



Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

**February 9, 2016
Work Session at 7 PM**

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**



City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
February 9, 2016
7 PM Work Session
7:00 PM Planning Commission Meeting

7 PM Work Session Agenda

- 1. The Planning Commission will discuss the Industrial Land Uses within the Development Code**



Memorandum

City of Sherwood
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Date: February 2, 2016
To: Planning Commission
From: Julia Hajduk, Community Development Director
RE: Industrial Uses code review

Mayor
Krisanna Clark

Council President
Jennifer Harris

Councilors
Linda Henderson
Dan King
Sally Robinson
Jennifer Kuiper
Renee Brouse

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier

The Planning Commission had a work session on January 26, 2016 to discuss staff's first draft of proposed changes. This memo follows up on several topics discussed and the table below summarizes the changes made, including those based on Commission input on the 26th.

Make it easy to do the "right thing"

There was general discussion about how to continue to make it easier to "do the right thing" and questioning of why so many things were conditional uses. As we discussed at the meeting, if a use is permitted outright, it is allowed as long as the clear and objective code criteria are met. There is no discretion to consider whether it is needed, appropriate for that location, etc. The Conditional use allows the City to look at the proposed use in relation to the specific location, the surrounding property impacts, the need for that use and can apply additional conditions as needed. A copy of the applicable Conditional use criteria is attached to this memo (Attachment 1). With this in mind, and based on the Commission's feedback at the work session, staff has proposed additional changes to the existing use classifications related to permitted, conditional and not permitted. Those changes are reflected in the attached track changes version (Attachment 2) and summarized in the table below. For ease of reviewing, also attached (Attachment 3) is a clean version of the proposed changes as it would look in final code form.

Special consideration for constrained lands

The Commission had some discussion of what can be done on sites that are constrained with overhead powerlines. Currently the EI zone does not allow any uses that might otherwise be permitted under powerlines. Staff has proposed some modifications with this issue in mind, especially in the EI zone in the Tonquin Employment Area as potential uses under powerlines are not currently allowed in that area. These proposed changes are noted in the table below.

Clarification on power generation facilities

The Planning Commission asked for clarification on how small scale versus large scale power generation facilities were defined. In reviewing the code, there does not appear to be a definition, however, we reviewed a memo prepared for the Commission in 2011 when we were doing the code clean up and found the following language:

“Initially, staff proposed dividing power generation into categories based on power output (such as kWh). However, the Planning Commission discussed this idea and felt that it did not allow for innovation (i.e. if a very small object could, in the future, produce a large amount of energy). Planning Commission asked staff to make a recommendation based on the exterior appearance of a power generation facility, such as how large it is or how much area it occupies. Staff proposes two new categories: “small-scale power generation facility” and “large-scale power generation facility”. Small-scale energy facilities would be defined as “a facility, such as a solar panel, that produces energy but that is generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height”. Large-scale facilities would be defined as “a facility that produces energy and exceeds the thresholds of a ‘small-scale energy facility’”. Small-scale facilities would be permitted outright in all zones and large-scale facilities would be permitted conditionally in GC, IP, LI and EI and permitted outright in GI.”

Those definitions did not get incorporated into the code updates even though the categories did. These definitions could be incorporated in this update if the Commission would like to.

Retail that is not associated with a specific use

There was discussion about whether we should permit retail that is not associated with a permitted use given that there were already size limit restrictions and that there would be a desire to provide services to employees in the area. Upon reflection and review, staff recommends not making any changes to be more permissive on retail commercial uses. The reason is that any commercial in industrial areas should be only permitted when it can be demonstrated that they are there to meet the needs of the businesses and employees in that area. The code already allows for many commercial type uses outright or conditionally in the industrial zones with the understanding that they would serve the needs of the businesses in the area. For example, daycares, professional services and even restaurants (which will be discussed in more detail further in this memo) are permissible because they would serve the needs of the businesses and employees in the area. General retail, such as a card shop or clothing store, does not really serve the needs of the businesses and are intended to serve the population at large and take away available land from prime industrial land for uses that are more appropriate for the area. Furthermore, if permitted without limiting it to being related to the primary permitted use, you run the risk of watering down the available industrial land.

