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**STAFF REPORT TO THE PLANNING COMMISSION  
FOR THE  
WORK SESSION ON DECEMBER 5, 2011  
UPDATE THE DESIGN REVIEW AND OFF-STREET PARKING REGULATIONS  
CASE FILE: PC 2011-1399**

**PART I. INTRODUCTION**

This staff report introduces proposals intended to address the Planning Commission 2010 work program task to consider whether the County's Design Review and Off-Street Parking and Loading ordinances are suitable to meet the needs of rural development. The County's Design Review regulations were adopted in 1977, and Off-Street Parking codes were adopted back in the 1960s, and both remain substantially the same today. Staff understands that the County's focus for these codes was urban development because substantial areas of what is now east Portland were unincorporated until the early 1990's. The County code contained commercial and industrial zoning regulations needed to manage development in those areas. The planning program has undergone a shift from an urban/suburban planning program to rural planning resulting in a more limited scope of most projects.

This work session staff report looks at the Design Review and the Off-Street Parking and Loading language and proposes potential code revisions to both ordinances in consideration of planning's change in focus. Staff has included proposals to amend related regulations in the following topic areas;

- Clarify applicability of Design Review to certain Type B home occupations;
- Provide for a simpler Design Review process for small scale development;
- Simplify the Design Review process and criteria.

This staff report is organized into the parts listed below. The zoning code citations in Part III reference MCC Chapter 36 and those in Part IV reference MCC Chapter 33. However, conforming amendments to Chapters 34 and 35 may also be recommended. Staff has attached Framework Plan Policy 19 which includes a discussion of the rationale behind community design along with policy objectives and strategies that form guidelines for regulations. Staff has also attached the West of Sandy River (WSR) Policies 22, 23, & 24 and current Design Review and Off Street Parking regulations. These are designated as Attachments A, through F, respectively.

- II. Framework & Rural Area Plan Policies
- III. Updating West of Sandy River Rural Center Zoning
- IV. Projects subject to Design Review
- V. Design Review Process & Criteria
- VI. Off-Street Parking and Loading Modifications

## **PART II. FRAMEWORK & RURAL AREA PLAN POLICIES**

Determining the extent to which the design review process meets the needs of the rural area begins with a search of the Framework Plan & Rural Area Plans. Planning staff reviewed the Framework Plan Policies and various rural area plans for policies or strategies related to Design Review. Framework Plan Policy 19 Community Design applies in all areas, and contains a set of policies listing the elements that should be included in the community design process. Staff also found that the West of Sandy River (WSR) rural area plan is the only rural plan that includes policies and strategies related to community design. The discussion below lists these plan elements and suggests how these either are or can be addressed as part of this work task.

### **A. Multnomah County Framework Plan Policy 19 Community Design**

**The County's policy is to maintain a community design process which:**

- A. Evaluates and locates development proposals in terms of scale and related community impacts with the overall purpose being a complementary land use pattern.**
- B. Evaluates individual public and private developments from a functional design perspective, considering such factors as privacy, noise, lights, signing, access, circulation, parking, provisions for the handicapped and crime prevention techniques.**
- C. Maintains a design review process as an administrative procedure with an appeal process, and based on published criteria and guidelines, criteria and guidelines shall be developed specifically for commercial, industrial and residential developments.**
- D. Establishes criteria and standards for pre-existing uses, commensurate with the scale of the new development proposed.**
- E. Evaluates individual public and private development according to design guidelines in the applicable adopted community plan.**

Policy 19 Community Design states that its purpose is to minimize conflicts in the location and proposed development with existing land uses in the same area and to help assure efficient and safe development that benefits the community. The Community Design Policy is implemented through the County's Design Review and land use approval process. The Design Review code addresses the location, scale and design of proposed development. Framework Plan Policy 19 is attached for reference, and the introduction section includes a more complete discussion of the location, scale, and design concepts. In addition to policies that can apply directly to development proposals, the Framework Plan structure provides for strategies that are recommendations for how the plan policies can be carried out and are therefore not regulations. Planning staff wants to affirm with the Planning Commission that the Community Design Policy 19 still works for rural areas.

In sum, Policy 19 provides direction for the community design process to evaluate development proposals in terms of scale and related community impacts with the overall purpose of developing a complementary land use pattern. The design review process needs to be maintained as an administrative procedure with an appeal process with published criteria and guidelines. In addition, the design review criteria need to evaluate individual development according to any design guidelines included in the applicable adopted community plan. The West Hills, Sauvie Island/Multnomah Channel and East of

Sandy River Rural Area Plans do not contain design guidelines at this time, and developing these tools should occur within a broader community engagement process.

At present, the Design Review process treats different sized projects consistently without considering project scale in relation to its location. Planning staff is recommending that the Design Review process and Off-Street Parking ordinance be amended to streamline the criteria for small projects. Additional discussion regarding this proposal is included in Part IV below.

