

ATTACHMENT H

Community Development Code Amendment
Foothills Mixed Use Zone

Editor’s Note: Once the City Council tentatively approves the amendments, the redlining shown in all Sections below will be converted into hard-coded **bold, double-underlined type** and ~~striketrough~~ for final ordinance format.

50.01.004 ZONING DESIGNATIONS, BOUNDARIES, MAPS, AND ANNEXATION
1. ZONING DISTRICTS

The City is divided into the following zoning designations:

Table 50.01.004-1 : Zoning Designations	
Zone District Category	Map Designation
Residential	

Commercial	

Mixed Use	
Foothills Mixed Use	FMU
Mixed Commerce	MC
West Lake Grove Districts	
WLG Townhome Residential	WLG R-2.5
WLG Residential Live/Work	WLG RLW
WLG Residential Mixed Use	WLG RMU
WLG Office Commercial	WLG OC
Industrial	

Special Purpose Districts	

Overlay Districts – Area Specific	

Overlay Districts – Resource Specific	

50.01.006 NONCONFORMING STRUCTURES AND USES

5. EXPANSION OF NONCONFORMING INDUSTRIAL, OR COMMERCIAL USES OR STRUCTURES

5. EXPANSION OF NONCONFORMING INDUSTRIAL, MIXED USE, OR COMMERCIAL USES OR STRUCTURES

A nonconforming industrial or commercial use or structure located in a commercial, ~~or~~ industrial, or mixed use zone may be altered, enlarged, or expanded after a conditional use permit has been issued for such activity.

50.02.002 COMMERCIAL, INDUSTRIAL, MIXED USE ZONES

1. PURPOSES

k. Foothills Mixed Use (FMU)

To foster a mix of housing, retail and office uses in a central location proximate to downtown and along the Willamette River. Commercial uses are allowed but are not intended to dominate the character of the area. Retail uses are limited in size to complement the downtown core and facilitate the development of neighborhood-focused retail served by transit. The design and development standards are intended to create a unique Lake Oswego community. The emphasis of the zone is on residentially related uses.

The Foothills District code provisions are intended to:

- i. Connect the District area with downtown, Tryon Creek, Old Town, the Willamette River and Oswego Lake;
- ii. Create a sustainable walkable neighborhood that possesses a thriving, active, and comfortable pedestrian environment;
- iii. Create visual interest through varied building heights that are urban in character, yet include detailed amenities at the ground floor that enhance the pedestrian environment;
- iv. Create high quality buildings, of long lasting materials, to promote the permanence of the community
- v. Allow for a mix of residential uses, with urban density, and neighborhood scale retail and office development; and
- vi. Establish a standard of design that reinforces Lake Oswego's sense of place.

50.03: USE REGULATIONS AND CONDITIONS

50.03.002 USE TABLE

3. COMMERCIAL, MIXED USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE

[See Attachment H-1: Table 50.03.002-2]

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50.04.001 DIMENSIONAL TABLE

4. COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

TABLE 50.04.001-14: COMMERCIAL, MIXED USE, AND INDUSTRIAL DIMENSIONS

4. COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

a. Dimensions

Development in the commercial, mixed use, and industrial zones shall conform to the following dimensional standards except as modified below:

TABLE 50.04.001-14: COMMERCIAL, MIXED USE, AND INDUSTRIAL DIMENSIONS											
Standard [1]	NC	GC	HC	OC	EC	FMU	WLG See 50.04.001.4. b	CR&D	MC	I	IP
If a dimension or requirement is not shown it means there is no minimum or maximum, but that a requirement may be established at the time of Development Review Commission review.											
FLOOR AREA RATIO											
<u>Maximum</u>	0.25 :1 [2]	—	—	0.30 :1	3.0:1	<u>4.0:1 [16], [17]</u>			—	1.0:1	—
<u>Minimum</u>	—	—	—	—	—	<u>1.0:1 [15], [17]</u>			—	—	—
MAX -LOT COVERAGE (%)											
<u>Maximum</u>	None <u>100</u>	50	50	25	None <u>100</u>	None <u>100</u>		55 [5]	None <u>100</u>	—	—
<u>Minimum</u>	None <u>0</u>	None <u>0</u>	None <u>0</u>	None <u>0</u>	None <u>0</u>	<u>50</u>	None <u>0</u>	None <u>0</u>	None <u>0</u>	None <u>0</u>	None <u>0</u>
SETBACK (FT.)						<u>[14]</u>					
Location – From Lot Line to:						<u>See 50.06.001.6</u>					

HEIGHT (FT.)								See 50.04.001.4.c, Additional Standards and Exceptions				
Max. Height	35 [3]	45 [3]	60 [3]	45 [3]	50.04.001.4.c.i	45 [18]; 90		[11]	95 [13]	60 [8]	45	
Accessory Structures						24 ft.		60				
<p>****</p> <p>[14] Oswego Pointe Setback. Structures in the FMU zone shall maintain the following minimum setback measured from the structure listed below (as they existed on [Effective Date of this Ordinance]):</p> <p>a. Habitable structures – 85 ft;</p> <p>b. Non-habitable structures – 10 ft.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>The Framework plan says 85’ setback buffer between the OP buildings and Foothills buildings. Staff has reviewed the distances between the existing OP habitable structures (condominiums / apartments) and non-habitable structures (garages) and the property line between the OP development and Foothills District and found that that the distance currently exceeds 85 ft. Therefore the 85’ setback should be met by any construction on the OP site.</p> </div> <p>[15] Applies only to sites abutting a Primary Street.</p> <p>[16] FMU FAR Transfer. FAR may be transferred from any site zoned FMU to another site zoned FMU as follows:</p> <p>(a). The total FAR averaged between transfer sites shall not exceed 4.0:1.</p> <p>(b). The FAR shall not be less than 1.0:1 on any site abutting a Primary Street.</p> <p>(c). The property owner(s) shall execute and record a covenant with the City on all sites reflecting the respective increase and decrease of the FAR.</p> <p>[17] In the FMU, “Floor Area”: (1) Includes the area devoted to structured parking that is above ground level; (2) Does not include areas where the elevation of the floor is four ft or more below the lowest elevation of an adjacent right-of-way.</p> <p>[18] FMU State Street Height. For any area of a site that is located within 100 ft of the centerline of State Street, the maximum height is 45 ft.</p>												