Restaurant as allowed or conditional use in the industrial zones

The Commission wanted to discuss whether restaurants needed to be conditional or whether they could be permitted outright since there are already subject to size limits. Staff recommends retaining them as a Conditional Use. This allows review to determine if there is a demonstrated need for the use so that you do not get a bunch of 5,000 square foot restaurants located along Tualatin Sherwood Road that are not really providing service and benefit to the employment area. Retaining it as Conditional still makes it possible but allows the discretion of additional review.

Summary of draft Industrial Use changes – 2-9-16 discussion draft	
Change	explanation
1 Added: “single” in from of dwelling unit	To clarify that you could not have more than one dwelling unit
2 Changed “Automotive, boat, trailer and recreational vehicle storage” from not permitted to conditional with restrictions in the EI zone Added: restriction note that this use was conditional “On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted”	Helps to address concerns raised by property owner with property almost entirely constrained by overhead powerline easements.
3 Changed: “Business support services such as duplicating, photocopying, mailing services, fax and computer facilities” from Conditional in the EI to Permitted in the EI	Unnecessary to have that added layer of discretion in the EI zone
4 Changed: “Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building” from Conditional in all industrial zones to Permitted	Unnecessary to have that added layer of discretion for something that is “essential to and customarily associated with” a permitted use
5 QUESTION: Retain “Day cares, preschools, and kindergartens as a stand-alone use” as a Conditional Use or change to Permitted?	Staff recommends retain as Conditional Use because a stand alone facility may not be appropriate in all locations and/or additional site requirements may be needed to make it appropriate such that surrounding areas do not conflict with the use.
6 QUESTION: Retain “Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services” as a Conditional Use or change to Permitted?	Staff recommends retain as Conditional Use because not all personal services will be appropriate or necessary to serve the industrial area. Retaining as Conditional allows discretion to determine appropriateness of the use.
7 Added: “pet” under animal boarding/kennels and daycare facilities...	Clarification that it was a pet daycare and not a child daycare
8 QUESTION: Retain “Restaurants, taverns, and lounges without drive-thru” as a Conditional Use or change to Permitted?	Staff recommends retain as Conditional Use. This allows review to determine if there is a demonstrated need for the use so that you do not get a bunch of 5,000 square foot restaurants located along Tualatin Sherwood Road that are not really providing service and benefit to the employment area. Retaining it is Conditional still makes it possible but allows the discretion of additional review.
9 Add: On-site cafeteria that is secondary to, and serving employees of, a permitted use	To make it clear that a cafeteria on-site and serving the

			employees of a business does not require a conditional use
10	Deleted: Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use		Unnecessary with the other changes being made
11	Changed: Medical or dental laboratories to add “including biomedical compounding		Later on (#25) we propose to delete “Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration”. Currently medical labs are permitted but biomedical compounding is only permitted conditionally in the GI zone. It is not clear how or why this is different from a medical lab. According to the FDA website, “In general, compounding is a practice in which a licensed pharmacist, a licensed physician, or, in the case of an outsourcing facility, a person under the supervision of a licensed pharmacist, combines, mixes, or alters ingredients of a drug to create a medication tailored to the needs of an individual patient.”
12	Added: “operating on the same site” at the end of “Distribution, warehousing and storage associated with a permitted use”		To add clarification
13	Added: Distribution and warehousing up to _____ square feet, provided product(s) are stored within an enclosed building		Separated out distribution and warehousing from large group of use classification. By having size limitation, it allows us to allow with limitations in the TEA. If no size limitations are desired, we would delete one of these and remove reference to size. Also eliminated “storage” because that seemed redundant to “warehousing”
14	Added: Distribution and warehousing greater than 100,000 square feet provided product(s) are stored within an enclosed building		
15	Changed: “Contractors’ storage and equipment yards, building maintenance services, and similar uses” from not permitted to conditional with restrictions in the EI zone Added: restriction note that this use was conditional “On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted”		Helps to address concerns raised by property owner with property almost entirely constrained by overhead powerline easements
16	Added: “Industrial” in front of “laundry, dry cleaning, dyeing, or rug cleaning plants”		To clarify this is different from a personal service. There are more chemicals and impacts associated with a large scale industrial facility which could be incompatible with LI adjacent to residential and commercial areas and is inconsistent with the vision for the EI zone.
17	Deleted “Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:”		Replaced with more general as described below

