dwellings for the owner, operator and/or help required to carry out the permitted activities as set forth in Section 7.03.
3. Agriculture, horticulture, greenhouses, nurseries, timber growing, grazing, and the small scale raising of livestock and animals.

SECTION 5.01 Cont.

4. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in the residential district.

D. Accessory Uses Permitted:

1. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses permitted located on the same lot therewith.
2. Home occupations.
3. Roadside stands when located on the same property as the principal uses permitted when selling only those products that are produced on the same property on which the stand is located.
4. Signs advertising produce that is grown on the same property on which the sign is located, and when the sign is not over six (6) square feet in area.

E. Conditional Uses:

1. Private parks, municipal and government buildings, public utilities, churches, attached family dwelling units limited to two (2) family maximum, public, private and parochial schools, and quarries as provided in Article 9 when approved by the Planning Commission at a public hearing as provided in Article 13.

F. Dimensional Standards:

1. Minimum Lot Size: One (1) acre.
 - (a) Minimum lot size in an RAI Zone may be reduced to a minimum of 30,000 square feet when located within a public water or sanitary district with written approval of the County Health Department and proof of availability of the utility to the particular site.
2. Minimum Front and Rear Yard Setbacks: Thirty (30) feet.
Minimum Side Yard Setback: Ten (10) feet.

SECTION 5.01 Cont.

3. Minimum Street Frontage: Seventy-five (75) feet.
4. Maximum Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.

G. Off-Street Parking Requirements:

1. As provided in Section 7.01.

H. Signs:

1. As provided in Section 7.02.

I. Corner Vision:

1. Corner lots shall have no sight-obscuring structures or plantings to exceed three (3) feet in height, located closer than twenty (20) feet from the lot corner nearest the street corner.

J. Prohibited Uses:

1. Uses of structures and land not specifically permitted in Section 5.01B - 5.01D are prohibited in all RAI Zones.
2. Outdoor advertising displays, advertising signs, or advertising structures except as provided in Section 7.02.
3. The use of a trailer, travel trailer or mobile coach as a residence.
4. Service stations for petroleum products.

SECTION 5.02 R - RESIDENTIAL ZONE

A. Purpose:

1. The purpose of this zone is to provide for family residential development.

B. Intensity of Use:

1. The intensity of use shall be governed by the City of Wilsonville Comprehensive Plan densities. The density of a residential zone shall not exceed twenty (20) units per lot.

SECTION 5.02 Cont.

C. Lot Size Qualifications:

1. The owner or his authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid the PDR regulations.
2. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
3. The lot must be two (2) acres or less in size.
4. The lot coverage shall not exceed thirty percent (30%) building to land.

D. Principal Uses Permitted:

1. Single Family.
2. Attached Family Dwelling Units.
3. Apartments.
4. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building, public swimming pool or use shall be located not less than forty-five (45) feet from any other lot in the residential zone.

E. Accessory Uses Permitted to Single Family Dwellings:

1. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
2. Living quarter for persons employed on the premises or of guests, without kitchen facilities, which are not rented or otherwise used as a separate dwelling.
3. Home occupations.
4. A private garage or parking area.
5. Keeping of not more than two roomers or boarders by a resident family.

SECTION 5.02 Cont.

6. Temporary real estate signs, small announcement or professional signs, and subdivision signs, and as provided in the provisions of Section 7.02.
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
8. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.
9. Livestock and farm animals shall be permitted subject to the provisions of Section 7.03.

F. Accessory Uses Permitted for Attached Family Dwelling Units and Apartments:

1. Accessory uses, building and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
2. Home occupations.
3. A private garage or parking area.
4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
5. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.
6. Livestock and farm animals shall be permitted, subject to the provisions of Section 7.03.

G. Dimensional Standards:

1. For all principal uses the minimum lot size shall be as follows:
 - (a) One (1) Unit: Seven Thousand (7,000) square feet.

SECTION 5.02 Cont.

- (b) Two (2) Units: Eight Thousand (8,000) square feet.
 - (c) Three (3) Units: Nine Thousand (9,000) square feet.
 - (d) Four (4) Units: Twelve Thousand (12,000) square feet.
 - (e) Five (5) Units: Fifteen Thousand (15,000) square feet.
 - (f) Six (6) Units: Eighteen Thousand (18,000) square feet.
 - (g) Seven (7) to Twelve (12) Units: Twenty-One Thousand Five Hundred (21,500) square feet, plus Two Thousand Two Hundred Fifty (2,250) square feet for each unit over seven (7).
 - (h) Twelve (12) to Twenty (20) Units: Thirty-Two Thousand Seven Hundred Fifty (32,750) square feet, plus Two Thousand (2,000) square feet for each unit over twelve (12).
2. For single family dwelling units with a minimum lot size of Seven Thousand (7,000) feet, but less than Ten Thousand (10,000) square feet, the following standards shall apply:
- (a) Minimum Width at Building Line: Sixty (60) feet.
 - (b) Minimum Street Frontage: Fifty (50) feet; however, street frontage may be reduced to thirty-five (35) feet when the lot fronts a cul-de-sac.
 - (c) Minimum Lot Depth: Eighty-Five (85) feet.
 - (d) Minimum Front Yard Setback: Twenty (20) feet. In the case of a corner lot less than one hundred (100) feet in width abutting more than one street, the side yard on the road side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of the depth of the required yard on the adjacent corner lot along the street upon which the key lot faces and the setback required on the adjacent interior lot. No structure shall be erected closer than fifty-five (55) feet from the centerline of any public, county, or state road.

SECTION 5.02 Cont.

- (e) Minimum Rear Yard Setback: Twenty (20) feet.
 - (f) Minimum Side Yard Setback: Five (5) feet.
 - (g) Maximum Building Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.
 - (h) Maximum Lot Coverage: Thirty percent (30%) for all dwelling units; thirty-five percent (35%) for all buildings.
3. For single family units with a minimum lot size of Ten Thousand (10,000) square feet but less than Twenty Thousand (20,000) square feet, the following standards shall apply.
- (a) Minimum Width at Building Line: Seventy (70) feet.
 - (b) Minimum Street Frontage: Sixty (60) feet; however, no street frontage is required when the lot fronts on an approved, platted private road.
 - (c) Minimum Lot Depth: Ninety-five (95) feet.
 - (d) Minimum Front Yard Setback: Twenty-five (25) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. No structure shall be erected closer than fifty (50) feet from the centerline of any public, county, or state road.
 - (e) Minimum Rear Yard Setback: Twenty-five (25) feet.
 - (f) Minimum Side Yard Setback: Seven (7) feet.
 - (g) Maximum Building Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.
 - (h) Maximum Lot Coverage: Twenty-five percent (25%) for all dwelling units, thirty percent (30%) for all buildings.
4. For Single Family Dwelling Units with a minimum lot size of Twenty Thousand (20,000) square feet but less than one (1) acre, the following standards shall apply:
- (a) Minimum Width at Building Line: Eighty (80) feet.
 - (b) Minimum Street Frontage: Eighty (80) feet.

SECTION 5.02 Cont.

- (c) Minimum Lot Depth: One hundred (100) feet.
 - (d) Minimum Front Yard Setback: Thirty (30) feet. In the case of a corner lot less than one hundred (100) feet in width abutting more than one street, the side yard on the road side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot. In the case of a key lot the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street upon which the key lot faces and the setback required shall be erected closer than fifty-five (55) feet from the centerline of any public, county, or state road.
 - (e) Minimum Rear Yard Setback: Thirty (30) feet.
 - (f) Minimum Side Yard Setback: Ten (10) feet.
 - (g) Maximum Building or Structure Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.
 - (h) Maximum Lot Coverage: Twenty percent (20%) for all residential dwelling units; twenty-five percent (25%) for all buildings.
5. For Single Family Dwelling Units on one (1) acre or more, the same standards shall apply as are established by Section 5.01F of this Ordinance for RAI Zones.
6. For Attached Dwelling Units and Apartments with a minimum lot size of Eight Thousand (8,000) square feet, the following standards shall apply:
- (a) Minimum Width at Building Line:
 - (1) Sixty (60) feet for one (1) story.
 - (2) An additional five (5) feet of width at building line shall be required for each story higher than one (1) story.

SECTION 5.02 Cont.

(b) Minimum Street Frontage:

- (1) Eighty (80) feet for one (1) story.
- (2) An additional five (5) feet of frontage shall be required for each story higher than one (1) story.

(c) Minimum Lot Depth:

- (1) Eighty (80) feet for one story.
- (2) An additional five (5) feet of lot depth shall be required for each story.

(d) Minimum Front Yard Setback: Twenty-five (25) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. No structures shall be erected closer than fifty (5) feet from the centerline of any public, county, or state road.

(e) Minimum Rear Yard Setback: Twenty-five (25) feet.

(f) Minimum Side Yard Setback:

- (1) One (1) Story: Five (5) feet.
- (2) Two (2) Stories: Seven (7) feet.
- (3) Two and one-half Stories: Eleven (11) feet.

(g) Maximum Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.

H. Off-Street Parking:

- 1 As provided in Section 7.01.
2. For attached family dwelling units and apartments there shall be provided at least two (2) spaces per dwelling or rental unit to be provided behind the front setback line.

I. Signs:

1. Signs shall be governed by the provisions of Sections 5.02E(1) and E(3) and 7.02 for single family dwellings and by the provisions of Section 5.02F(1) and 7.02 for attached dwelling units and apartments.

SECTION 5.02 Cont.

J. Fencings and Plantings:

1. The maximum height of a sight-obscuring fence and/or planting located in the front yard of a single family dwelling lot shall not exceed four (4) feet.
2. The maximum height of a sight-obscuring fence and/or planting located in the side yard of a single family dwelling lot shall not exceed four (4) feet in height forward of the building line with the greatest setback on the lot or the adjoining residential lot.
3. Notwithstanding the provisions of Section 5.02J(1) and J(2), the Planning Commission may alter, change, or require such fencing and/or planting as shall be deemed necessary to promote and provide traffic safety, noise and nuisance abatement, and the compatibility of different uses permitted on adjacent lots of the same zone and on adjacent lots of different zones.

K. Corner Vision:

1. Corner lots shall have no sight-obstructing structures or plantings to exceed three (3) feet in height, located closer than twenty (20) feet from the lot corner nearest the street corner.

M. Prohibited Uses:

1. Uses of structures and land not specifically permitted in Section 5.02 are prohibited in all R Districts.
2. The use of a trailer, travel trailer or mobile coach as a residence.
3. Outdoor advertising displays, advertising signs or advertising structures except as provided in Section 7.02.

- N. Notwithstanding the provisions of Section 5.02, an owner or his authorized agent of a lot of the size of two (2) acres or less may apply for a PDR zone, under the planned development zoning regulations set forth in this Ordinance.

SECTION 5.03 PDR - PLANNED DEVELOPMENT RESIDENTIAL ZONE

The requirements of a PDR Zone shall be governed by Article 6, Planned Development Regulations, and as otherwise set forth in this Ordinance.

SECTION 5.04 PDC - PLANNED DEVELOPMENT COMMERCIAL ZONE

The requirements of a PDC Zone shall be governed by Article 6, Planned Development Regulations, and as otherwise set forth in this Ordinance.

SECTION 5.05 PDI - PLANNED DEVELOPMENT INDUSTRIAL ZONE

The requirements of a PDI Zone shall be governed by Article 6, Planned Development Regulations, and as otherwise set forth in this Ordinance.

ARTICLE 6.

PLANNED DEVELOPMENT REGULATIONS

SECTION 6.01 PURPOSE

- A. The provisions of this Article 6 shall be known as the PLANNED DEVELOPMENT REGULATIONS. The purposes of these regulations are to encourage the appropriate development of tracts of land sufficiently large to allow comprehensive planning, and to provide flexibility in the application of certain regulations in a manner consistent with the general provisions of the zoning regulations, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility of surrounding areas, and the creation of attractive, healthful, efficient and stable environments for living, shopping or working.
- B. It is the further purpose of this Article:
1. To take advantage of advances in technology, architectural design, and functional land use design;
 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
 3. To produce a comprehensive development equal to or better than that resulting from traditional lot by lot land use development.
 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other natural or man-made hazards;

SECTION 6.01 Cont.