50.04.003 EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

4. GENERAL EXCEPTION TO STRUCTURE HEIGHT LIMITATIONS

a. General Exceptions

In addition to any other exceptions permitted to the maximum building height limitation of a zone, the following type of structures or structural parts are not subject to the structure height limitations of this Code in the following zones:

TABLE 50.04.003-1: EXCEPTIONS TO HEIGHT LIMITATIONS	
Zone	Structures or Structural Parts Exempt from Height Limitations
Residential Zones – Residential Uses	a. Chimneys, flagpoles, radio and television antennas , ham radio aerials, and other structures. b. Roof-mounted solar system (panels).
Residential Zones – Nonresidential Uses	a. Chimneys, church spires, belfries, domes, monuments, radio and television antennas aerials , fire and hose towers, flagpoles, and other similar structures. b. Roof-mounted solar system (panels).
Commercial, Public Use, and Industrial Zones	a. Chimneys, tanks, church spires, belfries, domes, monuments, radio and television antennas aerials , fire and hose towers, observation towers, masts, ham radio aerials, cooling towers, elevator shafts, smokestacks, flagpoles, radio and television towers, and other similar structures. b. Roof-mounted solar system (panels).

TABLE 50.04.003-1: EXCEPTIONS TO HEIGHT LIMITATIONS	
Zone	Structures or Structural Parts Exempt from Height Limitations
FMU Zone	<p><u>a. Radio and television antennas and other similar structures, and public safety facilities.</u></p> <p><u>b. Any structure exempt from height limitation in residential zone (residential or nonresidential use) in subsection (a) above that has a width, depth, or diameter of five feet or less may exceed the zone’s height limitation by no more than ten feet , or five feet above the highest point of the roof, whichever is greater.</u></p> <p><u>c. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit.</u></p> <p><u>d. Stairwell enclosures and rooftop mechanical equipment (excluding elevator mechanical equipment) which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.</u></p> <p><u>e. Small wind turbines that meet subsection b.iii below are exempt from the height requirement.</u></p> <p><u>f. Roof-mounted solar systems (panels)</u></p>

Comment: Television aerials added to the residential zones because it is suggested to add them in the FMU zone. Under the rule of interpretation that where an item is expressly mentioned in one zone, the item would then be presumed to not be allowed in another zone.

b. Aerials and Collocated Telecommunications Facilities and Solar Panels; [Wind Turbines in the FMU Zone.](#)

- i. Aerials other than ham radio aerials are permitted to ten ft. over the building height maximum in a residential zone. Collocated telecommunication facilities in residential zones may exceed the height limits of the underlying zone, but shall not exceed ten ft. above the existing structure height. Collocated telecommunication facilities in commercial, public use, and industrial zones may exceed the height limits of the underlying zone, but shall not exceed 20 ft. above the existing structure height.
- ii. Roof-mounted solar systems (panels) may exceed the maximum building height limitation by the following:

- (1) Roof slopes 2:12 or less – no more than four ft., or
- (2) Roof slopes greater than 2:12 – no more than one ft.

iii. In the FMU Zone, small wind turbines are permitted and are not subject to the height requirements subject to the following standards:

- (1) Wind turbines poles must be no greater than 30 ft high;
- (2) Wind turbine poles shall have a maximum outside diameter of 2.5 ft;
- (3) Wind turbines shall have a maximum fan diameter of ten ft;
- (4) All wind turbine components shall be painted white; and
- (5) No more than four wind turbines may be installed per site.

50.05 OVERLAY AND DESIGN DISTRICTS

50.05.011 FLOOD MANAGEMENT AREA

7. FLOOD MANAGEMENT AREA DEVELOPMENT STANDARDS

7. FLOOD MANAGEMENT AREA DEVELOPMENT STANDARDS

The following standards apply to development within the flood management area:

b. Development Restrictions

Special standards apply as follows:

i. Fill

(1) Fill in the Floodway

Fill shall only be placed in the floodway when done in accordance with the floodway encroachment standards of LOC 50.05.011.6.

(2) Fill – General Provisions

The following standards apply throughout the flood management area:

- (a)** Fill is allowed for the construction of stormwater detention facilities or structures, and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable lands.

(b) In areas outside of the floodway, fill is permitted under the following conditions:

(i) Fill in quantities of ten cubic yards or less is permitted.

(ii) Fill in quantities greater than ten cubic yards is permitted within the floodplain of Oswego Lake and the developed areas of its outlets and within the floodplain depicted on LOC Figure 50.05.011-D that is zoned FMU and located at least 200 feet from the Ordinary High Water elevation of Tryon Creek and the Willamette River. Fill in quantities greater than ten cubic yards is permitted elsewhere within the flood management area when balanced with removal of an equal amount of material such as sand, gravel, soil, rock, and building material. Only removal of material below the base flood elevation shall be counted as compensating for fill.

(iii) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non storm winter conditions.

(c) Temporary fill during construction is permitted provided it is removed prior to final inspection.

50.06.001 BUILDING DESIGN

1. APPLICABILITY

This section is applicable as follows:

TABLE 50.06.001-1: BUILDING DESIGN STANDARDS APPLICABILITY						
/A/ = Applicable /blank/ = Not Applicable						
Base District	R-15	R-10	R-7.5	R-6	R-5	Additional Standards
Structure Design – Residential Zones 50.06.001.2	A	A	A	A	A [1]	50.05.006, Old Town Neighborhood Design
Garage Appearance and Location 50.06.001.4	A	A	A	A	A	50.05.006, Old Town Neighborhood Design
Zone Additional Standards 50.06.001.3 (R-6)				A		
Commercial, Industrial, and Multi-Family <u>Not Located in FMU Zone</u> Standards for Approval 50.06.001.5						A [2][3]
<u>Development Located in FMU Zone Standards for Approval 50.06.001.6</u>						<u>A [4]</u>

Notes:

[1] Structure Design standards only apply to detached single-family dwellings, zero lot line dwellings, duplexes, and structures that are accessory to these development types (see LOC 50.06.001.2.a).