18	<p>Added: Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided there is no exterior odor, noise or storage and not otherwise regulated elsewhere in the code</p>	<p>This provides general categories and allows for differentiation by zone when considering what it looks like from the outside and potential adverse impacts.</p>
19	<p>Added: Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code (outside storage possible and other off-site impacts compliant with local, state and federal regulations)</p>	<p>These uses were very specific and otherwise covered by #18 and #19 described above</p>
20	<p>Deleted</p> <ul style="list-style-type: none"> ● Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials ● Pharmaceuticals in facilities up to 50,000 square feet building size ● Pharmaceuticals in facilities larger than 50,000 square feet building size ● Building components, furniture, fixtures, signs ● Non-motorized recreational vehicles and equipment ● Manufactured homes, farm equipment, and greenhouses ● Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone ● Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products 	
21	<p>Added” Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of” in front of “acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals”</p>	<p>To clarify this is different from the more general category. The reason for this is because of the chemicals used. It is not appropriate in the LI zone due to the proximity to residential and commercial and is not consistent with the vision for the Tonquin Employment Area, therefore this distinction retains it is prohibited in the LI and EI and conditional in the GI</p>
22	<p>Moved “Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community” to new subheading and Changed to read “<u>Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community</u>” to new subheading</p>	<p>Moved new subheading capturing the prohibited uses in all industrial zones</p>
23	<p>Added: “The following Uses are specifically prohibited in all industrial zones because they have</p>	<p>To provide for a subheading of all prohibited uses across all</p>

	<p>been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City”</p>	<p>industrial zones</p>
24	<p>Moved: “Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants” and “Solid waste transfer stations”</p>	<p>Housekeeping move to separate out from prohibited uses. These are conditionally permitted in the GI zone.</p>
25	<p>Deleted “Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration”</p>	<p>See explanation above under #11</p>
26	<p>Added: “or facilities incidental to and solely serving an associated permitted or conditional use” to footnote #4</p>	<p>This is to take into account industrial uses that might have fueling facilities for their fleet or equipment and based on comments from Enterprise Holdings</p>

C. Use Criteria

No conditional use shall be granted unless each of the following is found:

1. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.
2. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.
3. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.
4. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.
5. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.
6. The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.
7. For wireless communication facilities, no Conditional Use Permit will be granted unless the following additional criteria is found:
 - a. The applicant demonstrates to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.
 - b. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.
 - c. The applicant demonstrates a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.
 - d. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.
 - e. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.
8. The following additional criteria apply to transportation facilities and improvements subject to Conditional Use approval per [Chapter 16.66](#). These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved land use application.
 - a. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - b. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.
 - c. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant is required to apply for and obtain a plan and/or zoning amendment prior to or in conjunction with Conditional Use Permit approval.
 - d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) must provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Sections

16.82.020.C.1—6 and 8.a—8.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

D. Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:

1. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.
2. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.
3. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.
4. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.
5. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.
6. Limiting the number, size, location, height and lighting of signs.
7. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.
8. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS^[19]

Revisions based on input from
1-26-16 PC meeting

Sections:

Footnotes:

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Editor's note—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

16.31.010 - Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.
- C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI ¹
RESIDENTIAL			
<ul style="list-style-type: none"> • <u>Single</u> Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family 	P	P	P
CIVIC			
<ul style="list-style-type: none"> • Hospitals 	C	N	N
<ul style="list-style-type: none"> • Police and fire stations and other emergency services 	C	C	C
<ul style="list-style-type: none"> • Vehicle testing stations 	C	C	C
<ul style="list-style-type: none"> • Postal services - Public 	C	C	C
<ul style="list-style-type: none"> • Postal substations when located entirely within and incidental to a use permitted outright 	C	C	C
<ul style="list-style-type: none"> • Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards 	P	P	P
<ul style="list-style-type: none"> • Small-scale power generation facilities 	P	P	P
<ul style="list-style-type: none"> • Large-scale power generation facilities 	C	P	C
<ul style="list-style-type: none"> • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements 	C	C	C
COMMERCIAL			

• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	NC ¹
• Vehicle fueling stations or car wash facilities ⁴	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices ⁵	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	PE
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	EP	EP	EP
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P