5. To permit flexibility in height of buildings, but still requiring a development to maintain a ratio of site area to dwelling units that will be in harmony with the area in which the proposed development is to be located.
6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
7. To determine if the proposed development is compatible with any emerging patterns of area development and is compatible with adjacent land uses in addition to compliance with the comprehensive plan.
8. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the comprehensive plan.
9. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

SECTION 6.02 INTENSITY OF USE

- A. The intensity of use shall be governed by the City of Wilsonville Comprehensive Plan densities.

SECTION 6.03 LOT QUALIFICATION

- A. Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of this Article.
- B. For those Planned Development Residential lots which are located in a residential zone, the site shall include not less than two (2) acres of contiguous land unless the Planning Commission or City Council find that the property of less than two (2) acres be suitable by virtue of its unique historical character, or other natural features, or by virtue of its qualifying as a special interest area.

SECTION 6.04 PERMITTED USES

- A. Planned Development Residential:
 - I. Any use permitted together with accessory uses permitted in an R Zone, Section 5.02.

SECTION 6.04 Cont.

2. Mobile or manufactured homes, provided that such homes are located within subdivisions or parks which are exclusively dedicated to such use.
3. Open Space.
4. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
5. Public or private clubs, lodges or meeting halls. Public or private parks, playgrounds, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
6. Churches, public, private and parochial schools, public libraries and public museums.
7. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, provided,
 - (a) The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 - (b) Such centers are of a scale compatible with the surrounding residential structures.
 - (c) Such centers shall be compatible with the surrounding residential uses.
 - (d) The site of a Neighborhood Commercial Center shall be at least one-half (1/2) mile from any other sites permitted for commercial uses.
 - (e) The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 - (f) The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have pedestrian access to the residential areas.
 - (g) The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.

SECTION 6.04 Cont.

8. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of Section 6.04A7.
9. Accessory uses, building and structures customarily incidental to any of the aforesaid principal permitted uses.
10. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon completion or abandonment of the construction work.

B. Planned Development Commercial:

1. Retail business, goods and sales.
2. Wholesale showrooms.
3. Offices and clinics.
4. Service establishments.
5. Any use allowed in a PDR Zone or PDI Zone, provided the majority of the total area is commercial, or any other commercial uses provided that any such use is compatible with and supportive of the surrounding uses and is planned and developed in a manner consistent with the purposes and objectives of this Article. However, in no event, shall wrecking yards, automobile body and fender repair shops, and open lots for the commercial sale of motor vehicles be permitted.
6. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses.
7. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon completion or abandonment of the construction work.
8. No body/fender shops or used car sales shall be permitted except in conjunction with new car dealerships. No wrecking yards shall be permitted.

C. Planned Development Industrial:

1. Laboratories, storage buildings, warehouses, and cold storage plants.

SECTION 6.04 Cont.

2. Assembly of electrical equipment, including the manufacture of small parts.
3. The light manufacturing, simple compounding or processing, packaging, assembling and/or treatment of products, cosmetics, drugs, and food products, unless such use is inconsistent with air pollution, excess noise, or water pollution standards.
4. Experimental, film or testing laboratories.
5. Wholesale houses, storage, and warehouses.
6. Veterinary or animal hospital; provided that any structures or any portion of the premises used is located at least fifty (50) feet from any residential use.
7. Fertilizer, storage or distribution. Storage and sale of grain, livestock feed, provided dust and smell is effectively controlled.
8. Motor vehicle service facilities incidental to permitted uses.
9. Where the total acreage of a PDI application exceeds fifty (50) acres, there may be allowed any use allowed in a PDR Zone, provided such uses shall not exceed twenty percent (20%) of the total acreage and is compatible with the surrounding uses and properly buffered.
10. Any use allowed in a PDC Zone or any other light industrial uses provided that any such use is compatible with and supportive of industrial use and is planned and developed in a manner consistent with the purposes and objectives of this Article and is subject to the following criteria:
 - (a) Service Commercial shall not exceed 20% of total acreage.
 - (b) Office Complex shall not exceed 20% of total acreage.
 - (c) Commercial Recreation shall not exceed 20% of total acreage.
 - (d) Neighborhood Commercial shall not exceed 5% of total acreage.
 - (e) Aggregate commercial uses shall not exceed 20% of total acreage.
- II. Aggregate commercial and residential uses shall not exceed twenty percent (20%) of total acreage.

SECTION 6.04 Cont.

12. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses.
13. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon completion or abandonment of the construction work.

SECTION 6.05 OWNERSHIP

- A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make application, shall be deemed the owner of such land for the purposes of this Article.
- B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.

SECTION 6.06 PROFESSIONAL DESIGN

- A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.
- B. Appropriate professionals shall include, but not be limited to, any one or more of the following to provide the elements of the planning process set out in Section 6.10:
 1. An architect licensed by the State of Oregon.
 2. A landscape architect licensed by the State of Oregon, or an urban planner holding full membership in the American Institute of Planners.
 3. A registered engineer or a registered engineer and land surveyor licensed by the State of Oregon.
- C. One of the professional consultants chosen by the applicant from either 1, 2 or 3 shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.

SECTION 6.06 Cont.

- D. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff of the Planning Commission.

SECTION 6.07 DEVELOPMENT STANDARDS

- A. The following shall constitute the minimum development standards to be met by the uses of a planned development.

1. Any residential uses shall be subject to the applicable sections of Article 5 and 8 of this Zoning Ordinance and to any other applicable provisions of this Zoning Ordinance.

2. Manufactured homes, mobile homes and trailers shall be subject to the following:

(a) General Provisions:

(1) Parking of a trailer, trailer house or mobile coach in any residential or commercial zone shall be permitted, provided that no living quarters shall be maintained or any business conducted in connection therewith while such trailer is parked or stored, and provided the trailer is parked or stored off-street and conforms to the front and side yard setbacks of the lot upon which it is parked or stored.

(2) A trailer, trailer house or mobile coach may be used as temporary living quarters when issued a temporary permit by the Planning Commission.

(3) In any RAI or R Zone, the wheels or any similar transporting devices of any trailer, trailer house or mobile coach shall not be removed except for repairs; nor shall such trailer or camp car be otherwise permanently fixed to the ground by any person, firm or corporation in a manner that would prevent ready removal of said trailer, trailer house or mobile coach.

(4) A vehicular entrance to or exit from any manufactured or mobile home subdivision or park, wherever such may be located, shall not be within two hundred (200) feet along streets from any school, public playgrounds, church, hospital, or institution for dependents or for children.

SECTION 6.07 Cont.

- (5) All open areas, except as otherwise specified herein, shall be suitably landscaped according to the plans and specifications approved by the Planning Commission. Such areas shall be continuously maintained.
- (b) Manufactured or Mobile Home Subdivisions:
- (1) In addition to the applicable provisions of the Comprehensive Plan, Article 6 of this Ordinance, the Design Review Board Ordinance, and the Oregon State Structural Specialty Code, all construction related to the placement of manufactured or mobile residential unit on a lot shall conform to the standards of the State of Oregon. All manufactured or mobile residential units placed in a manufactured or mobile home subdivision shall have been manufactured after June 15, 1976 and bear the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with Federal standards as promulgated by the Department of Housing and Urban Development. However, submission of evidence indicating substantial compliance with those standards, and certification of such by the Building Official, shall waive the requirement for manufactured or mobile homes manufactured prior to June 15, 1976.
 - (2) The manufactured or mobile home shall contain a minimum of eight hundred (800) square feet of gross floor area, and shall be a self-contained living unit, including kitchen, sleeping and plumbing facilities.
 - (3) The home shall be placed on a permanent concrete or concrete block foundation consistent with the provisions of the State Structural Specialty Code. If said foundation is not flush with the exterior walls of the home, a continuous perimeter skirting shall be installed pursuant to State regulations. Said skirting shall be composed of the same material and finish as the exterior of the unit unless otherwise approved by the Planning Department.
 - (4) The touring tongue, axles, wheels and traveling lights shall be removed.

SECTION 6.07 Cont.

- (5) The roof shall have a minimum overhang of six (6) inches, shall be equipped with rain gutters and downspouts, shall have a minimum sixteen percent (16%) slope (2:12), and shall be composed of composition shingles, aggregate, shakes, or materials otherwise approved by the Design Review Board.
- (6) No extension or outbuilding shall be attached to a manufactured or mobile home except for a structure conforming to the State definition for accessory structures, unless otherwise approved by the Design Review Board.
- (7) The manufactured or mobile home plumbing shall be connected to the public water supply and public sanitary sewage system.
- (8) Minimum lot sizes, maximum lot coverage, minimum setbacks and building separations shall be consistent with the appropriate zoning standards set forth in Section 5.02G. The total subdivision shall not be on less than two (2) acres.
- (9) Off-street parking shall be governed by the provisions of Section 7.01.

(c) Manufactured Or Mobile Home Parks:

A manufactured or mobile home park shall be built to State standards in effect at the time of construction and shall comply with the following additional provisions:

- (1) Applications for use of land as a manufactured or mobile home park shall be accompanied by a plot plan of the general layout of the entire park, and complete plans and specifications of the park and all permanent buildings, indicating the proposed methods of compliance with the requirements stated in this Section. The plans shall be to scale of not less than one (1) inch to forty (40) feet. Such application shall also include a copy of the Oregon State Board of Health certification of approval.
- (2) The park shall occupy at least four (4) acres.

SECTION 6.07 Cont.

- (3) Evidence shall be provided that the park will be eligible for a certification of sanitation as required by state law.
- (4) The space provided for each home shall be provided with public water and sanitary sewerage connections.
- (5) Each home shall occupy not more than forty percent (40%) of the contiguous space provided for the exclusive use of the occupants of the home and exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways and areas for recreation and landscaping.
- (6) No manufactured or mobile home in the park shall be located closer than fifteen (15) feet from another such home or from a general use building in the park. No accessory building or other building or structure on a space shall be closer than ten (10) feet from another home accessory building or other building or structure on another home space. No home or other building or structure shall be within twenty-five (25) feet of a public street property boundary or ten (10) feet of another property boundary.
- (7) Each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular way shall be provided to the City and fire district.
- (8) All home spaces or permanent structures in the park shall not be located more than five hundred (500) feet from a fire hydrant. Any hydrant located within the park shall be located on a vehicular way and shall conform to the City's public works standards, or as otherwise approved by the fire district.
- (9) Access drives shall be provided to each home space, shall be continuous, shall connect with a public street, and shall have a minimum width of twenty (20) feet for interior circulation. The point of access to the street shall be at least thirty-two (32) feet in width.

SECTION 6.07 Cont.

- (10) Walkways, not less than three (3) feet in width, shall be provided from each home space to service buildings.
- (11) Access drives and public walkways within the park shall be hard surfaced according to the City's public works standards.
- (12) Each home space shall be improved with one (1) concrete patio having a minimum area of one hundred fifty (150) feet, and one (1) crushed rock or better, trailer pad having a minimum size of ten feet by fifty feet (10' x 50').
- (13) Off-street parking shall be provided as required by the Planning Commission of two (2) parking spaces for each manufactured or mobile home space. Minimum width access drives shall not be considered in fulfilling this requirement.
- (14) A minimum of one hundred (100) square feet of open and/or recreational space shall be provided in one or more location within the park. At least one open space and/or recreational area of not less than two thousand five hundred (2500) square feet shall be provided.
- (15) When children are permitted in manufactured or mobile home parks, playground areas shall be provided, suitably equipped and restricted to such use. Such areas shall be protected from streets, drives, and parking areas. A minimum of one hundred (100) square feet of playground area for each space shall be provided in one (1) or more locations within the park. The minimum size of each such playground area shall be two thousand five hundred (2,500) square feet.
- (16) A manufactured or mobile home permitted in the park shall meet the following standards as determined by an inspection by the building official.
 - (a) It shall have a State insignia indicating compliance with Oregon State standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.

SECTION 6.07 Cont.

- (b) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the home shall meet the State standards for construction evidenced by the insignia.
 - (c) It shall contain not less than seven hundred (750) square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
- (17) No manufactured or mobile home shall remain in a park more than two (2) consecutive days and nights unless a manufactured or mobile home space is available, unless otherwise authorized by the Planning Commission.
- (18) Permanent structures located within any manufactured or mobile home space shall be used for storage purposes only, shall have a maximum area of twenty-five (25) square feet, shall be detached from any home, shall be located on the rear half of the trailer space, and shall be subject to all of the applicable provisions of the City's building code. A home shall be placed a maximum of eighteen (18) inches above the ground level at any point, unless the manufactured or mobile home is placed upon a permanent foundation, or unless otherwise approved by the City planning and building departments.