[2] Ministerial development: development involving mechanical equipment, limited to LOC 50.06.001.5.b.viii (mechanical equipment screening).

[3] Minor and major development: development involving a structure for commercial, industrial, institutional, public use (including major public facilities and minor public facilities), multi-family residential, attached single-family (three or more units) residential development, and to all minor development within the R-DD zone. This standard is also applicable to exterior modifications of a structure which does not qualify as a ministerial development.

[4] Development involving either mechanical equipment, or development involving structures, or both, including new development and exterior modifications, in the FMU zone.

50.06.001 BUILDING DESIGN

5. COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY DEVELOPMENT AND MINOR DEVELOPMENT IN THE R-DD ZONE STANDARDS FOR APPROVAL

5. COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY DEVELOPMENT NOT LOCATED IN THE FMU ZONE, AND MINOR DEVELOPMENT IN THE R-DD ZONE STANDARDS FOR APPROVAL

a. Applicability

This standard is applicable in all zones except the FMU zone to:

i. Ministerial development: development involving mechanical equipment, limited to LOC 50.06.001.5.b.viii (mechanical equipment screening); and

ii. Minor and major development: development involving a structure for commercial, industrial, institutional, public use (including major public facilities and minor public facilities), multi-family residential, attached single-family (three or more units) residential development, and to all minor development within the R-DD zone. This standard is also applicable to exterior modifications of a structure which does not qualify as a ministerial development pursuant to LOC 50.07.003.13.a.ii(3).

50.06.001 BUILDING DESIGN

6. DEVELOPMENT IN THE FMU ZONE STANDARDS FOR APPROVAL

6. DEVELOPMENT IN THE FMU ZONE STANDARDS FOR APPROVAL

a. Applicability

This standard is applicable to all development involving mechanical equipment and development involving structures in the FMU zone, including new development and exterior modifications.

b. Design Standards

Structures shall be designed and located in accordance with the FMU Building Design Standards, Appendix 50.06.001.5-A.

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50.06.002 PARKING

50.06.002 PARKING

1. APPLICABILITY

The provisions of this section shall apply to all development which generates a parking need. This shall include the construction of new structures, the remodeling of existing structures and a change of use which increases on-site parking or loading requirements or which changes access requirements.

[Cross-Reference: LOC 50.06.002.3.b – Parking Standards in R-6 Zone.]

2. STANDARDS FOR APPROVAL

a. Vehicle Parking

i. Required parking spaces shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the loading and unloading or parking of vehicles used in conducting the business or use.

ii. Number of Required Parking Spaces

(1) Refer to Table 50.06.002-~~1~~2 to determine the number of parking spaces required. The number of parking spaces specified for each type of use are the minimum standards. Fractional space requirements shall be counted as the next highest whole space.

(2) Maximum Number of Parking Spaces. ~~Except for residential parking requirements, the maximum number of parking spaces shall not exceed 125% of the minimum number of required spaces.~~

<u>Zone</u>	<u>Type of Use</u>	<u>Maximum Number of Parking Spaces</u>
<u>FMU</u>	<u>Non-residential</u>	<u>3 spaces per 1,000 sq. ft. GFA</u>
	<u>Commercial</u>	<u>1 space per room.</u>
	<u>Residential</u>	<u>1.6 spaces per dwelling unit</u>
<u>Other Zones</u>	<u>Non-residential</u>	<u>125% of the minimum number of required spaces</u>
	<u>Residential</u>	<u>No Maximum</u>

(3) Handicapped parking and ramps shall be provided in accordance with the Uniform Building Code.

(4) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

TABLE 50.06.002-12: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required^[1]
<u>FOOTHILLS MIXED USE ZONE</u>	
<u>1. Residential Use</u>	<u>.50 space per Dwelling Unit</u>
<u>2. Commercial Residential Use</u>	<u>1 space per room.</u>
<u>3. Non-Residential Use (commercial, industrial, institutional, etc.)</u>	<u>1 space per 1,000 sq. ft. G.F.A.</u>
<u>OTHER AREAS</u>	
(A). RESIDENTIAL	
1. Single-family dwelling and duplex	1 space per dwelling unit
2. Secondary dwelling unit	1 space per unit (in addition to 1 space required for main dwelling unit)
3. Multi-family	25% of the required parking for multi-family use shall be located to provide for common or visitor use
i. Studio/Efficiency	1 space per unit
ii. 1 Bedroom	1.25 spaces per unit
ii. 2 or more Bedrooms	1.5 spaces per unit
4. Rooming and boarding house; Bed and Breakfast	1 space per each guest room plus one for owner
(B) COMMERCIAL RESIDENTIAL	
1. Hotel or Motel	1 space per unit
2. Assisted living facility	0.5 space per unit plus one per three employees
3. Hospital	1.5 spaces per bed
(C) PLACES OF PUBLIC ASSEMBLY	
1. Churches, clubs, lodges, meeting rooms, and auditoria	1 space per 4 seats of maximum capacity, or 1 space per each 5 occupants based on maximum capacity as calculated under the provisions of the Uniform building Code
2. Library, reading room, museum, art gallery	1.88 spaces per 1,000 sq. ft. plus one space per 2 employees on the peak shift
3. Nursery, day or child care facility, kindergarten	2.5 spaces per 1,000 sq. ft. G.F.A
4. Elementary or middle school or equivalent private or parochial school	16.6 spaces per 1,000 sq. ft. G.F.A in the auditorium or 2 spaces per classroom, whichever is greater
5. Senior high and equivalent private or parochial school	0.2 spaces per number of students and staff