## **B. Orient & Pleasant Home Rural Communities Commercial & Industrial Development Policy 22**

This policy states that commercial and industrial uses in these communities will be limited to small scale consistent with state rules. The policy includes five strategies that describe how regulations can help ensure compatibility of these uses with the community, and two are more closely related to design. Strategy 22.4 is implemented through the requirement for new commercial and industrial uses to obtain Design Review approval. Strategy 22.5 has been implemented in the Orient Commercial Industrial (OCI) general district by limiting the maximum size of a commercial buildings to 4,000 sq. ft. and industrial buildings to 10,000 sq. ft. These building sizes were determined to allow for adequate development while ensuring the rural character of the Orient & Pleasant Home zones.

## **C. Residential Development Policy 23**

### *Policy 23 Strategies:*

- 23.2 Include provisions in the residential zone that allow for Type A home occupations outright, and Type B home occupations through an administrative review process and design review.**

Residential Development Policy 23 applies to the West of Sandy River Orient and Pleasant Home Centers zones only. At present, Type B home occupations proposing less than 400 sq. ft. of new building area are exempt from design review. The Orient Residential (OR) and the Pleasant Home Rural Center (PH-RC) zones do not presently require design review for any Review Use including the Type B home occupation use. The proposed update to the OR and PH-RC zones is shown in Part III below.

## **D. Design Policy 24**

**Accommodate the changing conditions within the Orient Rural Community and the Pleasant Home Rural Service Center while preserving their rural function and appearance.**

### *Strategies:*

- 24.1 Multnomah County should develop and adopt design standards regulating commercial and industrial development which reflect and enhance the rural character of the Orient Rural Community.**
- 24.2 Multnomah County should allow flexibility of setback and parking requirements to accommodate irregular lots and existing development to help preserve the rural character of the area.**

This policy consists of a very broad statement that contains direction to preserve a rural function and appearance in the Orient Rural Community. The two strategies indicate that two approaches, development of design standards and adding flexibility in setback and parking regulations could be pursued to carry out the policy. As stated previously, development of design standards should occur within a community engagement process, and that is beyond the scope of this work task. Moving forward on increasing flexibility in setback or parking requirements relies less on community preferences and staff has included a discussion and proposal in part VI E. that addresses this.

### **PART III. UPDATING WSR RURAL CENTER ZONING**

To bring the West of Sandy River (WSR) Orient Residential (OR) and Pleasant Home Rural Center (PH-RC) zoning into compliance with the WSR Rural Plan Policy 23, the Design Review requirement for Type B home occupations will need to be added to both. In addition, Type B use will need to be moved from Conditional to Review Use category of land use in the PH-RC zone.

**Bold** = Existing Language  
Double Underline = New Language  
~~Strikethrough~~ = Language to be Deleted

#### ***PLEASANT HOME RURAL CENTER, PH-RC***

##### **§ 36.3325 REVIEW USES.**

(K) Type B home occupation as provided for in MCC 36.6650 through 36.6660 and subject to Design Review.

##### **§ 36.3330 CONDITIONAL USES.**

**The following uses may be permitted when found by the approval authority to satisfy the applicable approval criteria and ordinance standards. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 36.0005.**

**(B) The following small-scale low impact Conditional Uses pursuant to the provisions of MCC 36.6300 through 36.6660:**

~~**(8) Type B home occupation as provided for in MCC 36.6650.**~~

#### ***ORIENT RURAL CENTER RESIDENTIAL, OR***

##### **§ 36.3425 REVIEW USES.**

**Uses listed in this section may be permitted after required review as Type II decisions pursuant to MCC 37.0510 through 37.0800.**

**(D) Type B home occupation as provided for in MCC 36.6650 through 36.6660 and subject to Design Review.**

**PART IV. PROJECTS SUBJECT TO DESIGN REVIEW**

Design Review is required for all conditional and community service uses, and for other uses according to the provisions in the base zone. The current exceptions from obtaining Design Review are for single family dwellings and Type B home occupations with additions less than 400 square feet of new ground coverage.

At present, Design Review does not distinguish between different sized projects or their location. By creating a Design Review process that considers the size and location of a use, the ordinance would increase consistency with the Framework Plan Policies 19 A and D. For many small projects, the criteria applicable to full Design Review seem disproportional to the extent of the development and possible impacts. Planning staff recommends that for projects outside of our Rural Centers (OR, OCI, PH-RC, BRC, SRC, & RC), a simplified Design Review be created. Staff introduces this approach with a proposal that distinguishes between a full or simplified procedure on the number of parking spaces required, and reduces the approval criteria for the simplified process to four.

**§ 33.7020 APPLICATION OF REGULATIONS**

**(A) Except those exempted by MCC 33.7015, the provisions of MCC 33.7000 through 33.7060 shall apply to all conditional and community service uses, and to specified uses, in any district.**

(1) Uses subject to Design Review that require the creation of less than 4 new parking spaces pursuant to MCC 33.4205 shall only be subject to the following Design Review approval criteria: MCC 33.7050(A)(1)(a) & (1)(c), (4) & (7), except when located in the BRC general district.