A home shall be placed upon a permanent concrete or block foundation or supplied with a continuous perimeter skirting that extends at least six (6) inches below the surface of the ground or to an impervious surface; such skirting shall be composed of the same material and finish as the exterior of the home or of brick or concrete block. Other materials or finishes shall be approved by the Design Review Board. A home shall have a roof with a minimum slope of sixteen percent (16%) (2:12), and shall have a composition or shake roof, or other roofing agents approved by the Design Review Board.

3. Any commercial use shall be subject to the applicable provisions of this Zoning Ordinance and to the following:
- (a) Planned Development Commercial shall be planned in the form of centers or complexes as follows:

SECTION 6.07 Cont.

- (1) The Town Center or City Center.
 - (2) Service Centers.
 - (3) Office Complexes.
 - (4) Commercial Recreation.
 - (5) Neighborhood Commercial.
- (b) All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants, and fluids at service stations and except for off-street parking and off-street loading.
 - (c) In any Commercial Development fronting directly across the street from any Residential District, the loading facilities shall be at least twenty (20) feet from the street, shall be sited whenever practicable at the rear or side, and if facing a residential area, shall be properly screened.
 - (d) Uses shall be limited to those which are not objectionable as determined by the Planning Commission by reason of factors such as odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.
 - (e) Corner lots shall have no sight-obscuring planting or structures to exceed three (3) feet in height, located closer than ten (10) feet from the lot corner nearest the street corner.
 - (f) Trailer, trailer houses, mobile coaches, or any altered variation thereof shall not be used for the purpose of conducting a trade or calling or for storage of material.
 - (g) Commercial developments generally.
 - (1) No structure shall be erected closer than the right-of-way line then existing or the immediately proposed right-of-way of any public, county, or state road.

SECTION 6.07 Cont.

- (2) Minimum Front Yard Setback: None required except when front yard abuts a more restrictive district. When front yard abuts a more restrictive district, setbacks shall be the same as the the abutting district.
 - (3) Minimum Rear Yard Setback: None required except when rear yard abuts a more restrictive district. When rear yard abuts a more restrictive district, setbacks shall be the same as for the abutting district.
 - (4) Minimum Side Yard Setback: None required except when side yard abuts a more restrictive district. When side yard abuts a more restrictive district, setbacks shall be one and one-half (1 1/2) times the setback required for the abutting district.
 - (5) Maximum Building Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.
 - (6) Minimum Lot Size: No limitation, save and except as may otherwise be affected by other provisions of this Ordinance.
 - (7) Maximum Lot Coverage: No limitation, save and except as may otherwise be affected by other provisions of this Ordinance.
 - (8) Minimum Street Frontage: No limitation.
- (h) Motels.
- (1) Minimum Lot Size: One thousand (1,000) square feet for each unit.
 - (2) Minimum Street Frontage: One Hundred (100) feet.
 - (3) Front Yard Setback: Thirty (30) feet. Structures on corner lots shall observe the minimum setback on both streets.
 - (4) Minimum Rear Yard Setback: Thirty (30) feet.
 - (5) Minimum Side Yard Setback: Twenty-Four (24) feet.

SECTION 6.07 Cont.

- (i) Off-Street Parking.
 - (l) As Provided in Section 7.01.
- (j) Signs.
 - (l) As provided in Section 7.02.
- (k) Prohibited Uses.
 - (l) The use of a trailer, trailer house or mobile coach as a residence.
- (l) City Center.
 - (l) Purpose:
 - (a) The purpose of this zoning is to permit and encourage a City Center, adhering to planned commercial and planned development concepts, including provision for commercial services, sales of goods and wares, business and professional offices, department stores, shopping centers and other customer-oriented uses to meet the needs of the Wilsonville community as well as to meet the general shopping and service needs on an area-wide basis, together with such multiple family residential facilities, open space, recreational and park areas, and public uses facilities as may be approved as part of the City Center compatible with the Comprehensive Plan of the City.
 - (b) Planned development permitted commercial uses, including department stores and shopping centers.
 - (c) Banking and investment services.
 - (d) Public facilities complex, Governmental offices, and facilities, hospitals, health centers and office complex for the furnishing of professional services, including but not restricted to medical, legal, architectural and engineering.

SECTION 6.07 Cont.

- (e) Planned multiple dwelling facilities, including motels, apartments and condominiums as may be approved by the Planning Commission.
 - (f) Such other and further uses as may be approved by the Planning Commission compatible with the Comprehensive Plan.
- (2) Recommended Uses (As shown for the areas on the attached Zoning Diagram Exhibit "A")

Central Commercial (CC):

Typical Recommended Uses:

Department Stores
Florist Shop
Interior Decorating Shop
Retail Stores
Banks, Loan Companies, other Financial Institutions
Bird Store, Pet Shop or Taxidermist
Blueprinting, Photostating, other Reproduction Process
Business Machines, retail sales & service
Cleaning and Pressing Establishments
Commercial Schools, such as business colleges, music conservatories, trade schools
Custom Tailoring, Dressmaking or Millinery Shop
Film Exchange
Furniture Store
Gunsmith or Locksmith
Household Machines, retail sales & service
Photographer
Radio or Television Studio
Watch and Clock Repair Shop
Brokers, Legal Offices

Other uses similar in character of predominantly retail or service establishments dealing directly with ultimate customers.

Service Commercial (SC):

SECTION 6.07 Cont.

Typical Recommended Uses:

Building Materials, retail outlet only
Cabinet or Carpenter Shop
Feed Store, retail only
Fuels, Solid, retail outlet only
Furniture Store
Upholstering Shop
Automobile Service Station
Bicycle, Motorcycle, Trailer - (other than house and truck trailers) retail sales and service, rental, if fully enclosed
Garage, Parking or Repair
New Automobiles and Trucks, if not more than one and one-half tons (1 1/2) capacity retail sales and service, if fully enclosed
Tire sales and service
Self-service car wash
Building contractors and related subcontractors

Food and Sundries (FS):

Typical Recommended Uses:

Bakery, retail
Barber Shop
Beauty Parlor
Bookstores
Clothes Cleaning Pick-up Agencies
Clothes Pressing Establishment
Confectionary
Custom Dressmaking
Delicatessen
Drug Store
Dry Goods Store
Florist Shop
Grocers, Fruit or Vegetable Store
Hardware Store
Meat Market
Notions or Variety Store
Shoe Repair Shop

Other uses in character of neighborhood food and services.

Fast Food Service (FF):

SECTION 6.07 Cont.

Typical Recommended Uses:

Free-standing fast food take-out type restaurant, with the uses being limited to that type of food service establishment catering to a take-out trade.

Office Professional (OP):

Typical Recommended Uses:

Accountants
Architects
Artists
Attorneys
Authors and Writers
Dentists
Designers
Engineers
Investment Counselor
Landscape Architects
Management Consultants
Ministers
Physicians & Surgeons
Psychiatrists

Offices for General Use (OG):

Typical Recommended Uses:

Title Insurance
General Insurance
Secretarial Services
Collection Agency
Rental Agency

High Density Apartments (APT):

Typical Recommended Uses:

Apartment, condominium, townhouse, or any other multiple family housing use at twenty (20) units per acre.

SECTION 6.07 Cont.

(4) Accessory Uses Permitted:

- (a) Any accessory use and structure not otherwise prohibited customarily accessory and incidental to any permitted principal use.
- (b) Temporary buildings and uses incidental to the development of principal facilities, such temporary structures to be removed upon completion of the work or abandonment of the project.

(5) Conditional Uses Permitted:

- (a) Any use compatible with the principal uses hereunder permitted which may be approved by the Planning Commission pursuant to Article 8, Section 8.01 of the Wilsonville, Oregon, Zoning Ordinance.

(6) Procedures, Regulations and Restrictions:

- (a) The procedures, regulations and restrictions applicable to the City Center District shall conform to those set forth in Article 6 & 7 of this Zoning Ordinance as the Planning Commission may deem necessary to achieve the puposes of the zone.

(7) City Center District Described:

- (a) Pursuant to ORS 197.175(2)(b) and appellate court decisions of the State of Oregon, all those certain lands in the East Half (E1/2) of Section 14 and the West Half (W1/2) of Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described on Exhibit "B" headed Description, to Ordinance No. 55 and any amendment thereto, and by this reference made a part hereof, are hereby reclassified to Planned Development Commercial to conform to the Comprehensive Plan of the City of Wilsonville.

4. Industrial uses shall be subject to the provisions of this Zoning Ordinance and the following:

- (a) All uses and operations except storage, off-street parking, loading and unloading shall be confined and contained, and conducted wholly within completely enclosed buildings.

SECTION 6.07 Cont.

- (b) **Vibration:** Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property on which the use is located.
- (c) Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.
- (d) Any open storage shall comply with the provisions of Section 6.07A(3)(q).
- (e) No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any residential district.
- (f) **Heat and Glare:**
 - (1) Operations producing heat or glare shall be conducted entirely within an enclosed building.
 - (2) Exterior lighting shall be directed away from adjacent residential properties.
- (g) **Dangerous Substances:**
 - (1) Any use which involves the presence, storage or handling of any explosive, nuclear waste product, or any other substance in a manner which would cause an undue health or safety hazard shall be prohibited.
- (h) **Liquid and Solid Wastes:**
 - (1) Any storage of wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.
 - (2) Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting.

SECTION 6.07 Cont.

- (3) No connection with any public sewer shall be made or maintained in such manner that there may be conveyed to or created in the sewer any hot, suffocating, corrosive, flammable, poisonous, or explosive liquid, gas, vapor, substance, or material of any kind that would be dangerous or detrimental to the function of the sewerage system and treatment facilities as determined by the State Sanitary Authority or the City's Sewer Superintendent.
 - (4) No wastes conveyed to or permitted, caused to enter, or allowed to flow into any public sewer shall contain any materials which may contain or create deposits obstructing the flow in and through the sewer.
 - (5) All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, estuary, stream, or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the Clackamas County Health Department and State Board of Health.
- (i) Noise:
- (l) Noise generated by the permitted use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality governing noise control in the same or similar locations.
- (j) Discharge Standards:
- (k) Smoke:
- (l) There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause nuisance or injury to human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the Oregon State Air Pollution Authority.

SECTION 6.07 Cont.

- (2) No person shall cause or allow to be emitted into the open air from any fuel burning equipment internal combustion engine, premises or open fire, smoke the shade or appearance of which is equal to or darker than No. 1 of the Ringelmann Chart, excepting:
 - (a) Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart, for a period or periods aggregating not more than three (3) minutes in any hour;
 - (b) Smoke the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating not more than six (6) minutes in any hour, when building a new fire;
 - (c) Smoke when breakdown of equipment occurs or other unusual circumstances such as to make it evident that the emission was not reasonably preventable.
- (3) For the purpose of grading the density of smoke discharged, the Ringelmann Chart as published by the U. S. Bureau of Mines will be used as the standard. Instruments which are equivalent to the Ringelmann Chart method may also be used.
- (l) Particle Fallout Rate:
 - (l) The particle fallout rate shall not exceed the normal background value by more than thirty (30) grams per hour per acre of land devoted to the operation.
- (m) Suspended Particulate Matter:
 - (l) The suspended particulate concentration shall not exceed one hundred fifty (150) micrograms per cubic meter more than the normal background value at representative sampling stations.
- (n) Chemical Substance:
 - (l) The suspended particulate concentration of lime dust as (CaO) shall not exceed ten (10) micrograms per cubic meter above the normal background value.

SECTION 6.07 Cont.

- (o) All measurements of air pollution shall be by the procedures and with equipment approved by the State Air Pollution Authority or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.
- (p) Open Burning is prohibited.
- (q) Storage:
 - (1) Outdoor storage must be maintained in an orderly manner at all times.
 - (2) Outdoor Storage area shall be gravel surface or better.
 - (3) Any open storage visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.
 - (4) Unused property for expansion or other future use in the Zone shall be maintained in grass or other suitable ground cover in an uncluttered manner, as determined by the Planning Commission.
 - (5) Responsibility for establishment and continued maintenance of landscaping rests with the industrial property owner.
- (r) Dimensional Standards:
 - (1) Minimum Individual Lot Size: No limit save and except as shall be consistent with the other provisions of this Ordinance (e.g. landscaping, parking, etc.).
 - (2) Minimum Width and Depth: One hundred sixty (160) feet.
 - (3) Maximum Lot Coverage: No limit save and except as shall be consistent with the other provisions of this Ordinance (e.g. landscaping, parking, etc.).