TABLE 50.06.002-12: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required^[1]
6. College; commercial school for adults	3 spaces per 1,000 sq. ft. G.F.A (excluding dorms)
7. Schools such as martial arts, music, dance, gymnastics	1 space per 100 sq. ft. of G.F.A of lesson activity floor area plus .5 space per employee
(D) COMMERCIAL AMUSEMENTS	
1. Stadium, arena, theater	1 space/4 seats (fixed seating)
2. Bowling alley	3 spaces per lane plus 0.5 space per employee
3. Sports club/Recreation facilities, including billiard and pool parlors, video arcades, dance hall, gymnasium, health club	2 spaces per 1,000 sq. ft. G.F.A
(E) COMMERCIAL	
1. Office, including business and management services except medical or dental	3.33 spaces per 1,000 sq. ft. G.F.A
2. Medical and Dental Offices or clinics including accessory laboratories for medicine, dentistry, veterinarian practice or other practices of the healing arts	3.9 spaces per 1,000 sq. ft. G.F.A
3. Bank	2.5 spaces per 1,000 sq. ft. G.F.A
4. Supermarket	2.9 spaces per 1,000 sq. ft. G.F.A
5. Convenience food store	2.2 spaces per 1,000 sq. ft. G.F.A
6. Specialty food stores, such coffees, bagels, juice bars (Take-out food/drink primarily)	6.6 spaces per 1,000 sq. ft. G.F.A
7. Eating or drinking establishment	13.3 spaces per 1,000 sq. ft. G.F.A
8. Eating or drinking establishment with drive up window	9.9 spaces per 1,000 sq. ft. G.F.A
9. Barber shop, beauty salon, personal care services, such as nail, tanning, and therapeutic massage salons	4 spaces per 1,000 sq. ft. G.F.A plus 0.5 space per station
10. Retail sales and rentals, except as otherwise specified herein	3.3 spaces per 1,000 sq. ft. G.F.A
11. Heavy equipment rentals, such as yard and tool equipment	1 spaces per 1,000 sq. ft. G.F.A plus 0.5 per employee
12. Service or repair shop, such as electronic and home appliance repair, upholstery	1.6 spaces per 1,000 sq. ft. G.F.A
13. Automotive repair garage and service	1.6 spaces per 1,000 sq. ft. G.F.A plus 0.5

TABLE 50.06.002-12: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required^[1]
station	per employee
14. Mortuary	1 space per 5 seats based on maximum auditorium capacity plus 1.5 space per employee
(F) BULK MERCHANDISE	
1. Furniture, appliance store building materials	2 spaces per 1,000 sq. ft. G.F.A
2. Auto, boat or trailer sales	1 spaces per 1,000 sq. ft. G.F.A of building plus 0.5 space per employee
3. Truck, trailer and automobile rental parking lot	0.75 space per employee on largest shift
(G) INDUSTRIAL	
1. Light industrial, industrial park, Manufacturing	1.6 spaces per 1,000 sq. ft. G.F.A
2. Storage, warehouse, wholesale establishment, freight terminal, truck or auto storage	1 spaces per 1,500 sq. ft. G.F.A or 0.75 space per employee based on maximum shift, whichever is greater
3. Mini-Storage facility	3.33 spaces per 1,000 sq. ft. of gross office floor area plus on space for resident manager
(H) USES NOT SPECIFICALLY MENTIONED	
Parking requirement for uses not specifically mentioned in this section shall be determined by the requirements for off-street parking facilities for the listed use which, as determined by the City Manager, is most similar to the use not specifically mentioned, or by a parking study.	
[1] Gross floor area does not include any parking area.	

iii. On-Site Location of Required Parking Spaces

(2) ~~Except for tandem parking in residential developments of single family detached and attached dwelling units, duplexes, and zero lot line dwelling units, design~~ [Parking design](#) shall ensure that the parking of any vehicle shall not interfere with the parking or maneuvering of any other vehicle.

[Exceptions:](#)

(a). Residential Use: Tandem parking in residential developments is permitted if the tandem parking space is owned by, leased or assigned to a single residential owner or tenant.

(b). FMU: In the FMU zone, tandem parking is permitted for a development if an attendant is present to move vehicles.

iv. Off-Street Parking Options

(1) Off-Site Parking

Within commercial, public use, industrial and campus institutional zones parking may be provided on lots which are within 500 ft. of the property line of the use to be served. Within the EC (East End General Commercial) zone only, unless otherwise prohibited, employee parking may be allowed within 1,000 ft. of the property line of the use to be served.

Comment: This would not be available to the FMU zone because it is not one of the zones listed.

(2) Shared Parking

(a) Except in the FMU zone, ~~Shared~~ shared parking is allowed if the application can demonstrate that the combined peak use is provided for by a parking study that demonstrates:

(i) There are a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or

(ii) That the peak hours of operation of such establishments do not overlap; and

(iii) That an exclusive permanent easement over a delineated area has been granted for parking space use.

(b) Parties involved in shared parking arrangements shall enter into reciprocal agreements, acceptable to the City for such use, by legal instrument which shall also provide for continuing maintenance of jointly used parking facilities.

v. Reduction for Parking Space Requirements

(1) Parking space requirements may be reduced in developments where compensating factors exist which would offset the parking demand (such as access to transit facilities, pedestrian and bicycle access, development size, or combined, or the parking study provision). Refer to Table 50.06.002-~~2~~3 for reduction options.

TABLE 50.06.002-23: PARKING REQUIREMENT MODIFIERS	
Reduction for Access to Transit Facilities	
COMMERCIAL AND INDUSTRIAL USES (BASED ON DEVELOPMENT SIZE ON A SINGLE SITE (DS))	
GROSS FLOOR AREA	MULTIPLIER
0 – 20,000 sq. ft.	No reduction
20,000 plus sq. ft.	0.85 x requirement
AVAILABILITY OF TRANSIT ACCESS (TA)	
Transit shelter more than 500 ft. from building	No reduction
Transit available with shelter within 500 ft. of building	0.95 x requirement
Transit available on fronting street without shelter	0.90 x requirement
Transit available on fronting street with shelter within 50 ft. of building	0.85 x requirement
Reduction for Pedestrian and Bicycle Access (PA)	
COMMERCIAL AND INDUSTRIAL USES	MULTIPLIER
No hard surfaced pedestrian/bicycle access	No reduction
Hard surfaced pedestrian and bicycle access to 100 or more residential units within 1,000 ft. of the site.	0.90 x requirement
<u>FMU Ground Floor Exemption</u>	
<u>Mixed-use development in FMU zone</u>	<u>Exclude up to 15,000 ground floor non-residential GFA per building or site (in case of multiple buildings on the site).</u>
Reduction Permitted Based on Parking Study	
The parking study shall demonstrate sufficient number of parking spaces: a. For shared parking with other multiple uses per LOC 50.06.002.2.a.iv(2). b. Based on similar uses elsewhere in the City or the same use at other sites.	
Parking requirement modification shall be calculated as follows: Minimum requirement by type use x DS (Development Size) x TA (Transit Access) x PA (Pedestrian Access) = modified parking requirement.	
Definitions:	

TABLE 50.06.002-23: PARKING REQUIREMENT MODIFIERS

Transit Access: Availability of transit services as delineated above.