¹ On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

• Day cares, preschools, and kindergartens as a stand-alone use ⁶	C	C	C
General Retail - sales oriented			
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ⁷	P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage	p ¹⁰	p ¹⁰	N
• Tool and equipment rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards ⁷	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/Kennels and <u>pet</u> daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N
• <u>On-site cafeteria that is secondary to, and serving employees of, a permitted use</u>	P	P	P

INDUSTRIAL			
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories, <u>including biomedical compounding</u>	P	P	P
• Laboratories (not medical or dental)	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use <u>operating on the same site</u>	P	P	P
• Distribution and warehousing up to 100,000 square feet, provided product(s) are stored within an enclosed building	P	P	P
• Distribution and warehousing greater than 100,000 square feet provided product(s) are stored within an enclosed building	N	P	C
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses	C	P	NC ²
• <u>Industrial</u> L laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• <u>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building</u>Food products provided there is no exterior odor, noise or storage and not otherwise regulated elsewhere in the code, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending	P	P	NP

² On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials			
• Pharmaceuticals in facilities up to 50,000 square feet building size	P	P	P
• Pharmaceuticals in facilities larger than 50,000 square feet building size	N	C	N
• Building components, furniture, fixtures, signs	P	P	N
• Non-motorized recreational vehicles and equipment	P	P	N
• Manufactured homes, farm equipment, and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone	P	P	N
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products	P	P	P
<u>• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code (outside storage possible) provided other off-site impacts are compliant with local, state and federal regulations.</u>	<u>C</u>	<u>P</u>	<u>C</u>
<u>• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of Aacids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals</u>	<u>N</u>	<u>C</u>	<u>N</u>
• <u>Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>• Sawmills</u>	<u>C</u>	<u>C</u>	<u>N</u>
<u>The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City</u>			
<u>• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of Ttoxins or explosive materials, or any product or compound</u>	<u>N</u>	<u>N</u>	<u>N</u>

<u>determined by a public health official to be detrimental to the health, safety and welfare of the community</u>			
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities	N	N	N
<u>• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>• Solid waste transfer stations</u>	<u>N</u>	<u>C</u>	<u>N</u>
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration	N	C	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ⁹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P

OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

¹ See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

²If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁴ Limited to Cardlock, ~~or~~ wholesale or facilities incidental to and solely serving an associated permitted or conditional use- no public retail fuel sales.

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⁸ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

¹⁰ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 - Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

Development Standards by Zone	EI	LI	GI
Lot area- Industrial Uses:	3 acres ⁹	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback ¹¹	20 feet	20 feet	None
Side Yard Setback ¹⁰	None	None	None
Rear Yard Setback ¹¹	None	None	None
Corner lot street side ¹¹	20 feet	20 feet	None
Height ¹¹	50 feet		

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.

¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹¹ Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five (5) acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one (1) lot or parcel of at least 50 acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.050 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 - Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

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Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS^[19]

Sections:

Revisions based on input from
1-26-16 PC meeting

Footnotes:

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Editor's note—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

16.31.010 - Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.
- C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.

- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Single Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards	P	P	P
• Small-scale power generation facilities	P	P	P
• Large-scale power generation facilities	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C

Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	C ¹
• Vehicle fueling stations or car wash facilities ⁴	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices ⁵	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	P	P	P
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use ⁶	C	C	C

¹ On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

General Retail - sales oriented			
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ⁷	P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage	P ¹⁰	P ¹⁰	N
• Tool and equipment rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards ⁷	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P	P	P
INDUSTRIAL			
• Medical or dental laboratories, including biomedical compounding	P	P	P

• Laboratories (not medical or dental)	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P	P	P
• Distribution and warehousing up to 100,000 square feet, provided product(s) are stored within an enclosed building	P	P	P
• Distribution and warehousing greater than 100,000 square feet provided product(s) are stored within an enclosed building	N	P	C
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses	C	P	C ²
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided there is no exterior odor, noise or storage and not otherwise regulated elsewhere in the code,	P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code (outside storage possible) provided other off-site impacts are compliant with local, state and federal regulations.	C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Sawmills	C	C	N
The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City			

² On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ⁹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P

• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

¹ See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

²If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

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Development Standards by Zone	EI	LI	GI
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(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)