SECTION 6.07 Cont.

- (4) Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. No structure shall be erected closer than the right-of-way line then existing or immediately proposed of any public, county or state road.
 - (5) Rear and Side Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setbacks on both streets. No structure shall be erected closer than the right-of-way line then existing or immediately proposed.
 - (6) No setback required when side or rear yards abut on a railroad siding.
 - (7) Corner Vision: Corner lots shall have no sight obstruction to exceed three (3) feet in height located closer than twenty (20) feet from the lot corner.
 - (s) Off-Street Parking and Loading:
 - (l) As provided in Section 7.01.
 - (t) Signs:
 - (l) As provided in Section 7.02.
5. Outdoor Living Area shall be provided in the following manner:
- (a) In all residential developments or in combination residential-commercial developments, twenty-five percent (25%) of the area shall be devoted to outdoor living area, excluding streets.
 - (b) Outdoor living area required by this Article may, at the discretion of the Commission, be dedicated to the City, either rights in fee or easement, without jeopardizing the density or other development standards of the proposed development, provided the size and amount of the proposed dedication meets the criteria of the City for neighborhood parks. The square footage of any land, whether dedicated or not, which is used for outdoor living shall be deemed a part of the development site for the purpose of computing coverage density. The purpose of this Section is to provide adequate light, air, open space and recreational facilities to occupants of such development.

SECTION 6.07 Cont.

6. Height Guidelines: The sun exposure plane shall prevail, except that the Commission may further limit heights: (1) around the site boundaries, and/or (2) to protect scenic vistas from greater encroachments that would occur if developed conventionally. (See Section 6.08).
 7. Underground Utilities shall be governed by Wilsonville Ordinance No. 39. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.
- B. Notwithstanding the provision of Section 6.07A to the contrary, the Planning Commission in order to implement the purposes and objectives of this Article may:
1. Waive the minimum lot area, width and frontage, height and yard requirements which otherwise would apply;
 2. Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and
 3. Adopt additional requirements and restrictions, inclusive of, but not limited to, the following:
 - (a) Height limitations on buildings and structures.
 - (b) Percent coverage of land by buildings and structures.
 - (c) Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
 - (d) The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street.
 - (e) Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.
 - (f) Location and size of off-street loading areas and docks.

SECTION 6.07 Cont.

- (g) Uses of buildings and structures by general classifications, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permit.
 - (h) Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare or radiation which would have an adverse effect on the present or potential development on surrounding properties.
 - (i) Schedule of time for construction of the proposed buildings and structures, or any stage of development thereof.
 - (j) A waiver of the right of remonstrance by the applicant to a Local Improvement District (LID) for streets, utilities and other public purposes.
 - (k) Restrict development in order to prevent congestion of streets and/or to facilitate transportation.
 - (l) Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to one hundred ten percent (110%) of the cost of the landscaping and its installation may be required.
 - (m) A dedication of property for streets, pathways and bicycle paths.
 - (n) A dedication of property for park purposes or easements for public and/or private parks.
- C. The Planning Commission, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:

SECTION 6.07 Cont.

1. **Recreation Facilities:** The Commission or Council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development.
 2. **Outdoor Living Area:** Whenever private and/or common outdoor living area is provided, the Commission or Council shall require that an association of owners or tenants be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such outdoor living areas and/or common areas that are acceptable to the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such outdoor living area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said outdoor living area for the purposes intended. The period of existence of such association shall be not less than twenty (20) years and it shall continue thereafter and until a majority vote of the members shall terminate it.
 3. **Streets:** The Commission or Council may require that streets and right-of-ways be dedicated to the City. Such other streets necessary to the proper development of adjacent properties may also be required.
 4. **Easements:** Easements necessary to the orderly extension of public utilities may be required as a condition of approval.
- D. When calculating density of a planned development, the total area shall include the area of the proposed development, including streets, dedications and mapped open space designated in the Comprehensive Plan up to ten percent (10%) of the total land area. All the open space designated in the Comprehensive Plan can be outdoor living area.

SECTION 6.08 SUN EXPOSURE PLANE

- A. A sun exposure plane is an imaginary, inclined plane: (See Figure 1).
 1. **Northerly Exposures:** Beginning on a line parallel to a front, side or rear property line and ten (10) feet within the abutting property or properties northerly from the northerly line or lines of the development site to which the sun exposure plane applies and projecting thence due south at a thirty degree (30) slope over the applicable development site.

SECTION 6.08 Cont.

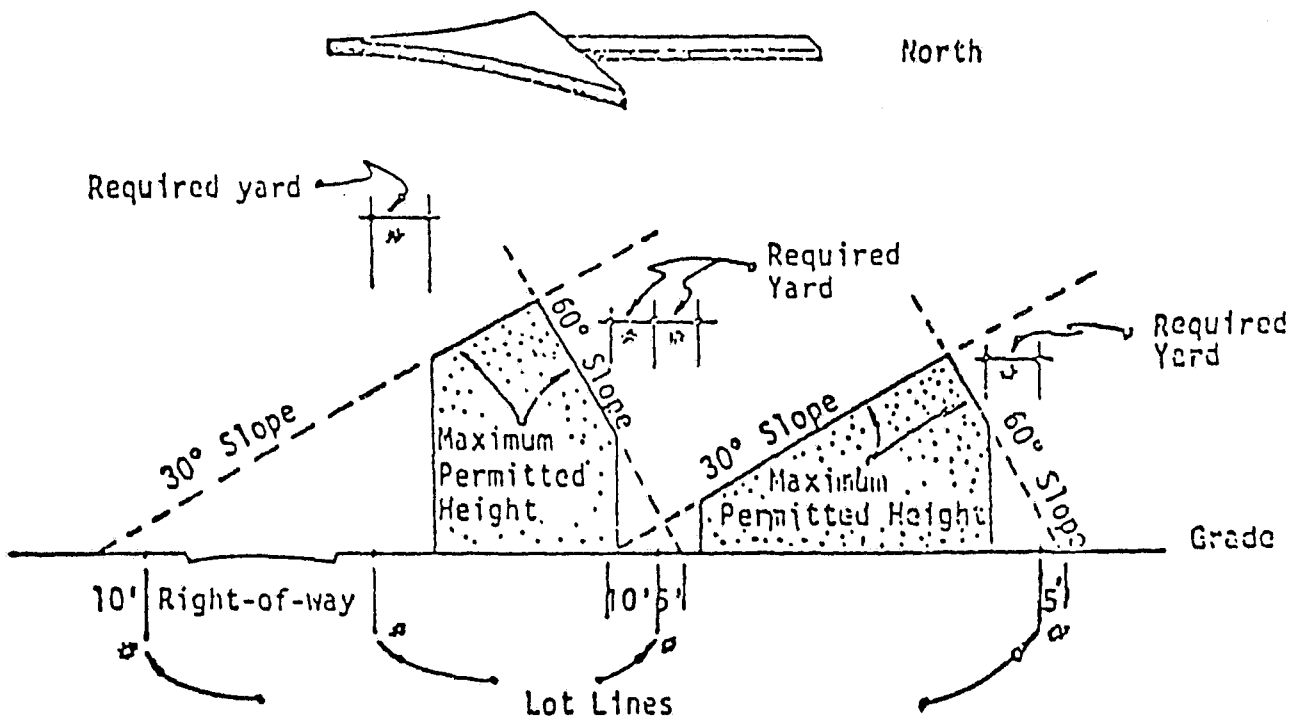
2. Easterly, Westerly and Southerly Exposures: Beginning on lines parallel to front, side or rear property lines, and five (5) feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plane applies and projection thence due west from the easterly line, due east from the westerly line, and due north from the southerly line, at a sixty degree (60) slope over the applicable development site to a maximum distance of thirty (30) feet measured horizontally from each development site line.

SECTION 6.09 PLANNED DEVELOPMENT PROCESS

- A. All parcels of land, except those whose size is two (2) acres or less, and are in an RAI or R Zone, shall prior to the issuance of any building permit:
 1. Be zoned for planned development;
 2. Obtain a planned development permit; and
 3. Obtain Design Review Board approval.
- B. Zone change and amendment to the zoning map are governed by the applicable provisions of this Zoning Ordinance, inclusive of Article 12.
- C. Design Review Board approval is governed by City of Wilsonville Ordinance No. 38.
- D. All planned development requires a planned development permit. The planned development permit review and approval process consists of:
 1. Pre-application conference with Planning Department;
 2. Preliminary approval by Planning Commission, and when a zone change is necessary, application for such change and amendment shall be made simultaneously with an application for preliminary approval to the Planning Commission; and
 3. Final approval by Planning Commission for permit, subject to Design Review Board Approval, and in the case of a zone change and amendment, City Council approval.

FIG. 1 SUN EXPOSURE PLANE

Example A. *Northerly Exposure*

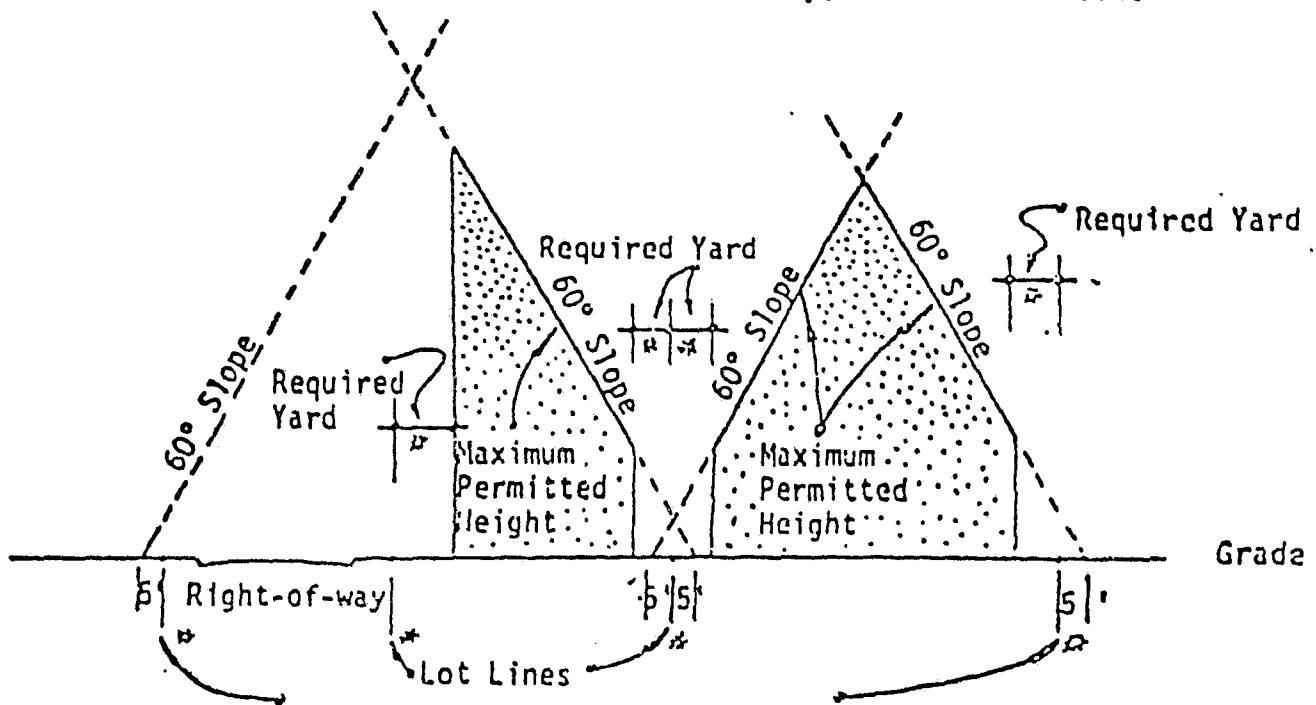


Example B. *Southerly, Easterly & Westerly Exposures*



South, East or West

Note: The 60° inclined slope assumes a vertical projection 30 feet in (measured horizontally) from the lot line



SECTION 6.10 PLANNED DEVELOPMENT PERMIT

A. Pre-Application Conference:

1. An applicant or the applicant's authorized representative shall contact the Planning Department to arrange a pre-application conference, unless the applicant and the Planning Department agree the conference is not needed.
2. The conference shall be held within thirty (30) days of the request.
3. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the ordinance, provide for an exchange of information regarding applicable elements of the comprehensive plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.
4. The Planning Department, if requested in writing by the applicant, shall provide the applicant with a written summary of the conference within five (5) days of the request. The summary shall include:
 - (a) Confirmation of the procedures to be used to process the application;
 - (b) A list of materials to be submitted; and
 - (c) The criteria and standards which may apply to the approval of the application.
5. The applicant at a pre-application conference should supply the Planning Department with the following information:
 - (a) A drawing showing the general relationship contemplated among all public and private uses and existing physical features; and

SECTION 6.10 Cont.