Pedestrian Access: The means by which pedestrians have safe, adequate and usable ingress and egress to a property or use.

(a) EC Modifiers: Within the East End General Commercial zone only, only the parking modifiers permitted by LOC 50.05.004, Downtown Redevelopment District Design Standards, and development size, or the parking study provision are permissible for reduction options.

(b) FMU Modifiers: Within the FMU zone, only the FMU Ground Floor Exemption is permissible for reduction options.

vi. Parking Dimensions

(1) Refer to Figure 50.06.002-A: Off-Street Parking Matrix to determine the minimum dimension and layout of parking spaces. All parking areas, except stacked or tandem parking areas, shall be designed so that a vehicle may enter or exit without having to move another vehicle. All parking areas must be designed to allow vehicles to enter and exit the street in a forward motion.

(2) The minimum dimension to meet single-family residential parking space requirements shall be eight ft. six in. wide and 18 ft. six in. long for each space.

(3) Up to 50% of the total parking requirement may be provided in compact car spaces. All parking spaces designated for compact vehicles shall be signed or labeled by painting on the parking space.

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Figure 50.06.002-A-[General](#): Off-Street Parking Matrix ([General](#))

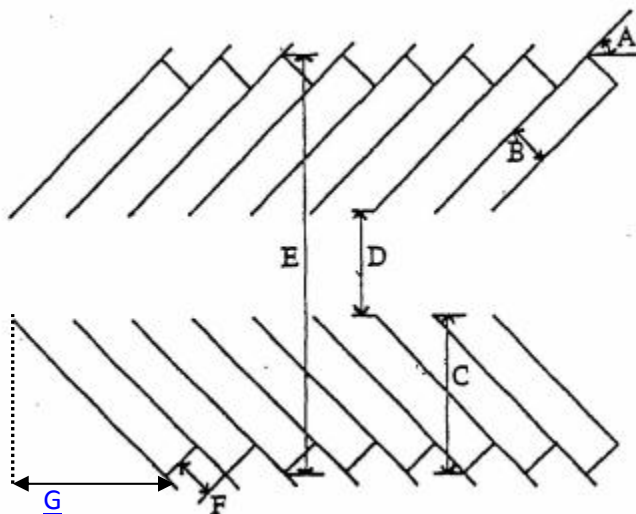
OFF-STREET PARKING MATRIX, REQUIRED SPACE AND AISLE DIMENSIONS IN FEET										
	Compact Size Vehicles					Standard Size Vehicles				
Angle (A)	Stall Width (B)	Stall Depth (C)	Aisle Width (D)	Module Width (E)	Bumper Overhang (F)	Stall Width (B)	Stall Depth (C)	Aisle Width (D)	Module Width (E)	Bumper Overhang (F)
0°	8.0	20.0	N/A	N/A	N/A	8.0	24.0	N/A	N/A	N/A
45°	8.0	15.5	11.0	42.0	2.0	8.5 9.0	17.5	13.0 12.0	48.0 47.0	2.0 2.0
60°	8.0	17.0	14.0	48.0	2.5	8.5 9.0	19.0	18.0 16.0	56.0 54.0	2.5 2.5
75°	8.0	17.5	21.0	56.0	2.5	8.5 9.0	19.5	25.5 23.0	64.5 62.0	2.5 2.5
90°	8.0	16.0	20.0	52.0	1.5	8.5 9.0	18.5	26.0 24.0	63.0 61.0	2.5 2.5

Figure 50.06.002-A-FMU Off-Street Parking Matrix for FMU Zone:

FMU ZONE OFF-STREET PARKING MATRIX, REQUIRED SPACE AND AISLE DIMENSIONS IN FEET					
Structured Parking					
Angle (A)	Stall Width (B)	Stall Depth (C)	One Way Aisle Width (D)	Two Way Aisle Width (D)	Curb Length
Structured Parking					
0°	8.0	8.0	12	20	22.5
30°	8.5	15.0	12	20	17
45°	8.5	17.0	12	20	12
60°	8.5	17.5	16	20	9.75
90°	8.5	16.0	20	20	8.5
Surface Parking					
0°	8.0	8.0	14	20	22.5
30°	8.5	15.0	14	20	17

FMU ZONE OFF-STREET PARKING MATRIX, REQUIRED SPACE AND AISLE DIMENSIONS IN FEET					
Structured Parking					
Angle (A)	Stall Width (B)	Stall Depth (C)	One Way Aisle Width (D)	Two Way Aisle Width (D)	Curb Length
45°	8.5	17.0	14.0	22	12
60°	8.5	17.5	18.0	22	9.75
90°	8.5	18.0	20.0	22	8.5

Do we need the curb length?



- A = Parking Angle
- B = Stall Width
- C = Stall Depth (no bumper overhang)
- D = Aisle Width between Stall Lines, except for fire lanes, which are regulated by LOC Chapter 15, Fire Protection
- E = Module Width (no bumper overhang)
- F = Bumper Overhang
- G = Curb Length

vii. Loading

Loading berths in sufficient numbers and size to adequately handle the needs of the development shall be required.

Exception – FMU Zone: Loading berths are not required.

The off-street parking areas to fulfill the requirements of this standard shall not be used for loading and unloading or the storage of vehicles or materials or parking of trucks used in conducting business or use.

viii. Employee Carpool and Vanpool Parking

Development in commercial and industrial zones, ~~and~~ in the Public Function zone, and non-residential development in mixed use zones ~~which that~~ requires a total of 50 or more parking spaces shall designate at least 5% of the number of parking spaces as employee carpool or vanpool parking. The carpool/vanpool spaces shall be full sized parking spaces. The spaces shall be clearly marked "Reserved-Carpool/Vanpool Only" with hours of use. Except for designated handicapped parking spaces, employee carpool and vanpool parking spaces shall be located as follows:

(1) Where employee parking spaces are designated, the designated carpool and vanpool parking spaces shall be the closest employee parking spaces to the entrance normally used by employees.