<b>Example of Building Sizes based on 3 parking spaces:</b>	
<b>Use</b>	<b>Building Size in Relation to Four Parking Spaces</b>
Church	240 sq. ft.
Retail	1,200 sq. ft.
Repair Shop	1,800 sq. ft.
Office	900 sq. ft.
Restaurant	300 sq. ft.
Manufacturing	2,400 sq. ft. or 6 employees

(2) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 33.7050 and 33.7055.

(3) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 33.7050 and 33.7055.

A conditional use that required less than 4 parking spaces would be reviewed via the simplified approach for the following criteria:

## § 33.7050 DESIGN REVIEW CRITERIA

(A) Approval of a final design review plan shall be based on the following criteria:

(1) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.

(4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.

(7) Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.

## PART V. DESIGN REVIEW PROCESS & CRITERIA

Part V discusses simplifications of the Design Review process to accurately address present day practices. As the code is written, it sets up a two step process of review: submittal and review of a preliminary design review plan, and final design plan review. While this two step process makes sense for larger scale development in close proximity to a mix of existing development, staff believes the repetitive process is unnecessary in rural planning areas. It is also not a good fit with the Administrative Procedures of Chapter 37 that are based on procedures that govern determination of a complete application and decision thereon. Chapter 37 is not set-up for preliminary approval and then a final approval process. Staff is proposing to streamline the code so that it reflects the procedure that is currently followed during a Design Review application. This streamlining is in keeping with the transition of county planning authority to rural development.

A. At present, the required application materials are very extensive. Staff is proposing to simplify MCC 33.7030 (B), (C), (D) & (E) into a single list of application materials needed to address the approval criteria. In addition, the proposed changes attempt to update the application process into a standard Type II procedure. Since we do not issue preliminary approvals, this change will remove ambiguity for our customers.

## § 33.7030 DESIGN REVIEW PLAN CONTENTS

(A) ~~Any preliminary or final~~ The design review plan application shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development. a site plan, floor plan,

architectural elevations and landscape plan, as appropriate, showing the proposed development.

Plans shall include the following:

**(B) Contents:**

- ~~(1) Preliminary Site Development Plan;~~
- ~~(2) Preliminary Site Analysis Diagram;~~
- ~~(3) Preliminary Architectural Drawings, indicating floor plans and elevations;~~
- ~~(4) Preliminary Landscape Plan;~~
- ~~(5) Proposed minor exceptions from yard, parking, and sign requirements; and~~
- ~~(6) Design Review Application Fee, as required under the applicable fee schedule in effect at time of application;~~

**(C) A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:**

- ~~(1) Relation to adjacent lands;~~
- ~~(2) Location and species of trees greater than six inches in diameter at five feet;~~
- ~~(3) Topography;~~
- ~~(4) Natural drainage;~~
- ~~(5) Significant wildlife habitat;~~
- ~~(6) Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and~~
- ~~(7) Natural features and structures having a visual or other significant relationship with the site.~~

**(D) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:**

- (1) Access to site from adjacent rights-of-way, streets, and arterials;
- (2) Parking and circulation areas;
- (3) Location, ~~and design,~~ materials and colors of buildings and signs;
- (4) Orientation of windows and doors;
- (5) Entrances and exits;
- (6) ~~Private and shared outdoor recreation spaces~~ Existing topography and natural drainage;
- (7) Pedestrian circulation;
- (8) ~~Outdoor play areas~~ Boundaries of areas designated Significant Environmental Concern, Hillside Development and Areas of Special Flood Hazards;

- (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery, on-site sewage disposal (including repair area) and stormwater systems;
- (10) Areas to be landscaped;
- (11) Exterior lighting location & design;
- (12) Special provisions for handicapped persons; ~~and~~
- ~~(13) Other site elements and spaces which will assist in the evaluation of site development.~~

~~(E) The preliminary landscape plan shall indicate:~~

- ~~(1) (13) The size, species, and approximate locations of plant materials to be retained or placed on the site; and~~
- ~~(2) (14) Proposed ground-disturbance, grading, filling and site contouring.~~

B. The language in MCC 33.7040 will advise the applicant that the conditions of approval must be integrated with their approved plans before we will authorize the building permit or commencement of development. At present, applicants do not always understand that they will need to revise their plans before building permit sign-off and have to make a number of trips to gain zoning approval of the building permit. Staff proposes to move the provision for delay in plan implementation to a new code section separate from MCC 33.7040 as it is not related to the preparation of the final design review plan.

#### **§ 33.7040 FINAL DESIGN REVIEW PLANS**

Prior to land use approval for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. A ~~final design review plan~~ shall contain the following, drawn to scale:

- (A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 33.7030 ~~(D) and (E)~~, as appropriate;
- (B) Architectural drawings, indicating floor plans, sections, and elevations; and
- (C) ~~Proposed~~ Approved minor exceptions from yard, parking, and sign requirements; and,
- ~~(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 33.7010 through 33.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.~~

#### **§ 33.7045 DELAY IN THE CONSTRUCTION OF A REQUIRED FEATURE**

When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under

MCC 33.7010 through 33.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

C. Current design review criteria require 15% of the lot area be landscaped. In the rural areas, lots are quite large and oftentimes vegetated. The code defines “landscaped” as the improvement of land by contouring, planting and other enhancements. Natural vegetation does not technically qualify as “landscaping” per the code. Planning staff is recommending that the word “lot” be changed to “development area” to limit landscaping requirements to just the area that is improved for the use.