- (b) A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, dwelling types, non-residential uses, lot layout, public and private access, height of structures, lighting, landscaped areas and provisions for maintenance of landscaped areas to be devoted to various uses and population densities per net acre and per gross acre contemplated by the applicant.
- 6. Prior to stage one, the applicant shall indicate to the staff or Planning Commission his professional design teams and his professional coordinator pursuant to Section 6.06.
- 7. The professional coordinator shall be responsible for presenting the developer's plan in all of the broad professional aspects to the City Planning Department.
- 8. The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is appropriate for the site. If there is disagreement as to whether the use contemplated is appropriate, the applicant, by request, or the staff, may take the preliminary information provided to the Planning Commission for their determination of whether the use contemplated by the planned development is appropriate for the site.
- 9. The applicant may proceed to apply for Stage One - Preliminary Approval upon determination by either staff or the Planning Commission that the use contemplated is appropriate for the site.

B. Preliminary Approval (Stage One):

- I. Applications for preliminary approval for planned developments shall:
 - (a) Be made by the owner of all affected property or his authorized agent; and
 - (b) Be filed on a form prescribed by the City Planning Department and filed with said Department.
 - (c) Set forth the professional coordinator and professional design team as provided in Section 6.06.
 - (d) Set forth the names and addresses of all property owners within two hundred fifty (250) feet of the exterior boundaries of the property.
 - (e) State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.

SECTION 6.10 Cont.

2. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and shall be accompanied by the following information unless otherwise ordered by the Planning Commission:
 - (a) Thirteen (13) copies (twelve (12) of which may be 8 1/2 x 11 reductions of larger drawings with one copy of full size drawings) of a preliminary development plan of the entire development, showing proposed:
 - (1) Streets, driveways, sidewalks, pedestrian ways, off-street parking, loading areas, and garbage storage areas.
 - (2) Location and approximate dimensions of structures, utilization of structures, including activities and the number of living units;
 - (3) Major landscaping features;
 - (4) Relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets and open space; and
 - (5) Maps and information such as included in Section 6.10B2(a)(1) and (2) above of the surrounding area within four hundred (400) feet of the development.
 - (b) A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.
 - (c) In environmentally sensitive areas, the elevations of all points used to determine contours shall be indicated on the preliminary plan and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data shall be clearly indicated and shall be compatible to city datum, if bench marks are not adjacent. The following intervals are required:
 - (1) Two (2) foot contour intervals for ground slopes up to ten percent (10%); and
 - (2) Five (5) foot contour intervals for ground slopes exceeding ten percent (10%).

SECTION 6.10 Cont.

- (d) A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.
 - (e) A stage development schedule demonstrating that the developer intends to commence construction within one (1) year after the approval of the final development plan, and will proceed diligently to completion.
 - (f) A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.
 - (g) If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.
3. An application for a planned development permit shall be considered by the City Planning Commission as follows:
- (a) A public hearing as provided in Article 13.
 - (b) After such hearing, the Commission shall determine whether the proposal conforms to the permit criteria set forth in Section 6.10F and to the Planned Development Regulations in this Article 6, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in its judgment, necessary to ensure conformity to said criteria and regulations. In so doing, the Commission may, in its discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. It shall do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.
 - (c) If a decision is not rendered within sixty (60) days after filing, the application and preliminary development plan shall be deemed approved unless said time has been extended by the Planning Commission for good cause.
 - (d) The determination of the Commission shall become final thirty (30) days after the date of decision unless appealed to the City Council in accordance with Article 14 of this Ordinance.

SECTION 6.10 Cont.

C. Final Approval (Stage Two):

1. Within one (1) year after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development, or when submission in stages has been authorized pursuant to Section 6.10B for the first unit of the development, a public hearing shall be held on each such application as provided in Article 13.
2. After such hearing, the Commission shall determine whether the proposal conforms to the permit criteria set forth in Section 6.10F and to the Planned Development Regulations in this Article 6, and may approve or disapprove the application.
3. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:
 - (a) The location of water, sewerage and drainage facilities;
 - (b) Detailed building and landscaping plans and elevations;
 - (c) The character and location of signs; and
 - (d) Plans for street improvements and grading or earth moving plans.
 - (e) The elevations of all points used to determine contours shall be indicated on the preliminary plan and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data shall be clearly indicated and shall be compatible to city datum, if bench marks are not adjacent. The following intervals are required:
 - (1) Two (2) foot contour intervals for ground slopes up to ten percent (10%).
 - (2) Five (5) foot contour intervals for ground slopes exceeding ten percent (10%).
4. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development.

SECTION 6.10 Cont.

5. Copies of legal documents required by the Commission for dedication or reservation of public facilities, or for the creation of a non-profit homes association, shall also be submitted.
 6. Within thirty (30) days after the filing of the final development plan, the Planning Commission shall forward such development plan and the original application to the Sanitary Authority and Tualatin Fire District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Commission shall not act on a final development plan until it has first received a report from the agencies or until more than thirty (30) days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.
 8. Upon receipt of the final development plan, the Planning Commission shall examine such plan and determine:
 - (a) Whether it conforms to all applicable criteria and standards; and
 - (b) Whether it conforms in all substantial respects to the preliminary approval; or
 - (c) Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.
 9. If the Commission permits the applicant to revise the plan, it shall be resubmitted as a final development plan within sixty (60) days. If the Commission approves, disapproves or grants such permission to resubmit, the decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council, in accordance with Article 14 of this Ordinance.
- D. A planned development permit may be granted by the Planning Commission only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Article 6:
1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.

SECTION 6.10 Cont.

2. That the location, design and size are such that the development can be well integrated with its surroundings, and in the case of a departure in character from surrounding uses that the location and design will adequately reduce the impact of the development.
3. That the location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.
4. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
5. That the location, design, size and uses will result in the attractive, healthful, efficient and stable environment for living, shopping or working.

E. Mapping:

Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.

F. Limitation on Resubmission:

Whenever an application for a Planned Development permit has been denied, no application for the same area or any portion thereof shall be filed by the same applicant within one year (1) after the date of denial.

G. Adherence to Approved Plan and Modification Thereof:

The applicant shall agree in writing to be bound, for himself and his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

SECTION 6.10 Cont.

- H. In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the City Planning Commission may, after notice and hearing, revoke a Planned Development permit. General economic conditions that affect all in a similar manner may be considered as a basis for an extension of a development schedule. The determination of the Commission shall become final thirty (30) days after the date of decision unless appealed to the City Council.

SECTION 6.11 CHANGES OF PERMITTED RESIDENTIAL USES WITHIN A ZONE

- A. Except as otherwise stated herein, an owner may change the residential use of his land within a specified zone without review and approval by the Planning Commission, provided:
1. The parcel is less than two (2) acres;
 2. The use is permitted within the zone;
 3. The use is in compliance with Comprehensive Plan density limits; and
 4. The use does not increase the density of use per acre.
- B. An owner of a parcel of land of two (2) or more acres who wishes to change the specific residential use on the land to a similar use within a zone shall apply for a change of use to the Planning Commission as follows:
1. Upon application, formal notice shall be provided to tenants on the land and to adjacent land owners within two hundred fifty (250) feet of the affected property. Not less than thirty (30) days after the formal notice, a public hearing as set forth in Article 13 shall be held.
 2. The owner will bear the burden of proving that the change of use is a better use of the land than the current use pursuant to the purposes and objectives of the Comprehensive Plan and this Zoning Ordinance.
- C. An owner of less than two (2) acres who does not meet the requirements of Section 6.11A and wishes to change the specific residential use on the land to a similar use within a zone shall be subject to the provisions of Section 6.11B.

SECTION 6.11 Cont.

- D. The conversion of any building into a dwelling, or the conversion of a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a zone in which a new building of similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction and use in such zone.

ARTICLE 7.

GENERAL REGULATIONS

SECTION 7.01 OFF-STREET PARKING REGULATIONS

A. General Provisions:

1. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Planning Commission as minimum criteria. The Planning Commission shall have the authority to vary these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Zoning Ordinance.
2. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Commission.
3. In cases of enlargement of a building or a change of use from that existing on the effective date of this Ordinance, the number of parking spaces required shall be based on the floor area of the enlarged building or changed use as set forth in this Section.
4. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.
5. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.

SECTION 7.01 Cont.

6. Off-street parking spaces existing prior to the effective date of this Ordinance, may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are accessory.
7. The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.
8. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary permit is approved pursuant to Section 7.04.
9. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
10. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least four (4) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening.
11. All areas used for parking and maneuvering of cars shall be surfaced with screened gravel, asphalt, or concrete, and shall provide for suitable drainage.
12. Artificial lighting which may be provided shall be so deflected as not to shine into adjoining structures used as dwellings or other types of living units.
13. Off-street parking requirements for types of uses and structures not specifically listed in this Ordinance shall be determined by the Planning Commission.
14. When the parking standards require ten (10) or more parking spaces, up to thirty percent (30%) of these may be compact car spaces as identified in Section 4.04 -- Definitions, and shall be appropriately identified.

SECTION 7.01 Cont.

15. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, the planting areas adjoining said curbs shall be increased a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be a total increase in planting area of seven (7) feet.

B. Minimum Off-Street Parking Requirements:

<u>Uses</u>	<u>Requirements</u>
1. Residential.	
(a) Single and attached dwelling units and any apartments of less than ten (10) units.	2 spaces/dwelling unit
(b) Apartments of ten (10) or more units, hotel	1 1/2 spaces/guest accommodation
2. Commercial Residential.	
(a) Hotel	1 space/bedroom
(b) Motel	1 space/bedroom
(c) Clubs, Lodges	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
3. Institutions.	
(a) Welfare or correctional institution	1 space/3 beds for patients or inmates
(b) Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space/2 beds for patients or residents
(c) Hospital	2 spaces/bed

SECTION 7.01 Cont.

4. Places of Public Assembly:

- (a) Church 1 space/4 seats, or 8 ft. of bench length in the main auditorium

*Single-family and duplex parking may be tandem, one car behind the other.

<u>Uses</u>	<u>Requirements</u>	
(b) Library, reading room, museum, art gallery	1 space/400 sq. ft. of floor area	
(c) Preschool nursery, kindergarten	2 spaces/teacher	
(d) Elementary or Junior High School	1 space/4 seats, or 8 ft. of bench length in auditorium or assembly room, whichever is greater	H
(e) High School	1 space/employee, plus 1 space each 6 students, or 1 space/4 seats, or 8 ft. of bench length in the main auditorium, whichever is greater	
(f) College, commercial school for adults	1 space/3 seats in classrooms	
(g) Other auditorium, meeting rooms	1 space/4 seats, or 8 ft. of bench length	
5. Commercial Amusements:		
(a) Stadium, arena, theater	1 space/4 seats, 8 ft. of bench length	
(b) Bowling alley	5 spaces/lane	
(c) Dance hall, skating rink	1 space/150 sq. ft. of floor area	

SECTION 7.01 Cont.

6. Commercial:

- | | |
|---|--|
| (a) Retail store except supermarkets and stores selling bulky merchandise and grocery stores 1,500 sq. ft. gross floor area or less | 1 space/200 sq. ft. of floor area |
| (b) Commercial retail, 1,501 sq. ft. or more | 1 space/200 sq. ft. of floor area |
| (c) Service or repair shops | 1 space/200 sq. ft. of floor area |
| (d) Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building | 1 space/600 sq. ft. of floor area |
| (e) Bank, office (except medical and dental) | 1 space/250 sq. ft. of gross floor area |
| (f) Medical and dental office or clinic | 1 space/250 sq. ft. of gross floor area |
| (g) Eating or drinking establishments | 1 space/200 sq. ft. of floor area |
| (h) Mortuaries | 1 space/4 seats, or 8 ft. of bench length in chapels |

7. Industrial.

- | | |
|---|--|
| (a) Manufacturing establishment | 1 space/500 sq. ft. of floor area |
| (b) Storage warehouse, wholesale establishment, rail or trucking freight terminal | 1 space/2,000 sq. ft. of floor area up to 40,000 sq. ft.; 1 space/4,000 sq. ft. thereafter |

SECTION 7.01 Cont.

Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for said other uses.

C. Minimum Off-Street Loading Requirements:

Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

1. Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths in accordance with the following table:

<u>Square Feet of Floor Area</u>	<u>Number of Berths Required</u>
Less than 5,000	0
5,000 - 30,000	1
30,000 - 100,000	2
100,000 and over	3

2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar use which has a gross floor area of 30,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table:

<u>Square Feet of Floor Area</u>	<u>Number of Berths Required</u>
Less than 30,000	0
30,000 - 100,000	1
100,000 and over	2

3. A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

SECTION 7.01 Cont.

4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
5. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

SECTION 7.02 SIGNS

- A. The following signs are permitted in any district with the following specific conditions:
 1. Residential Name Plates:
 - (a) Shall not exceed two (2) square feet;
 - (b) Shall be limited only to the title, name, and address of the occupant of the premises upon which the sign is located;
 - (c) Only one (1) such sign shall be permitted upon the premises; and
 - (d) May be illuminated by indirect lighting only.
 2. Bulletin Boards for Public and Semi-Public Institutions:
 - (a) Shall not exceed eighteen (18) square feet;
 - (b) Shall pertain only to the institution on the premises;
 - (c) May be illuminated by indirect lighting only;
 - (d) Only one (1) such bulletin board shall be permitted upon the premises; and
 - (e) Must observe the same yard setback requirements as required for the structure on the premises.
 3. Real Estate Signs Advertising Individual Lots:
 - (a) Shall not exceed six (6) square feet;

SECTION 7.02 Cont.

- (b) Shall pertain only to the property upon which they are located;
 - (c) Shall be located at least ten (10) feet behind the front lot line;
 - (d) Shall not exceed four (4) feet in height;
 - (e) Shall be temporary in nature; and
 - (f) Shall not be artificially illuminated.
4. Signs advertising a legally recorded subdivision in its entirety or the sale, rental, or lease of tracts of land in excess of five (5) acres:
- (a) Shall not exceed sixty (60) square feet;
 - (b) Shall pertain only to property upon which they are located;
 - (c) Shall observe the yard setback requirements of the zone in which they are located;
 - (d) Only one (1) such sign shall be permitted upon the premises.
 - (e) Shall not be artificially illuminated.
 - (f) Shall be situated in such a manner so as not to adversely affect safety, corner vision or other similar conditions.
 - (g) Such signs as pertaining to recorded subdivisions shall not remain upon the premises in excess of eighteen (18) months from the date of filing of the subdivision unless an extension of this time limit has been granted by the Planning Commission.
5. Signs Pertaining to Home Occupations: (As defined within this Ordinance):
- (a) Shall not exceed three (3) square feet;
 - (b) Shall be located inside the dwelling or located flat against the dwelling within which the home occupation is conducted;
 - (c) Only one (1) such sign shall be permitted upon the premises; and

SECTION 7.02 Cont.

(d) Shall not be artificially illuminated.

B. The following regulations shall apply to any Commercial or Industrial Use:

1. Signs advertising the sale or rental of premises, products or services of a commercial nature.
 - (a) Total square feet of all the signs must not exceed the width of the building occupied by the use advertised. The width of building to be measured at the building line.
 - (b) Any exterior signs shall pertain only to the use conducted on the premises.
 - (c) Signs shall not extend more than four (4) feet above the roof of the structure containing the use.
 - (d) Artificially illuminated signs shall be placed or deflected so as not to shine into adjoining residential areas and shall not be of the flashing, intermittent type.
 - (e) All signs must meet the setback requirements of the zone in which located.
2. Billboards and outdoor advertising structures are prohibited in any Commercial and Industrial District.
3. Signs pertaining to traffic and directing the flow of traffic upon the premises.
4. All signs shall be situated in such a manner so as not to adversely affect health, safety, corner vision, or other similar conditions.

C. In the event of a conflict with a provision of a Sign Ordinance which is adopted subsequent to this Zoning Ordinance, the Sign Ordinance shall prevail.

SECTION 7.03 LIVESTOCK AND FARM ANIMALS

A. Under no circumstances shall any livestock animals, farm animals, poultry or fowl be kept for commercial purposes in a Residential or Planned Development Zone. Cows, horses, sheep or goats cannot be kept on lots having an area of less than one (1) acre. The total number of such animals (other than their young under the age of six (6) months) allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed below. The raising of swine is not permitted in any zone.

SECTION 7.03 Cont.

1. One (1) Horse or Cow: Twenty thousand (20,000) square feet.
 2. One (1) Goat or Sheep: Ten thousand (10,000) square feet.
- B. Animal runs or barns, chicken or fowl pens shall be located on the rear half of the property but not closer than seventy (70) feet from the front property line or closer than one hundred (100) feet from any residence other than the residence of the owner.
- C. Animals, chickens and/or fowl shall be property caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.

SECTION 7.04 TEMPORARY STRUCTURES AND USES

- A. The Planning Commission after hearing as set forth in Article 13, may permit the temporary use of a structure or premises in any zone for a purpose or use that does not conform to the regulations prescribed elsewhere in this Ordinance for the zone in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A permit for such use may be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. Such permits may be renewable upon re-application to the Commission.
- B. The Planning Director of the City and his staff shall be authorized to issue, without public hearing and upon application, a temporary permit for a use of less than two (2) weeks duration which does not involve the erection of a substantial structure. Examples of such uses are farmer's market sales, christmas tree sales and Boones Ferry Days. For the purposes of this provision, those structures commonly associated with Boones Ferry Days are not "substantial structures.

SECTION 7.05 USES NOT LISTED

- A. The Planning Commission may permit any use in any zone which use is not specifically listed but which is determined by the Commission to be of the same general character as those which are so listed as permitted in such zone.

SECTION 7.06 CONFORMANCE REQUIRED

- A. Except as herein specified, no land, building, structure or premises shall be used, and no building or part thereof or other structure, shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the zone in which it is located.

SECTION 7.07 UNSAFE BUILDINGS

- A. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or structure declared unsafe by proper authority. The proper authority shall be determined by the Planning Commission.

SECTION 7.08 ACCESS AND EGRESS

- A. Each access onto streets shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit.

SECTION 7.09 SIGHT-OBSCURING FENCE OR PLANTING

- A. The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to one hundred ten percent (110%) of the cost of such fence or planting and its installation. (See Design Review Ordinance No. 38 for additional requirements.)

SECTION 7.10 DOUBLE FRONTAGE LOTS

- A. Buildings on through lots and corner lots must meet the front yard setback on both streets.

SECTION 7.11 SERVICE STATIONS

- A. The Planning Commission shall disapprove all applications for new stations unless a need shall be established and the design, location and use is compatible with and does not adversely impact the surrounding uses.
- B. No gasoline station shall be located closer than two hundred (200) feet from any school, public playground, church, hospital, or institution for dependents or children.
- C. Dimensional Standards:
- I. Minimum Front Yard Setback:
 - (a) Building or Structures: Thirty (30) feet from property line.

SECTION 7.11 Cont.

- (b) Signs, gasoline pumps, pump islands, and enclosed buildings, excluding attached or detached canopies: Fifteen (15) feet from property line.
 - (c) Attached or Detached Canopies: Two (2) feet from property line.
 - 2. Minimum Rear Yard Setback: As required in the particular district.
 - 3. Minimum Side Yard Setback: As required in the particular district.
 - 4. Minimum Street Frontage: One hundred (100) feet.
 - 5. Minimum Lot Depth: Sixty (60) feet.
 - 6. Minimum Lot Size: Twelve thousand (12,000) square feet.
 - 7. All other dimensional standards as required in the particular district.
- D. Vehicles: All vehicles for service, parked or under the control of any employee shall be on private property and shall not be on any required landscaped area.
- E. Permitted Services: Sales and services shall be limited to the sale of motor fuels and supplying goods and service generally required in the operation and maintenance of automotive vehicles and fulfilling a motorist's needs. Those may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major automotive repairs, painting, and body and fender work are excluded.
- F. Access, Parking and Circulation Requirements:
- 1. Each developed site shall not have more than two (2) accessways to any one street.
 - 2. On-site parking shall be provided for each employee on duty. The peak employment period shall be used to determine the number of employee parking spaces.
 - 3. No vehicles subject to the control of the operator of the premises may temporarily be parked on sidewalks, parkways, driveways, alleys or other public ways.

SECTION 7.11 Cont.

- G. Site Screening: Where a service station abuts property in a residential district, a six (6) foot high, solid masonry wall, site-screening decorative fence, or dense evergreen hedge shall be constructed and maintained on such abutting lines. When the wall, fence, or screening reaches the required front yard setback, it shall decrease to a height of three (3) feet.
- H. Lighting: All outside lighting shall be so arranged and shielded so as not to shine into adjacent residential areas and to prevent any undue glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property. All lighting used shall be erected only on the same premises with the use.
- I. All proposed service stations may be subject to design review by the City depending upon the particular site to be utilized in the establishment thereof.
- J. Service stations shall, in addition to the above, meet the following requirements:
 - 1. No vehicle may be parked on the premises and offered for sale, lease, or rent.
 - 2. Automotive repair and lubricating operations and all sales other than petroleum products shall be conducted within the service station building.
 - 3. Signs shall not cause any glare or reflection of light on other property or building.
 - 4. No banner or pennants shall be permitted except by Temporary Permit.
 - 5. Landscaping:
 - (a) A minimum of One hundred (100) square feet of raised planting area shall be installed and maintained at the intersection of the property lines at a street corner.
 - (b) A minimum of Twenty (20) square feet of raised planting area shall be installed and maintained along the building facades fronting on a street.
 - (c) Entrances of all restrooms shall be screened from view of adjacent properties or street right-of-way.

SECTION 7.11 Cont.

- (d) All outside trash, garbage, and refuse areas shall be enclosed on at least four (4) sides, and each side shall be at least six (6) feet in height.

SECTION 7.12 PROTECTION OF NATURAL FEATURES

A. Purpose:

1. To protect the natural environmental and scenic features of the City of Wilsonville.
2. To encourage site planning and development practices which protect and enhance natural features such as streams, swales, ridges, rock outcroppings, views, large trees and wooded areas.
3. To provide ample open space and to create a manmade environment compatible and harmonious with the natural environment.

B. General Terrain Preparation:

1. All developments shall be planned, designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.
2. All grading, filling and excavating done in connection with any development shall be in accordance with Chapter 70 of the Uniform Building Code.
3. In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:
 - (a) Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
 - (b) Avoid substantial probabilities of (1) accelerated erosion; (2) pollution, contamination, or siltation of lakes, rivers and streams; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
 - (c) Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

SECTION 7.12 Cont.

C. Hillside:

All development proposed on slopes of twelve percent (12%) or greater shall be limited to the extent that:

1. No land over twenty percent (20%) in slope shall be developed, except on lots of record and only where density transfer is not feasible. No partition or subdivision shall create any new lot which cannot be developed under the provisions of this section.
2. At least seventy percent (70%) of such slopes shall remain free of structures or impervious surfaces.
3. Grading and stripping of vegetation is limited to no more than thirty percent (30%) of such slopes. Slope stabilization and revegetation plans shall be included as part of the developer's drainage plans.
4. Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.
5. Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided.
6. Roads shall be of minimum width, with grades consistent with the City's Public Works Standards.
7. Maintenance, including re-vegetation, of all grading areas is the responsibility of the developer, and shall occur within two years following the final approval of the development.

D. Trees and Wooded Areas:

1. All developments shall be planned, designed, constructed and maintained so that:
 - (a) Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
 - (b) Existing wooded areas, significant clumps/groves of trees and vegetation, and all conifers and oaks with a diameter of six inches or greater and all deciduous trees with a diameter of eight inches or greater shall be incorporated into the development plan wherever feasible.

SECTION 7.12 Cont.

- (c) Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- 2. Trees and woodland areas to be retained shall be protected during site preparation and construction according to county design specifications by:
 - (a) Avoiding disturbance of the roots by grading and/or compacting activity.
 - (b) Providing for water and air filtration to the roots of trees which will be covered with impermeable surfaces.
 - (c) Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
 - (d) Requiring, if necessary, a special maintenance/management program to insure survival of specific woodland areas of specimen trees.