(2) Where employee parking spaces are not designated, designated carpool and vanpool parking spaces shall be located in close proximity to the building entrance normally used by employees.

b. Bicycle Parking

i. Bicycle parking shall be provided for all new multi-family residential developments (four units or more) and commercial, industrial, public facilities and institutional uses, except seasonal uses, such as fireworks stands and Christmas tree sales; drive-in theaters; and self-storage facilities are exempted.

ii. The minimum number of required bicycle parking spaces are listed in Table 50.06.002-~~45~~; provided, however, that the owners of institutional categories under Table 50.06.002-~~4~~5 may defer installation of a portion of the required bicycle parking facilities if:

(1) At least 30% of the required bicycle parking facilities are installed prior to issuance of the certificate for occupancy;

(2) The owner executes and records with the County Clerk of the county in which the property is located a covenant to undertake bicycle parking studies, and install a percentage of required bicycle parking facilities, as follows:

TABLE 50.06.002-34: BICYCLE PARKING STUDIES	
Timing of Bicycle Parking Study	Required Percentage of Installed Bicycle Parking Facilities
Within 90 days following certificate of	150% of the greatest number of bicycles being parked or stored on the property at any time during the 14-day period of a bicycle parking study, up to the required

TABLE 50.06.002-34: BICYCLE PARKING STUDIES	
Timing of Bicycle Parking Study	Required Percentage of Installed Bicycle Parking Facilities
occupancy	number of bicycle parking facilities per Figure 50.06.002-A: Off-Street Parking Matrix.
Two studies within one year following initial study	
Whenever requested by City Manager	

TABLE 50.06.002-45: MINIMUM REQUIRED BICYCLE PARKING SPACES		
Use Categories	Specific Uses	Number of Required Spaces
<u>FMU ZONE:</u>		
<u>All Residential Uses</u>		<u>1 space per dwelling unit</u>
<u>Non-Residential Uses</u>	<u>Retail and Restaurant Uses</u>	<u>2, or 1 per 2,500 sq ft GFA</u>
	<u>All Other Non-Residential Uses</u>	<u>2, or 1 per 10,000 sq ft GFA</u>
<u>ALL OTHER ZONES</u>		
RESIDENTIAL CATEGORIES		
Household Living	Multi-family	1 per 4 units
Group Living		2, or 1 per 20 residents
	Dormitory	1 per 8 residents
INSTITUTIONAL CATEGORIES		
Preschool		2, or 1/2 per classroom
Schools	Grades 1 through 12	2 per classroom
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. G.F.A.
Transit Centers	Park and ride lots	5% of auto spaces
Religious Institutions		2, or 1 per 4,000 sq. ft. G.F.A.

TABLE 50.06.002-45: MINIMUM REQUIRED BICYCLE PARKING SPACES		
Use Categories	Specific Uses	Number of Required Spaces
Hospitals		2, or 1 per 40,000 sq. ft. G.F.A.
Libraries, Museums, etc.		2, or 1 per 4,000 sq. ft. G.F.A.
COMMERCIAL		
Retail Sales and Services	Includes groceries and financial institutions	2, or 1 per 2,500 sq. ft. G.F.A.
Auto-Oriented Services	With or without mini-market	2, or 1 per 5,000 sq. ft. G.F.A.
Office	Includes doctor, dentist	2, or 1 per 5,000 sq. ft. G.F.A.
Restaurant	Includes drive-ins	2, or 1 per 5,000 sq. ft. G.F.A.
Theaters, Auditoriums		1 per 60 seats
INDUSTRIAL CATEGORIES		
Warehouse and Freight Movement		2, or 1 per 40,000 sq. ft. G.F.A.
Manufacturing and Production		2, or 1 per 15,000 sq. ft. G.F.A.
Industrial Park	Other than manufacturing and warehousing	2, or 1 per 10,000 sq. ft. G.F.A.
<p>Notes:</p> <p>1. Wherever this table indicates two numerical standards, such as 2, or 1 per 3,000 sq. ft. of gross floor area, the larger number applies.</p> <p>2. 100% of all required bicycle parking spaces for residential and industrial categories shall be covered. <u>Bicycle parking spaces for employees of commercial, public use, and institutional categories are encouraged to be covered and secured. Cover for bicycle parking may be accommodated by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or dwelling units or freestanding shelters.</u></p> <p><u>FMU Zone: Of the required number of bicycle parking spaces, 10% shall be located in a location visible from, and in close proximity to the main entrance, for visitor use, either outside or inside of the building on the ground floor, All other bicycle parking spaces may be provided within a building.</u></p> <p><u>All Other Zones:</u> These bicycle parking spaces may be provided within a building.</p>		

TABLE 50.06.002-45: MINIMUM REQUIRED BICYCLE PARKING SPACES		
Use Categories	Specific Uses	Number of Required Spaces
<p>Bicycle parking spaces for employees of commercial, public use, and institutional categories are encouraged to be covered and secured. Cover for bicycle parking may be accommodated by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or dwelling units or freestanding shelters.</p> <p>3. Fractional space requirements shall be counted as the next highest whole space.</p> <p>4. G.F.A. (Gross Floor Area): The area included within the surrounding exterior walls of a building or portion thereof excluding allowable projections, decks, patios, uncovered exit stairways or uncovered above-grade driveways.</p>		

(3) The methodology and timing of the bicycle parking studies shall be proposed by the owner, for review and approval of the City Manager. Based on the results of any of the bicycle parking studies, the owner shall install additional needed bicycle parking facilities within 60 days following completion of the study. The cost of the bicycle parking studies, and installation of the bicycle parking facilities, shall be at the expense of the property owner. If the owner does not comply with the terms of the covenant, the City may give notice to the property owner to install the balance of the required bicycle parking facilities within 15 days following the date of the notice.