**(C) Required Landscape Areas**

**The following landscape requirements are established for developments subject to design review plan approval:**

**(1) A minimum of 15% of the ~~lot~~ development area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.**

**(2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

\* \* \*

**PART VI. OFF-STREET PARKING AND LOADING MODIFICATIONS**

Part VI discusses modification to the Off-Street Parking and Loading ordinance to allow reduced requirements for small scale developments outside of a Rural Center districts (BRC, SRC, OR, OCI, PH-RC, RC). These modifications pair with the proposed reduced Design Review standards for projects with less than four parking spaces.

A. Current Off-Street Parking and Loading requirements exempt single family dwellings and duplexes from the criteria listed in MCC 33.4170 through MCC 33.4200. A Type B home occupation or other types of conditional use being added to an existing parcel with a single family dwelling would need to meet these improvement standards. Staff is recommending that the exemption be limited to the required parking for the dwelling.

**§ 33.4165 DESIGN STANDARDS: SCOPE**

**(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single ~~or two-family residential dwelling or mobile home on an individual lot.~~ A commercial, industrial or type B home occupation approved on a parcel containing a single family dwelling shall meet the design standards, MCC 33.4170 through 33.4200.**

\* \* \*

B. It is Land Use Planning’s policy that gravel is not a durable and dustless surface when used in parking lots and for maneuvering areas. For small business operations in rural areas existing vegetation and distance between uses should mitigate any dust created from small parking lots involving three

parking spaces or less. Planning staff is recommending adding a provision for gravel for small scale uses.

### § 33.4180 IMPROVEMENTS

#### (A) Surfacing

**(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. Parking areas with less than four (4) required parking spaces may be surfaced with gravel.**

**(2) Large parking fields for intermittent uses such as amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.**

C. One of the expenses of developing a parking lot area for a business is the installation of curbing or railing around the outer boundaries to prevent unchanneled motor vehicle ingress & egress. For small parking lots it may be appropriate to allow the use of a landscape strip or yard planted with shrubs and trees. With the limited number of vehicle trips, vehicle conflicts should be minimized and landscaping should be able to provide a physical barrier to prevent unchannelized movements. Planning staff is not proposing this curbing exception for the Commercial Forest Use zones as the parking areas would likely be located within either the primary or secondary fire safety zones. Landscaping within these areas have set height and distance separation that would not provide the necessary vegetative density to prevent unchannelized vehicle movement.

#### (B) Curbs and Bumper Rails

**(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.**

**(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence except as provided in (3) below.**

**(3) Except for development within the BRC, CFU-1, CFU-2 & CFU-5 zones, the outer boundary of a parking or loading area with less than four (4) required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.**

D. Planning staff is recommending that parking lots with less than four parking spaces be exempt from the striping requirement as these parking areas can use gravel. Striping of a gravel parking lot is

difficult. In addition, striping in such a small parking lot is not necessary as the number of vehicles parking and maneuvering is limited.

**(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 33.4120, and such marking shall be continually maintained. Except for development within the BRC zone, a parking area with less than four (4) required parking spaces is exempt from this requirement.**

E. During the recent rural center planning for Burlington (BRC) & Springdale (SRC) Rural Center, citizens expressed that the 30 ft wide front yard requirement hinders the development of small lots for commercial activities. In addition, WSR Design Policy 24 states “**Multnomah County should allow flexibility of setback and parking requirements to accommodate irregular lots and existing development to help preserve the rural character of the area.**”

The minimum lot size to create a new parcel in most of our rural centers is one acre, while many existing lots and parcels are significantly smaller with existing development. Planning staff is proposing to allow the placement of off-street parking and drive aisles to encroach 20 ft into the required 30 ft wide front & street side yard for properties less than 1 acre in size to allow greater flexibility in the development of these smaller parcels. At present, these yard areas are available for use by the on-site sewage disposal system and storm water system. The proposed provision should not increase the development density but would increase design options for a site.

In addition to the above, planning staff is proposing to add the word “perpendicularly” to MCC 33.4195(A) to clarify that the exemption is to allow a driveway to cross the required yard only and does not allow an access drive to travel parallel to the public street through the front yard area.

### **§ 33.4195 DESIGN STANDARDS: SETBACKS**

**(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street perpendicularly.**

(1) In the BRC district, off-street parking for new, replacement or expansion of existing commercial or industrial developments on a parcel less than 1 acre shall provide a minimum of 10 foot landscaped front yard or street side setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

**(B) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.**

## **PART VII. ATTACHMENTS**

- A. Framework Plan Policy 19
- B. WSR Policy 22
- C. WSR Policy 23
- D. WSR Policy 24
- E. Design Review Code
- F. Off-Street Parking and Loading

## **POLICY 19: COMMUNITY DESIGN**

### **Introduction**

Planning is a process whereby government agencies develop plans which designate locations where residential, commercial, industrial and community service activities will take place. The purpose of the Community Design Process is to minimize conflicts in the location and development of different land uses in the same area and to help assure efficient, satisfying and safe land developments of lasting value and benefit. The emphasis has been on separating land use activities and creating compartments of uses on a two-dimensional plane, without regard for how each land use will interrelate in three dimensions. The Community Design Process will consider the location, scale and design of land uses.