E. Rivers and Stream Corridors:

- I. All developments shall be planned, designed, constructed, and maintained so that:
 - (a) River and stream corridors are preserved to the maximum extent feasible and water quality is protected through adequate drainage and erosion control practices.
 - (b) Buffers or filter strips of natural vegetation are retained along all river and stream banks.
 - (c) Standards:
 - (i) Riparian vegetation that protects stream banks from eroding shall be maintained or enhanced along major drainageways for a minimum of twenty (20) feet from the channel bottom centerline plus one additional foot for each one percent of bank slope greater than twelve percent (12%);

SECTION 7.12 Cont.

- (2) Along minor drainageways for a minimum of ten (10) feet from the channel bottom centerline plus one additional foot for each one percent of slope greater than twelve percent (12%);
- (3) Along seasonal drainageways for a minimum of ten (10) feet from the channel bottom centerline.

This standard policy should not be construed to mean that clearing of debris from the streambed itself is prohibited, normal clearance of the streambed to allow for unimpaired flow of water is encouraged and should be periodically scheduled as a standard system maintenance function.

2. The minimum separation distance necessary to maintain or improve upon existing water quality shall be the required setback for buildings or structures proposed alongside of any river or perennial streambed. This distance shall be determined by a site investigation, but will not exceed one hundred fifty (150) feet. Investigation shall consider:
 - (a) Soil types;
 - (b) Types and amount of vegetation cover;
 - (c) Bank stability;
 - (d) Slope of the land abutting the stream;
 - (e) Hazards of flooding;
 - (f) Stream character; and
 - (g) Any special plan designation such as the Willamette River Greenway or area of special concern.
3. All development proposed in flood plain areas shall be governed by provisions of City of Wilsonville Resolutions 60 and 61 and consistent with Federal Flood Insurance Regulations.
4. The siting/construction of subsurface sewage disposal fields within one hundred (100) feet of any water course is prohibited.
5. The diversion or impoundment of stream courses which adversely impact fisheries, wildlife, water quality or flow is prohibited.

SECTION 7.12 Cont.

F. Wildlife Habitats and Distinctive Resource Areas:

1. All developments shall be planned, designed, constructed, and maintained so as to:
 - (a) Minimize adverse wildlife impacts in sensitive habitat areas, riparian areas, and wetlands.
2. All developments proposed in or near (within one hundred (100) feet) natural wetlands shall be designed to:
 - (a) Preserve functions of groundwater recharge, water storage, turbidity reduction, nutrient filtration, biologic or botanical production, and protective habitat cover.
 - (b) Limit uses to those compatible with the continued performance of wetland functions, such as:
 - (1) Conservation of soil, vegetation, water, fish, and wildlife.
 - (2) Low intensity, "dispersed" outdoor recreation (hiking, nature study).
 - (3) Utility easements, but only on peripheral areas and where alternative alignments are impractical.
 - (c) Maintain the runoff coefficient and erosion equilibrium for lands bordering the wetland substantially the same as if such lands were undeveloped. Pier construction, elevated pedestrian boardwalks, semi-impervious surfacing, bridging of natural drainageways, and retention of vegetation in areas not intended for buildings or roads are recommended design methods.

G. Hazards to Safety:

Purpose:

1. To protect lives and property from natural or man-induced geologic or hydrologic hazards and disasters.
2. To protect property from damage due to soil hazards.
3. To protect lives and property from forest and brush fires.

SECTION 7.12 Cont.

4. To avoid financial loss resulting from development in hazard areas.

Standards for Earth Movement Hazard Areas:

1. No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions:
 - (a) Stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property. Appropriate conditions of approval may be attached by the City.
 - (b) An engineering geologic study approved by the City establishing that the site is stable for the proposed use and development. The study shall include the following:
 - (1) Index map.
 - (2) Project description, to include: location; topography, drainage, vegetation; discussion of previous work; and discussion of field exploration methods.
 - (3) Site geology, to include: site geologic map; description of bedrock and superficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones.
 - (4) Discussion and analysis of any slope stability problems.
 - (5) Discussion of any off-site geologic conditions that may pose a potential hazard to the site or that may be affected by on-site development.
 - (6) Suitability of site for proposed development from geologic standpoint.
 - (7) Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
 - (8) Supportive data, to include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory tests; and references.

SECTION 7.12 Cont.

- (9) Signature and certification number of engineering geologist registered in the State of Oregon.
 - (10) Additional information or analyses as necessary to evaluate the site.
2. Vegetative cover shall be maintained or established for stability and erosion control purposes.
 3. Diversion of storm water into these areas shall be prohibited.
 4. The principle source of information for determining earth movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site specific engineering geologic studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the earth movement hazards data base.

H. Standards For Flood Hazard Areas:

1. Development proposed in flood hazard areas, in addition to provisions of City of Wilsonville Resolution 60 and 61, shall be limited to the extent that:
 - (a) Clearing, stripping of vegetation and coverage of the site by roads and structures shall be no more than necessary to maintain water quality and meet the provisions of Section 1011.
 - (b) Buildings shall be clustered to minimize alteration of terrain and other natural features.

I. Standards for Soil Hazard Areas:

1. Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
2. The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards data base accordingly.

SECTION 7.12 Cont.

J. Historic Protection:

Purpose:

To preserve structures, sites, objects, and areas within the City of Wilsonville having historic, cultural, or archaeological significance.

1. Standards:

- (a) All developments shall be planned, designed, constructed, and maintained to assure protection of any designated historic or cultural resource on or near the site. Restrictions on development may include:
 - (1) Clustering of buildings and incorporation of historic and/or cultural resources into site design in a manner compatible with the character of such resource.
 - (2) Limitations on site preparation and grading to avoid disturbance of areas within any historic or archaeological sites, monuments or objects of antiquity.
 - (3) Provision of adequate setbacks and buffers between the proposed development and the designated resources.
- (b) The City may attach additional conditions with respect to the following design factors in protecting the unique character of historic/cultural resources:
 - (1) Architectural compatibility;
 - (2) Proposed intensity of development;
 - (3) Relationship to designated open space;
 - (4) Vehicular and pedestrian access; and
 - (5) Proposed building or structural mass in relation to the designated resource.

2. Review Process:

- (a) The Design Review Board shall be the review body for:
 - (1) All development which proposes to alter a designated historic or cultural resource or resource site;

SECTION 7.12 Cont.

- (2) All development which proposes to use property adjacent to a designated cultural resource; and
 - (3) All applications requesting designation of a cultural or historic resource.
- (b) The application shall include the following:
- (1) A complete list of exterior materials, including color of these materials.
 - (2) Drawings:
 - (a) Side elevation for each side of any affected structure.
 - (b) Drawings shall show dimensions or be to scale.
 - (c) Photographs may be used as a substitute for small projects.
 - (3) Plot plans shall be submitted for new structures, fences, additions exceed fifty (50) square feet, or any building relocation.
 - (4) Other information may be required as necessary to allow complete review of the proposal.
- (c) Any improvement proposed for property adjacent to a designated cultural or historic resource site shall be subject to the following provisions:
- (1) All uses and structures which are incompatible with the character of the cultural or historic resource are prohibited. The criteria used to determine incompatibility shall include the following:
 - (a) The intensity and type of use when compared with the historic use patterns of the areas.
 - (b) The orientation, setback, alignment, spacing and placement of buildings.
 - (c) The scale, proportions, roof forms, and various architectural features of building design.

SECTION 7.12 Cont.

- (2) Setbacks may be required which are over and above those required in the base zone in order to protect the resource. Setbacks should be appropriate to the scale and function of the resource, but allow reasonable use of the adjacent property.
 - (3) An appropriate buffer or screen may be required between the new or converting use on the adjacent property and the resource.
- (d) Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external reconstruction thereof, nor does this Ordinance prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the building officer certifies to the Commission that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of acceptable building practices.
- (e) The owner, occupant or other person in actual charge of a cultural resource, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvement, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay or any exterior architectural feature.

F. Alteration and Development Criteria:

- I. Demolition or alteration of any structure, or any change in any site or object which has been designated as a cultural resource, is prohibited unless it is determined:
 - (a) In the case of a designated cultural resource, the proposed work would not detrimentally alter, destroy or adversely affect any exterior architectural or other identified feature; or

SECTION 7.12 Cont.

- (b) In the case of any property located within a historic district, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration conforms to any prescriptive standards as adopted by the City, and does not adversely affect the character of the district; or
- (c) In the case of construction of a new improvement, building or structure upon a cultural resource site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on said site; or
- (d) That no reasonable use can be made of the property without such approval.

G. Cultural Resource Designation Criteria:

A cultural resource may be designated and placed on the Cultural Resources Inventory if it meets the following criteria:

- 1. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history; or
- 2. It is identified with persons or events significant in local, state, or national history; or
- 3. It embodies distinctive characteristics of a style, type, period, or method of construction, or it is a valuable example of the use of indigenous materials or craftsmanship; or
- 4. It is representative of the notable work of a builder, designer, or architect.

ARTICLE 8.

EXCEPTIONS AND MODIFICATIONS

SECTION 8.01 LOT SIZE

- A. The requirements and regulations specified in this Ordinance shall be subject to the following modifications and interpretations:

SECTION 8.01 Cont.

I. Existing Lots of Record:

- (a) It shall be a violation of this Ordinance to partition a parcel of land into a parcel smaller than the lot size required in the Zoning Ordinance. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements.
- (b) In any zone where dwellings are allowed, a one (1) family dwelling may be erected on a lot that has been recorded in the office of the County Assessor and was not contiguous to other property under legal control of the same owner or owners, prior to the effective date of this Ordinance, irrespective of the lot width, depth, or area. A one-family dwelling may be erected on each lot of a recorded plat. However, no dwelling shall be built on a lot less than three thousand (3,000) square feet in area. In any case of a dwelling constructed on a lot smaller than that allowed by a zone, building setbacks must be adhered to.

SECTION 8.02 PROJECTIONS INTO REQUIRED YARDS

A. Certain non-structural architectural features may project into required yards or courts as follows:

I. Into any required yard:

- (a) Architectural features may project into the required yard not more than two (2) inches for each foot of yard setback.
- (b) Open, unenclosed fire escapes may project a distance not exceeding forty-eight (48) inches.

2. Into any required yard, adjoining a street right-of-way:

- (a) Architectural features may project a distance not exceeding forty (40) inches.
- (b) An uncovered porch, terrace, or patio extending no more than two and one-half (2 1/2) feet above the finished elevation may extend within three (3) feet of an interior side lot line, or within ten (10) feet of a front lot line or of an exterior side lot line.

SECTION 8.03 HEIGHT LIMITS

- A. Height limitation stipulated elsewhere in this Ordinance shall not apply:
1. To barns, silos or other farm buildings or structures on farms; to church spires; belfries; cupolas; and domes; monuments; water towers; windmills; chimneys; smokestacks; fire and hose towers; flag poles; above-ground electric transmission, distribution, communication and signal lines, towers and poles; and properly screened mechanical and elevator structures.

SECTION 8.04 SETBACK MODIFICATIONS

- A. In any residential zone where the average depth of at least two (2) existing front yards on adjoining lots or within one hundred fifty (150) feet of the lot in question and within the same block front is less or greater than the minimum front yard depth prescribed elsewhere in this Ordinance, the required depth of the front yard on such lot shall be modified. In such case, the front yard depth shall not be less than the average depth of existing front yards on at least two (2) adjoining lots within one hundred and fifty (150) feet, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet and not exceed forty (40) feet.

ARTICLE 9.

CONDITIONAL USE REGULATIONS

SECTION 9.01 AUTHORIZATION

- A. Conditional Use of property may be granted by the Planning Commission at a public hearing as provided in Section 14.01.

SECTION 9.02 CHURCHES

- A. Zone Permitted: RA1 and R.
- B. Condition Standards:
1. Minimum Lot Area: Ten thousand (10,000) square feet.
 2. Minimum Street Frontage: One hundred (100) feet.
 3. Maximum Coverage: Fifty percent (50%) for all buildings.
 4. Maximum Building Height: Fifty (50) feet.
 5. Minimum Depth: One hundred twenty-five (125) feet.

SECTION 9.03 PUBLIC, PRIVATE AND PAROCHIAL SCHOOLS

- A. Zone Permitted: Any.
- B. Dimensional Standards:
 - 1. Minimum Land Area: Five (5) acres, unless Planning Commission finds a lesser area is appropriate to the use and the location.
 - 2. Front, Rear and Side Yard Setbacks: A minimum of fifty (50) feet.
- C. Off-Street Parking: As required in Section 7.01.

SECTION 9.04 PUBLIC UTILITIES STRUCTURES

- A. Except as provided in Section 9.04B.