iii. Modifications which increase the size of existing commercial, industrial, public function structures or institutional buildings by more than 10% or a change of use shall provide bicycle parking spaces to meet the requirements of Table 50.06.002-45 for the entire development. For the purposes of this section, an "existing building" is a building as it exists on February 19, 1998.

iv. Bicycle parking shall be separated from car parking and vehicular traffic by a physical barrier or sufficient distance to protect parked bicycles from damage by vehicles.

v. Bicycle parking for multiple uses may be clustered in one or several locations meeting all other requirements specified in this section for bicycle parking.

vi. One hundred percent of all required bicycle parking spaces for industrial categories shall be covered. These required bicycle parking spaces may be provided within a building. Bicycle parking spaces for employees of commercial, public use, and institutional uses are encouraged to be covered and secured. Cover for bicycle parking may be accommodated by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or freestanding shelters.

vii. Not less than 25% of the required bicycle parking spaces inside a building shall be provided in a well illuminated, secure location within 50 ft. of a building entrance. The balance of the number of required bicycle parking spaces shall be provided either inside

each individual dwelling unit or inside each individual dwelling unit's designated storage area within the building.

viii. Outdoor bicycle parking spaces shall be clearly visible and shall be located within 50 ft. of any entrance to the building unless clustered pursuant to subsection 3.b.v of this section in which case the parking spaces shall be no more than 100 ft. from a public entrance.

ix. If the required bicycle parking spaces cannot be provided on site within the EC (East End General Commercial) zone, bicycle parking racks may be provided on the sidewalk adjacent to the property's frontage providing a minimum five ft. unobstructed sidewalk width is maintained.

x. Bicycle parking spaces shall be a minimum of six ft. long and two ft. wide, and provide a minimum five ft. access aisle. For covered spaces the overhead clearance shall be at least seven ft.

3. STANDARDS FOR CONSTRUCTION

c. Bicycle Parking

i. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only. If the bicycle parking is not visible from the street or main building entrance, a sign shall be posted indicating the location of the parking facilities.

ii. Rack types and dimensions:

(1) Bicycle racks shall hold bicycles securely by the frame and be anchored.

(2) Bicycle racks shall accommodate both:

(a) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and

(b) Locking the frame and both wheels to the rack with a chain or cable not longer than six ft.

d. Parking Plan

Applicant shall provide scaled parking plan with dimensions and number of spaces accurately depicted.

50.06.003 CIRCULATION AND CONNECTIVITY

3. ON-SITE CIRCULATION – BIKEWAYS, WALKWAY, AND ACCESSWAYS

3. ON-SITE CIRCULATION – BIKEWAYS, WALKWAY, AND ACCESSWAYS

a. Applicability

b. Standards for Approval

[FMU Standards Note: If the below provisions address the same subject as provided in the Foothills Building and Site Design Standards, Appendix 50.06-A, those standards shall supersede the below provisions.](#)

i. Commercial, industrial, public use, and institutional developments of one acre or more shall provide a pedestrian circulation plan for the site.

(1) Pedestrian connections between the proposed development and existing development on adjacent properties other than connections via the street system shall be identified and implemented, where feasible.

c. Standards for Construction

[FMU Standards Note: If the below provisions address the same subject as provided in the Foothills Building and Site Design Standards, Appendix 50.06-A, those standards shall supersede the below provisions.](#)

i. The surfacing of walkways, bikeways and accessways shall consist of either two in. of asphaltic concrete over a minimum of four in. of compacted crushed rock, or of four in. of concrete, as determined by the City Manager. Other materials must be specifically approved by the City Manager.

50.06.003 CIRCULATION AND CONNECTIVITY

4. LOCAL STREET CONNECTIVITY

4. LOCAL STREET CONNECTIVITY

a. Applicability

This section is applicable to:

- i. Any development that results in the construction of a street; or
- ii. Construction of a detached single-family dwelling, duplex, zero lot line dwelling, multi-family dwelling, commercial, industrial, institutional, or public function structure; and is located on a parcel or parcels of vacant or redevelopable land of one and three-fourths acres or larger.
- iii. Any construction of a detached single-family dwelling, duplex, zero lot line dwelling, multi-family dwelling, commercial, industrial, institutional, or public function structure, or any land division that abuts a parcel upon which there is a street that has been "stubbed" to the proposed development parcel.

[This section is not applicable to development or construction in the FMU zone.](#)

50.06.004 SITE DESIGN

1. LANDSCAPING, SCREENING, AND BUFFERING

a. Applicability

a. Applicability

i. Except as provided in subsection 1.a.ii of this section, this section is applicable to:

- (1) All major development;
- (2) Multi-family dwelling;
- (3) Major public facilities;
- (4) Commercial development;
- (5) Institutional development;
- (6) Industrial development;
- (7) Subdivisions;
- (8) Partitions involving the creation of a street; and
- (9) Change of use that increases the number of required parking spaces by more than 25%.

ii. The above developments located within:

(1) ~~the~~The Downtown Redevelopment Design District shall comply with LOC 50.05.004 rather than the provisions of this section.

(2) The FMU zone shall comply with the Foothills Building and Site Design Standards, Appendix 50.06-A

50.06.004 SITE DESIGN

2. FENCES

2. FENCES

a. Purpose

b. Applicability

No person shall construct a fence, wall, or retaining wall in violation of this section.

c. Location and Height

FMU Standards Note: If the below provisions address the same subject as provided in the Foothills Building and Site Design Standards, Appendix 50.06-A, those standards shall supersede the below provisions.

i. Fences and walls in residential zones shall not exceed six ft. in height unless otherwise provided below:

(1) Four ft. in height when located within ten ft. of a property line abutting a public or private street or an access easement which serves more than two lots. This restriction shall not apply to properties which abut an access easement but which do not have a legal right to use the easement. For purposes of determining fence height under this subsection, alleys are not considered as public streets.