### **The Location of Land Uses by Scale**

The scale of each use impacts the community. Scale refers to the size of the complex and whether the use will attract people from throughout the County, the community or neighborhood. The scale will determine whether signs relate to people or to the automobile. Scale affects the amount of traffic, noise, air and visual pollution. In addition, the scale of the development determines the other types of related land uses which will locate in the area.

Large scale uses such as a shopping center, office building or hospital may generate large volumes of traffic and have associated noise levels that make them incompatible with quiet residential areas. Therefore, uses must be examined within a framework which identifies scale and community impacts with the objective of creating a complementary land use arrangement for the community.

### **Functional Design Concerns**

The quality of the community environment and its desirability as a place to live as well as its long range stability are factors of design. How a use functions refers to how it performs its functions on the site and relates to neighboring uses. For example, the location of a use on its site in a manner which assures privacy for the surrounding uses is a functional concern. Consideration must also be given to automobile access, parking, pedestrian circulation, signing, lights and landscaping. Other elements include making adequate provisions for the handicapped and designing and lighting the use in a manner that reduces the potential for crime.

A factor often overlooked is the impact that decisions by government have on the design of communities. Wide and unlandscaped streets have not encouraged a sense of community design. Here government has developed boulevard streets, adjoining development has been landscaped and located on the side with consideration for aesthetic quality. Therefore, the responsibility must be placed on both the public and private sectors to promote desirable community development.

Design review is a process whereby public interests are protected. Design review standards lead to more attractive neighborhoods, higher land values, a larger tax base and other public benefits for local residents. The quality and attractiveness of the community environment are also important factors that industry and commerce look to in locating or expanding their operations in an area.

### **Policy 19**

The County's policy is to maintain a community design process which:

- A. Evaluates and locates development proposals in terms of scale and related community impacts with the overall purpose being a complementary land use pattern.

- B. Evaluates individual public and private developments from a functional design perspective, considering such factors as privacy, noise, lights, signing, access, circulation, parking, provisions for the handicapped and crime prevention techniques.
- C. Maintains a design review process as an administrative procedure with an appeal process, and based on published criteria and guidelines, criteria and guidelines shall be developed specifically for commercial, industrial and residential developments.
- D. Establishes criteria and standards for pre-existing uses, commensurate with the scale of the new development proposed.
- E. Evaluates individual public and private development according to design guidelines in the applicable adopted community plan.

## Strategies

- A. As a part of the continuing planning program, the County should maintain an expeditious Design Review Process with provisions for enforcing requirements.
- B. The following strategies should be maintained as a part of the Zoning Ordinance:
  - 1. Design Review Provisions should be maintained:
    - a. Applicable to all development, including multiplex and apartment dwelling structures, planned developments (PD's), community services, commercial and industrial uses, and excluding single and two-family dwelling structures.
    - b. Identified separately for residential, commercial and industrial development.
    - c. With objectives to:
      - a. preserve and enhance the amenities of the natural and developed environment;
      - b. maintain and improve the qualities of and relationships among buildings and surrounding neighborhoods;
      - c. insure that individual development contributes to a quality environment for people utilizing the development and the surrounding neighborhood; and
      - d. encourage consideration for the climate, soil capabilities and limitations, topography and natural vegetation in the site plan.
  - 2. Design Review Criteria should be maintained related to:
    - a. Identity;
    - b. Site Layout, considering such factors as: climate, privacy, usable outdoor areas, topography, vegetation, natural drainage, use by handicapped (as required under the State Uniform Building Code, O.R.S. 447.210 - 447.310, and all other applicable requirements), and crime prevention;
    - c. Private outdoor spaces;
    - d. Parking;

- e. Circulation;
  - f. Service and delivery areas;
  - g. Entry areas;
  - h. Outdoor storage;
  - i. Landscaping;
  - j. Connection to the street and parking areas;
  - k. Building orientation on-site as related to crime prevention;
  - l. Bus stops;
  - m. Safety and privacy; and
  - n. Preservation of natural landscape.
3. The Zoning Ordinance should include provisions related to:
- a. Signs: the location, size and height;
  - b. Outdoor off premise advertising signs
  - c. Special planned areas to facilitate redevelopment;
  - d. Planned Unit Developments;
  - e. Variable road standards with prescribed conditions;
  - f. Variable parking requirements with prescribed conditions; and
  - g. Site Development Standards for:
    - a. The retention of natural features and significant vegetation;
    - b. Landscaping.

Commercial and Industrial Development

Policy 22

New commercial and industrial uses within the Orient Rural Community will be small-scale and low impact in nature as defined by the State Unincorporated Communities Rule. These uses will not adversely impact agriculture or forestry uses and will reinforce the rural nature of the Orient Rural Community and the Pleasant Home Rural Service Center.