All transmission and public utility structures, including, but not limited to, distribution lines and poles, subtransmission structures, lines and poles, double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, microwave towers, satellite antennas, pumping stations and treatment plants shall be regulated as conditional uses in all zones.

- B. Underground pipes and conduits as provided in Ordinance #39 or any subsequent amendments thereto and any existing above ground electric distribution, subtransmission and transmission, communication and signal lines and poles of a single pole system and existing above ground transformers which are not in violation of Ordinance #39 and any subsequent amendment thereto and any current or future applicable franchise agreement shall be a permitted use in any zone. This section shall not be construed as permitting any substantial intensification of use.

SECTION 9.05 TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE

- A. Authorization of a conditional use shall be void after twelve (12) months unless substantial construction pursuant thereto has taken place. However, the Planning Commission may in its discretion, extend authorization for an additional six (6) months upon request.

ARTICLE 10.

NON-CONFORMING USE

SECTION 10.01 CONTINUATION OF USE

- A. A non-conforming use may be continued although not in conformity with the regulations for the zone in which the use is located.

SECTION 10.02 CHANGE OF USE

- A. A non-conforming use or structure may not be changed or altered unless the change or alteration is to the same use classification as prescribed in the Ordinance, or to a classification that more nearly conforms with the regulations for the zone in which the use is located.

SECTION 10.03 DISCONTINUED USE

- A. If a non-conforming use is discontinued for a period of at least twelve (12) consecutive months, the use shall not be re-established.

SECTION 10.04 DAMAGE AND DESTRUCTION

- A. When a non-conforming use or when a structure containing a non-conforming use is damaged by fire or by any other cause exceeding seventy-five percent (75%) of its appraised valuation, as determined by the office of the County Assessor, the non-conforming use or containing structure shall not be re-established. Buildings and uses that conform to the zoning requirements may be established.

SECTION 10.05 ENLARGEMENTS AND MOVING

- A. In cases of practical difficulty and unnecessary hardship, a non-conforming use, in an R1 and R 7 Zone may be enlarged within its containing structure or may be permitted to enlarge up to twenty percent (20%) in floor area of its containing structure as existing on the effective date of this Ordinance or to a size consistent with the neighboring residential usage, whichever is greater on approval of the Planning Commission.

SECTION 10.06 APPLICATION TO THE PLANNING COMMISSION

- A. All applications for expansion of a non-conforming use shall be made to the Planning Commission in writing on forms provided, and shall be filed with the City Recorder at least twenty-one (21) days prior to the meeting at which they are to be heard. Each application shall set forth exactly the hardship and practical difficulty that is claimed. Such application shall also be accompanied by a check or cash payment to cover the cost of the specified fee.
- B. Public Hearing: The Planning Commission shall hold a public hearing on each request or application as set forth in Section 13.01A(2). The Planning Commission shall transmit its action in writing to the applicant within ten (10) days of the hearing.

SECTION 10.07 REPAIRS

- A. Normal maintenance of a structure containing a non-conforming use is permitted provided there are not exterior structural alterations.

ARTICLE II.

VARIANCES

SECTION II.01 GENERAL REQUIREMENTS

- A. Where difficulties exist rendering compliance with the Zoning Ordinance impractical and such compliance would create unnecessary hardship to the owner or user of land or buildings, the Planning Commission may grant a variance from the provisions of this Ordinance after the prescribed public hearing as set forth in Section 13.03, and after an investigation; provided all of the following conditions exist:
1. The difficulty would apply to the particular land or building regardless of the owner.
 2. The request for a variance is not the result of an illegal act on the part of the applicant.
 3. The plight of the owner is due to unique circumstances, such as lot size or shape, topography, and size or shape of building, which are not typical of the general conditions of the surrounding area.
 4. The hardship asserted as a ground for a variance must arise out of the Zoning Ordinance.
 5. The practical difficulty or unnecessary hardship asserted as a ground for a variance must relate to the premises for the benefit for which the variance is sought and not to other premises or personal conditions of the applicant.
 6. The variance does not allow the property to be used for purposes not authorized within the zone involved.

ARTICLE 12.

ZONE CHANGES AND AMENDMENTS

SECTION 12.01 AMENDMENT PROCEDURES

- A. The following procedure shall be followed in applying for the acting on all amendments:

SECTION 12.01 Cont.

1. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after the hearing provide a report and recommendation to the City Council regarding the proposed amendment.

SECTION 12.02 TIME LIMIT

- A. No application shall be received nor acted upon within one (1) year of final action by the Planning Commission or City Council which covered substantially the same real property and which requests substantially the same rezoning, conditional use, variance, temporary use, expansion of a non-conforming use unless either the Planning Commission or City Council permits such reapplications after finding one (1) or more of the following apply:
 1. That new evidence will be presented which was unavailable or unknown to the applicant at previous hearings and which could not have been discovered by reasonable diligence of the applicant.
 2. That there has been a substantial and permanent change or circumstances since the previous hearings which materially affect the applicant's real property.
 3. That a mistake was made at the previous hearings which was a significant factor in the denial of the previous application.

SECTION 12.03 HEARING BY THE CITY COUNCIL

- A. After receipt of the Planning Commission findings, the City Council shall hold a public hearing to consider such findings, and recommendations.
- B. Notice of time, place and purpose of the hearing by the City Council hearing shall be given as outlined in Section 13.01.
- C. At the public hearing or any continuance thereof, the City Council may adopt or reject the request, or any portion thereof, as set forth in the resolution or petition.

SECTION 12.04 EXPIRATION WITHOUT ACTION

- A. All zone changes will expire two (2) years after final approval or the enactment date of this Ordinance, whichever is later, if no development has occurred on the property within that time; provided, however, upon good cause shown the Planning Commission shall extend such zone change for an additional year. In the case of Planned Development Zones, the zone change will not expire if substantial development has occurred on part of the land initially zoned and if development was contemplated in phases.

ARTICLE 13.

PUBLIC HEARINGS

SECTION 13.01 NOTICE OF PUBLIC HEARING

- A. When either the Planning Commission or City Council elects or is required to hold a public hearing, notice thereof shall be given as follows:
1. Notice of a hearing or amendment of this Ordinance or of a change of zone, or modification of the zoning map or amendments thereto, shall be published in a newspaper of general circulation in the City of Wilsonville not less than five (5) days prior to the date of hearing. In addition, notice of hearing shall be given as provided in paragraph 2 of this Section.
 2. Notice of hearing on allowance of a conditional use, a variance, a temporary use, or of an appeal from a ruling of the Planning Commission thereon, shall be mailed to the owners of all property within two hundred fifty (250) feet of the exterior boundaries of the property affected not less than ten (10) days prior to the date of hearing. For this purpose the names and addresses of the owners as shown on the records of the County Assessor or City Recorder may be used.

SECTION 13.02 CONTINUANCE OF HEARING

- A. The Planning Commission or City Council may continue a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to resume shall be announced.

ARTICLE 14.

APPEALS

SECTION 14.01 RIGHT OF APPEAL

- A. Any final order, requirement, decision, determination, interpretation or ruling made by the Planning Commission in the administration or enforcement of the provisions of this Ordinance, may be appealed to the City Council. An appeal stays proceedings in the matter appealed until determination of the appeal.

SECTION 14.02 NOTICE OF APPEAL, FORM AND CONTENTS

- A. The notice of appeal shall be in writing and shall be filed in the office of the City Recorder upon forms provided. An appeal of any final order, requirement, decision, determination or interpretation by the Planning Commission in the administration or enforcement of the provisions of this Ordinance, must set forth specifically the conditions being appealed.

SECTION 14.03 FILING DEADLINE

- A. An appeal must be filed within fifteen (15) days after the decision of the Planning Commission.

SECTION 14.04 HEARING DATE NOTICE

- A. Upon receipt of the notice of appeal, the City Council shall set the matter for hearing and give notice of the date, time and place thereof, to the applicant, to the property owner whose property or use was subject to the action by the Planning Commission, to the Planning Commission and to any party at interest who has requested in writing to be so notified, and no other notice thereof need be given.

SECTION 14.05 AUTHORITY OF THE CITY COUNCIL

- A. Upon hearing the appeal, the City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the order, requirement, decision, determination, interpretation or ruling appealed from; or make and substitute such other or additional decisions or determinations it may find warranted under the provisions of this Ordinance. The City Council shall forthwith transmit a copy of the decision to the applicant, or appellant, and the Planning Commission.

ARTICLE 15.

ADMINISTRATION AND ENFORCEMENT

SECTION 15.01 ADMINISTRATION

- A. It shall be the duty of the Planning Commission to administer and enforce the provisions of this Ordinance.

SECTION 15.01 Cont.

- B. The records of the Zoning Ordinance and all amendments shall be officially held within the office of the City Recorder. All amendments to text and/or Official Zoning Map shall be approved or rejected by the City Council and acknowledged by the Mayor and attested by the City Recorder. Each action that changes a zoning district boundary shall be included on a new Official Zoning Map and approved by the Mayor and attested by the City Recorder and filed in the office of the City Recorder and will be the correct and binding zoning in all cases.

SECTION 15.02 VIOLATIONS

- A. A violation of any provision of this Ordinance is punishable, upon conviction, by:
 - 1. A fine of not more than \$100 for each day of violation where the offense is a continuing offense.
 - 2. A fine of not more than \$500 where the offense is not a continuing offense.

SECTION 15.03 ENFORCEMENT

- A. The City Attorney, at the request of the City Council, shall institute any necessary legal proceedings to enforce the provisions of this Ordinance.

SECTION 15.04 SUPERSEDURE

- A. All other zoning ordinances or regulations, by whatever authority resolved or ordained, are herewith superseded, and all such previous zoning ordinances are repealed.

SECTION 15.05 SAVING CLAUSE

- A. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid; each section, clause and provision hereof being declared severable.

ARTICLE 16.

FEEES

SECTION 16.01 FEEES

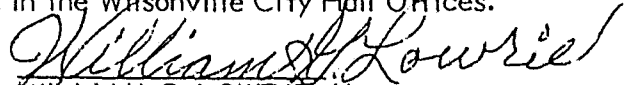
- A. Fees are for the purpose of defraying administrative costs and shall be governed by the provisions of Wilsonville Ordinance No. 137, any subsequent amendment thereto, and/or any subsequent Resolution duly adopted by the City of Wilsonville.

ARTICLE 17.

EFFECTIVE DATE

SECTION 17.01 EFFECTIVE DATE

- A. This Ordinance modifies and supersedes the Wilsonville, Oregon Zoning Ordinance No. 23 previously enacted June 1, 1971, and inasmuch as this Ordinance is necessary for the health, peace, safety and welfare of the City of Wilsonville and the inhabitants thereof, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final passage by the City Council and approval by the Mayor.
- B. This Ordinance was recommended by the Wilsonville City Planning Commission after study and public hearings as required by ORS 227.250 and the provisions of Zoning Ordinance No. 23. The Commission's last public hearing was commenced on July 14, 1980, after notice thereof was published in the Wilsonville Times on July 9, 1980, was continued to July 22, 1980 for additional public hearing, and was continued to July 29, 1980 for final action. Written notices of the public hearing were sent to all property owners in the City of Wilsonville on July 2, 1980. The final report and recommendations of the City Planning Commission were made to and filed with the City Council on July 31, 1980, and the Council conducted a public hearing on August 4, 1980, as required by ORS 227.260 after notice thereof was published in the Wilsonville Times on July 23, 1980 and July 30, 1980 and this Ordinance was then passed on first reading at a regular meeting of the Wilsonville City Council held on the 4th day of August, 1980; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and considered for final reading and subsequently amended and passed on first reading by action of the Wilsonville City Council at a special meeting held on the 14th day of August 1980, at the hour of 7:30 a.m. and continued to another special meeting held at 7:30 p.m. the same day; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a special meeting thereof to be held on the 26th day of August, 1980, at the hour of 7:30 p.m., Oregon Daylight Saving Time, at the Council's regular meeting place in the Wilsonville City Hall Offices.


WILLIAM G. LOWRIE, Mayor


ATTEST:


DEANNA J. THOM, City Recorder

Passed on final reading at a special meeting of the Wilsonville City Council this 26th day of AUG., 1980, by the Following vote: Yeas 4. Nays 1. Approved by the Mayor this 29 day of AUG., 1980.


WILLIAM G. LOWRIE, Mayor

ATTEST:


DEANNA J. THOM, City Recorder