(2) Four ft. in height when located within the front yard setback of the Old Town Neighborhood.

ii. Gates in a fence or wall located within ten ft. of a property line abutting a public or private street or an access easement shall not exceed six ft. in height.

iii. Portals located within ten ft. of a property line abutting a public or private street or an access easement shall not exceed eight ft. in height.

iv. Fences, walls, and retaining walls in nonresidential zones shall not exceed eight ft. in height. Mixed use commercial/residential zones shall be considered a residential zone for purposes of this section. A fence, wall, or retaining wall over six ft. height shall be screened by an evergreen hedge which shall be of a size and spacing so as to provide a six-ft. high, dense screen within three years of the date of planting. Any fence over six ft. in height requires a building permit.

v. Fences, walls, retaining walls, gates, and portals shall comply with the provisions of LOC 50.06.011 (Vision Clearance).

vi. Every body of water, as defined in LOC 50.10.003.2, shall have a barrier as required by the State of Oregon One and Two Family Dwelling Specialty Code.

vii. Retaining Walls within Residential Zones

(1) Retaining wall less than four ft. in height may be located in the required setback; provided, that if there are multiple retaining walls within the setback, each retaining wall shall be located no closer than five ft. to another retaining wall, as measured from the back of one retaining wall to the front of the other retaining wall.

(2) Retaining walls four ft. and greater in height shall be required to meet all setback requirements. Property owners shall be required to obtain a building permit for retaining walls greater than four ft. in height or for any wall over two ft. that supports a surcharge.

(3) Retaining walls shall not be permitted in any rights-of-way, except with prior approval of an encroachment permit.

viii. Fence Located on Top of or Near Retaining Walls

(1) The combined height of a retaining wall and fence, where the fence is located either on top of or within five ft. of the face of the retaining wall on the upslope side, shall be less than eight ft., as measured from the lower side of the retaining wall.

(2) No fence shall be located either on top of or within five ft. of the face of the retaining wall on the upslope side when either the retaining wall or the fence is located within ten ft. of a public or private street or an access easement which serves more than two lots.

ix. Berms, when used in conjunction with fences or walls, shall be included in height determinations.

x. Exceptions from Height Limitations

The height limitations of this section do not apply to:

(1) Fences which either provide security or are accessory or incidental to the use of a major public facility, minor public facility, or public transportation facilities; or

(2) An open (80% open) fence which is not located in the front yard (forward of the primary structure to the front lot line) and which encloses part or all of a tennis court, swimming pool, playing field, park, recreation facility, public or semi-public utility structure; or

(3) A noise fence permitted by the Oregon Department of Transportation abutting the right-of-way of Highway 43, but only to such height limits approved by ODOT; or

(4) Retaining walls used to directly support a driveway or car parking area for a single-family residence; or

(5) Retaining walls used to support right-of-way embankments subject to approval by the City Manager or designee.

Such fence height exempted under the above subsections shall not exceed ten ft. except a noise fence under subsection 2.c.x(3) of this section.

50.06.005 PARK AND OPEN SPACE CONTRIBUTIONS

1. APPLICABILITY

1. APPLICABILITY

a. Except as provided in LOC 50.06.005.1.b, this section is applicable to all major development, and to the following minor developments:

- i. Construction or alteration of multi-family dwelling;
- ii. Construction or alteration of major public facilities;
- iii. Construction or alteration of commercial development;
- iv. Construction or alteration of institutional development;
- v. Construction or alteration of industrial development; and
- vi. Partitions and subdivisions, when the parent lot is greater than 75,000 sq. ft.

b. The above developments located within:

[i. ~~the the~~ Downtown Redevelopment Design District shall comply with LOC 50.05.004.8 rather than the provisions of this section.](#)

[ii. The FMU Zone are not subject to this section.](#)

50.07.003 REVIEW PROCEDURES

15. MAJOR DEVELOPMENT DECISIONS

d. Review and Decision

ii. Review Criteria for Major Developments

ii. Review Criteria for Major Developments

(1) Major Development Other Than Rezoning to FMU in the Foothills Special District Plan Area. A major development shall comply with:

- (~~1~~a) Any applicable regulatory policies of the Lake Oswego Comprehensive Plan;
- (~~2~~b) The requirements of the zone in which it is located;
- (~~3~~c) The development standards applicable to major developments;
- (4d) Any additional statutory or Lake Oswego Code provisions which may be applicable to the specific major development application, such as the variance provisions, the streets and sidewalks chapter (LOC Chapter 42), and the tree cutting chapter (LOC Chapter 55); and
- (~~5~~e) Any conditions of approval imposed as part of an approved ODPS or prior development permit affecting the subject property.

(2) Rezoning to FMU in the Foothills Special District Plan Area. Rezoning within the Foothills Special District Plan to the FMU zone shall comply with the following:

- (a) The property is designated FMU on the Comprehensive Plan;
- (b) The proposed development is in substantial conformance with the conceptual lot and street pattern of the Foothills Special District Plan Chapter of the Comprehensive Plan.
- (c) The owner of the property has executed (or will execute as a condition of the rezoning) a development agreement with either the City or LORA for a proposed development on the property that is consistent with the Goals and Policies of the Foothills Special District Plan, including street and other public right-of-way improvements.
- (d) The proposed development, including any street improvements, will not result in other properties within the Foothills Special District Plan Area becoming functionally inaccessible or otherwise rendered unviable.

LOC 50.08: ADJUSTMENTS, ALTERNATIVES, AND VARIANCES

50.08.008 FOOTHILLS MIXED USE EXCEPTIONS TO STANDARDS

1. APPLICABILITY

The reviewing authority may allow exceptions to FMU zone standards except use, height and floor area ratio standards, without the need to obtain a formal variance when the applicant demonstrates that:

- i. The proposed adjustment equally or better meets the purpose of the standard to be modified; and
- ii. The proposed adjustment continues to meet the overall purpose of the FMU zone found in LOC 50.02.002.1.k and the Foothills Special District Plan of the Comprehensive Plan.

2. APPLICATION PROCESS

A request for exception under this provision may be processed as part of the underlying application or separately as a minor development.

50.10.003 DEFINITIONS

2. DEFINITION OF TERMS

2. DEFINITION OF TERMS

The following terms shall mean:

Streets, Primary (FMU): Primary Streets in the FMU Zone are Foothills Road, B Avenue, and Oswego Pointe Drive.

Streets, Secondary (FMU): Secondary Streets are all other public streets in the FMU Zone not identified as Primary Streets.