*Strategies:*

- 22.1 Multnomah County will update the Community Development Ordinance to implement the Unincorporated Communities Rule for small-scale, low impact commercial and industrial uses. Due to the proximity of the communities to the Urban Growth Boundary, the plan does not attempt to justify new uses that are larger than the small-scale, low impact limits in the Rule.
  - Existing commercial uses may expand up to the small-scale, low impact limit of 4,000 square feet subject to approval criteria in the ordinance.
  - Expansion of existing industrial uses shall be subject to the small-scale, low impact limit of 10,000 square feet and to approval criteria in the ordinance.
- 22.2 Multnomah County will update its implementing regulations to ensure that new or expanded commercial and industrial uses will not result in public health hazards or adverse environmental impacts.
- 22.3 Multnomah County will update its implementing regulations to ensure that new or expanded commercial and industrial development will not exceed the carrying capacity of the soil or of the existing water supply and waste disposal services.
- 22.4 Ensure that new and expanded commercial or industrial uses are subject to Design Review in order to ensure compatibility with the community character.
- 22.5 Develop zoning ordinance standards for lot coverage of commercial and industrial development that allow adequate development area while ensuring the rural character of these areas is retained.

## **Residential Development**

### **Policy 23**

New residential development within the Orient Rural Community and the Pleasant Home Rural Service Center will not increase the number of dwellings that would be allowed in the community under the existing zoning ordinance, and will continue to reinforce the rural nature of the areas through the zoning code.

#### *Strategies:*

- 23.1 Multnomah County will update the zoning ordinance to implement the Unincorporated Communities Rule for residential development.
- 23.2 Include provisions in the residential zone that allow for Type A home occupations outright, and Type B home occupations through an administrative review process and design review.
- 23.2 Include provisions in the residential zone that allow for Type A home occupations outright, and Type B home occupations through an administrative review process and design review.
- 23.3 The zoning code will require that new residential parcels in the Rural Center will be at least one acre in size in order to not increase residential density and to ensure tht the carrying capacity of public services and the environment is not exceeded.

**Design**

**Policy 24**

Accommodate the changing conditions within the Orient Rural Community and the Pleasant Home Rural Service Center while preserving their rural function and appearance.

*Strategies:*

24.1 Multnomah County should develop and adopt design standards regulating commercial and industrial development which reflect and enhance the rural character of the Orient Rural Community.

24.2 Multnomah County should allow flexibility of setback and parking requirements to accommodate irregular lots and existing development to help preserve the rural character of the area.

**PART 7 - DESIGN REVIEW,  
NONCONFORMING USES, SIGNS,  
VARIANCES AND LAND DIVISIONS**

**DESIGN REVIEW**

**§ 33.7000- PURPOSES**

MCC 33.7000 through 33.7065 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.7005 ELEMENTS OF DESIGN  
REVIEW PLAN**

The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.7010 DESIGN REVIEW PLAN  
APPROVAL REQUIRED**

No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.7015 EXCEPTIONS**

The provisions of MCC 33.7000 through 33.7065 shall not be applied to the following:

- (A) Single family residences.

(B) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.7020 APPLICATION OF  
REGULATIONS**

Except those exempted by MCC 33.7015, the provisions of MCC 33.7000 through 33.7060 shall apply to all conditional and community service uses in any district.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 990, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.7030 DESIGN REVIEW PLAN  
CONTENTS**

(A) Any preliminary or final design review plan shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development.

(B) Contents:

- (1) Preliminary Site Development Plan;
- (2) Preliminary Site Analysis Diagram;
- (3) Preliminary Architectural Drawings, indicating floor plans and elevations;
- (4) Preliminary Landscape Plan;
- (5) Proposed minor exceptions from yard, parking, and sign requirements; and
- (6) Design Review Application Fee, as required under the applicable fee schedule in effect at time of application;

(C) A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:

- (1) Relation to adjacent lands;
- (2) Location and species of trees greater than six inches in diameter at five feet;

- (3) Topography;
- (4) Natural drainage;
- (5) Significant wildlife habitat;
- (6) Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and
- (7) Natural features and structures having a visual or other significant relationship with the site.

(D) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:

- (1) Access to site from adjacent rights-of-way, streets, and arterials;
- (2) Parking and circulation areas;
- (3) Location and design of buildings and signs;
- (4) Orientation of windows and doors;
- (5) Entrances and exits;
- (6) Private and shared outdoor recreation spaces;
- (7) Pedestrian circulation;
- (8) Outdoor play areas;
- (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
- (10) Areas to be landscaped;
- (11) Exterior lighting;
- (12) Special provisions for handicapped persons; and

(13) Other site elements and spaces which will assist in the evaluation of site development.

(E) The preliminary landscape plan shall indicate:

(1) The size, species, and approximate locations of plant materials to be retained or placed on the site; and

(2) Proposed site contouring.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.7040 FINAL DESIGN REVIEW PLAN**

A final design review plan shall contain the following, drawn to scale:

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 33.7030 (D) and (E), as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations;

(C) Proposed minor exceptions from yard, parking, and sign requirements; and

(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 33.7010 through 33.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 990, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.7050 DESIGN REVIEW CRITERIA**

(A) Approval of a final design review plan shall be based on the following criteria:

(1) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

(b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.

(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.

(2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.

(3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.

(4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.

(5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with pro-

posed and neighboring buildings and structures.

(6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.

(7) Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.

(8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

(9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.

(B) Guidelines designed to assist applicants in developing design review plans may be adopted by the Planning Commission.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

### § 33.7055 REQUIRED MINIMUM STANDARDS

(A) Private and Shared Outdoor Recreation Areas in Residential Developments:

(1) Private Areas – Each ground level living unit in a residential development subject to design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.

(2) Shared Areas – Usable outdoor recreation space shall be provided for the shared

use of residents and their guests in any apartment residential development, as follows:

- (a) One or two-bedroom units: 200 square feet per unit.
- (b) Three or more bed-room units: 300 square feet per unit.

(B) Storage

Residential Developments – Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.

(C) Required Landscape Areas

The following landscape requirements are established for developments subject to design review plan approval:

- (1) A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.
- (2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.
- (3) The following landscape requirements shall apply to parking and loading areas:
  - (a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
  - (b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.

(c) A landscaped strip separating a parking or loading area from a street shall contain:

- 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;
- 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and
- 3. Vegetative ground cover.

(d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

(e) A parking landscape area shall have a width of not less than 5 feet.

(4) Provision shall be made for watering planting areas where such care is required.

(5) Required landscaping shall be continuously maintained.

(6) Maximum height of tree species shall be considered when planting under overhead utility lines.

(7) *Landscaped* means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.7060 MINOR EXCEPTIONS: YARD, PARKING, SIGN, AND LANDSCAPE REQUIREMENTS**

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

(1) Dimensional standards for yards as required in the primary district;

(2) Dimensional standards for off-street parking as required under MCC 33.4170 to 33.4175;

(3) Standards for minimum number of off-street parking spaces as required in the primary district; and

(4) Dimensional standards for signs as required in the primary district;

(5) In the case of a proposed alteration, standards for landscaped areas under MCC 33.7055 (C).

(B) Except under subsection (A) (5) above, no minor exception shall be greater than 25% of the requirement from which the exception is granted.

(C) Approval of a minor exception shall be based on written findings, as required in this subpart.

(1) In the case of a minor yard exception, the Planning Director shall find that approval will result in:

(a) More efficient use of the site;

(b) Preservation of natural features, where appropriate;

(c) Adequate provision of light, air, and privacy to adjoining properties; and

(d) Adequate emergency accesses.

(2) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:

(a) Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly);

(b) Opportunities for joint use of nearby off-street parking facilities;

(c) Availability of public transit;

(d) Natural features of the site (topography, vegetation, and drainage) which would be adversely affected by application of required parking standards.

(3) In the case of a minor exception to the dimensional standards for signs, the Planning Director shall find that approval is necessary for adequate identification of the use on the property and will be compatible with the elements of the design review plan and with the character of the surrounding area.

(4) In the case of a minor exception to the standards for landscaped areas, the Planning Director shall find that approval is consistent with MCC 33.7000, considering the extent and type of proposed alteration and the degree of its impact on the site and surrounding areas.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 990, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

***OFF-STREET PARKING AND LOADING - OP*****§ 33.4100- PURPOSE**

The purposes of this subdistrict and these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4105 GENERAL PROVISIONS**

In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section. For nonconforming uses, the objectives of this section shall be evaluated under the criteria for the Alteration, Modification, and Expansion of Nonconforming Uses.

(Ord. 1128, Amended, 01/29/2009; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4110 O-P CLASSIFICATION**

Land classified as Off-Street Parking and Loading (O-P) on the Zoning Map shall not be used for any purpose other than off-street parking and loading without a change of district.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4115 CONTINUING OBLIGATION**

The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the prop-

erty is and will remain available for the designated use as a parking or loading facility.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4120 PLAN REQUIRED**

A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4125 USE OF SPACE**

(A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.

(B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.

(C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.

(D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.

(E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4130 LOCATION OF PARKING AND LOADING SPACES**

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

(B) Exception – The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:

(1) Parking use of the alternate site is permitted by this Ordinance;

(2) The alternate site is within 350 feet of the use;

(3) There is a safe and convenient route for pedestrians between the parking area and the use;

(4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and,

(5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

(C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4135 IMPROVEMENTS REQUIRED**

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 33.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.

Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4140 CHANGE OF USE**

(A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

(B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4145 JOINT PARKING OR LOADING FACILITIES**

(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.

(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4150 EXISTING SPACES**

Off-street parking or loading spaces existing prior to July 26, 1979 may be included in calculating the

number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4160 STANDARDS OF MEASUREMENT**

(A) *Square feet* means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.

(B) When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one off-street parking or off-street loading space.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4165 DESIGN STANDARDS: SCOPE**

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4170 ACCESS**

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 33.7700 et seq., the Land Division Chapter, there shall be provided an un

obstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

(B) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4175 DIMENSIONAL STANDARDS**

(A) Parking spaces shall meet the following requirements:

(1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.

(2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.

(3) For parallel parking, the length of the parking space shall be 23 feet.

(4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

(B) Aisle width shall be not less than:

(1) 25 feet for 90 degree parking,

(2) 20 feet for less than 90 degree parking, and

(3) 12 feet for parallel parking.

(4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

(C) Loading spaces shall meet the following requirements:

(1)

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4180 IMPROVEMENTS**

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

(2) Large parking fields for intermittent uses such as amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.

(B) Curbs and Bumper Rails

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.

(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 33.4120, and such marking shall be continually maintained.

(D) Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

(E) Covered Walkways – Covered walkway structures for the shelter of pedestrians only, and consisting solely of roof surfaces and necessary supporting columns, posts and beams, may be located in an O-P district. Such structures shall meet the setback, height and other requirements of the district which apply.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4185 LIGHTING**

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4190 SIGNS**

Signs, pursuant to the provisions of MCC 33.7465.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4195 DESIGN STANDARDS: SETBACKS**

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

(B) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed

the width of their curb cuts for each 150 feet of street frontage of the lot.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4200 LANDSCAPE AND SCREENING REQUIREMENTS**

(A) The landscaped areas requirements of MCC 33.7055 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 33.4165 (A).

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES**

(A) Residential Uses

(1) Single Family Dwelling – Two spaces for each dwelling unit.

(2) Two Family Dwelling – Two spaces for each dwelling unit.

(3) Motel or Hotel – One space for each guest room or suite.

(4) Recreational Vehicle Park – One space for each vehicle site.

(5) Group Care Facility, Home for Aged, or Children's Home – One space for each four beds.

(B) Public and Semi-Public Buildings and Uses

(1) Auditorium or Meeting Room (except schools) – One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(2) Church – One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(3) Church Accessory Use – In addition to spaces required for the church, one space for each ten persons residing in such building.

(4) Club or Association – These shall be treated as combinations of uses such as hotel, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.

(5) Senior High School and Equivalent Private and Parochial School – One space for each 56 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each eight seats or 16 feet of bench length, or one space for each ten seats in classrooms, whichever is greater.

(6) College, University, Institution of Higher Learning and Equivalent Private or Parochial School – One space for each five seats in classrooms or 45 square feet of floor area.

(7) Primary, Elementary, or Junior High and Equivalent Private or Parochial School – One space for 84 square feet of floor area in the auditorium, or one space for each 12 seats or 24 feet of bench length, whichever is greater.

(8) Kindergarten, Day Nursery, or Equivalent Private or Parochial School – One driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading children plus one parking space for each two employees.

(C) Retail and Office Uses

(1) Store, Supermarket, and Personal Service Shop – One space for each 400 square feet of gross floor area.

(2) Service and Repair Shop – One space for each 600 square feet of gross floor area.

(3) Bank or Office, including Medical and Dental – One space for each 300 square feet of gross floor area.

(4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.

(5) Mortuary – One space for each four chapel seats or eight feet of bench length.

(D) Manufacturing and Storage

(1) Manufacturing – One space for each two employee positions on the largest shift, or one space for each 800 square feet of non-storage gross floor area, whichever is greater.

(2) Storage – One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.

(E) Unspecified Uses

Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4210 MINIMUM REQUIRED OFF-STREET LOADING SPACES**

(A) Commercial, Office or Bank

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 5,000	0
5,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,000	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8

Square foot of Floor or Land Area	Minimum Loading Spaces Required
900,000 - 2,999,999	9
Over 3,000,000	10

(B) Motel

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 30,000	1
30,000 - 69,999	2
70,000 - 129,999	3
130,000 - 219,999	4
220,000 - 379,999	5
380,000 - 699,999	6
700,000 - 1,499,999	7
Over 1,500,000	8

(C) Manufacturing, Wholesale, Storage

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 5,000	0
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 699,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over 1,030,000	14

(D) Public or Semi-Public Use: Treated as mixed uses.

(E) Unspecified Uses

Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 33.4215 EXCEPTIONS FROM  
REQUIRED OFF-STREET  
PARKING OR LOADING  
SPACES**

(A) The Planning Director may grant an exception with or without conditions for up to 30% of the required number of off- street parking or loading spaces, upon a finding by the Director that there is substantial evidence that the number of spaces required is inappropriate or unneeded for the particular use, based upon:

(1) A history of parking or loading use for comparable developments;

(2) The age, physical condition, motor vehicle ownership or use characteristics or other circumstances of residents, users or visitors of the use; or

(3) The availability of alternative transportation facilities; and

(4) That there will be no resultant on-street parking or loading or interruptions or hazards to the movement of traffic, pedestrians or transit vehicles.

(B) The Director shall file with the application for the building or other required permit, findings in support of any exception, including any conditions of approval.

(C) An exception in excess of 15% of the required number of spaces shall include a condition that a plan shall be filed with the application, showing how the required number of spaces can be provided on the lot in the future.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)