## 2. RESIDENTIAL USE TABLE

### TABLE 50.03.002-1: RESIDENTIAL DISTRICTS USE TABLE

<table>
<thead>
<tr>
<th>Use Cat.</th>
<th>Use Type</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Use Specific Standards</td>
<td>Use Specific Standards</td>
</tr>
<tr>
<td></td>
<td>R-15</td>
<td>R-10</td>
</tr>
<tr>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td>****</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufactured homes (individual lot)</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Manufactured home parks and subdivisions</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Secondary dwelling unit</td>
<td>P</td>
</tr>
<tr>
<td>Group and Institutional Housing</td>
<td>****</td>
<td></td>
</tr>
<tr>
<td><strong>PUBLIC, INSTITUTIONAL, AND CIVIC USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional Uses</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Utilities/Public Facilities</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Major</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Minor [3]</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Telecommunications facilities, new</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td><strong>NONRESIDENTIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Large animals kept for owner’s use [5]</td>
<td>P</td>
</tr>
<tr>
<td>Office, Business, or Professional</td>
<td>Home occupation</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Office uses (in structures on City’s Landmark Designation List) [6]</td>
<td>C</td>
</tr>
<tr>
<td>Recreation/Entertainment</td>
<td>****</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 50.03.002-1: RESIDENTIAL DISTRICTS USE TABLE

P = Permitted Use | Blank = Not Permitted | C = Conditional Use

[x] Table notes located at the end of the table

<table>
<thead>
<tr>
<th>Use Cat.</th>
<th>Use Type</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>R-15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[8]</td>
</tr>
</tbody>
</table>

**Notes:**

[1] Conditional uses in R-2 and R-6 see LOC 50.03.003.1.b.d.

****

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

P = Permitted Use | Blank = Not Permitted | C = Conditional Use

[x] Table notes located at the end of the table

<table>
<thead>
<tr>
<th>Use Cat.</th>
<th>Use Type</th>
<th>Commercial, Mixed Use, Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Living</td>
<td>Residential use</td>
<td>P [1]</td>
</tr>
<tr>
<td>PUBLIC, INSTITUTIONAL, AND</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

NC, GC and EC zones: 50.03.003.1.e_d

NC and GC zones: 50.03.003.1.e_d.i(1)

NC and GC zones: 50.03.003.1.e_d.i(2)

50.03.003.34
**TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE**

*P = Permitted Use | Blank = Not Permitted | C = Conditional Use*

[x] Table notes located at the end of the table

<table>
<thead>
<tr>
<th>Use Cat.</th>
<th>Use Type</th>
<th>Commercial, Mixed Use, Industrial</th>
<th>Special Purpose</th>
<th>Use Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIVIC USES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>****</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious agency structures and related accessory uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>****</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Music schools</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Other educationa l uses associated with private or public institutions</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Private or public educationa l institutions</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Schools and school district office buildings [35]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational schools</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

50.03.003.34.a

50.03.003.34.d

5,000 sq. ft. max. area

50.03.003.34.d; WLG OC zone: 5,000 sq. ft. or less in area

50.03.003.34.d

50.03.003.34.d
<table>
<thead>
<tr>
<th>Use Cat.</th>
<th>Use Type</th>
<th>Commercial, Mixed Use, Industrial</th>
<th>Special Purpose</th>
<th>Use Specific Standards</th>
</tr>
</thead>
</table>

---

**ITEM 1:** Reorganizes the use-specific standards so that standards for permitted uses are grouped together, and standards for conditional uses are grouped together, for ease of use. The references in the Use Tables above have been updated to reflect the reorganization below.

---

[1] At a net site density of 2,500 sq. ft./lot area per unit area allowed in conjunction with office uses in the same building.

****

[12] Nonprofit office uses in structures on the City's Historic Landmarks List see 50.03.003.4d, h.
1. RESIDENTIAL USES – PERMITTED USES

HOUSEHOLD LIVING

a. Attached, Residential Townhome Uses in West Lake Grove

****

b. Conditional Uses in the R-2 and R-6 Zones

In addition to the criteria contained in LOC 50.07.005, Conditional Use Permits, an application to establish a new conditional use in the R-2 or R-6 zones must comply with the following criteria:

i. A new conditional use shall not be located on a street with a traffic level that exceeds the functional classification of the street as set forth in the Lake Oswego Comprehensive Plan Goal 12.

ii. If the street upon which the new use will be located is an arterial or collector and is currently operating within the parameters of its functional classification as set forth in the Lake Oswego Comprehensive Plan Goal 12, the use shall not cause the street to exceed the allowable amount of traffic for its functional classification.

iii. If the street upon which the new use will be located is a local street and is currently operating within the parameters of its functional classification as set forth in the Lake Oswego Comprehensive Plan Goal 12, the use shall not generate more than ten additional Average Daily Traffic (ADT) trips when the projected ADT or increased ADT of the proposed conditional use is divided by a figure equal to the square footage of the lot or parcel on which the conditional use will be located divided by 2,000 in the R-2 zone or 6,000 in the R-6 zone.

iv. Where available, a conditional use shall take access from collector or arterial streets and not from local streets. Exception: A conditional use may take access from a local street if a professional traffic analysis indicates that access to the local street would improve public safety or traffic management when compared to access from the available collector or arterial.

ITEM 1: Reorganizes the use-specific standards so that standards for permitted uses are grouped together, and standards for conditional uses are grouped together, for ease of use; renames sections as appropriate. This section moved to LOC 50.03.003.2.d, Residential – Conditional Uses.

bc. Manufactured Homes

****

cd. Manufactured Home Park or Subdivision
2. CONDITIONAL USE STANDARDS FOR RESIDENTIAL USES – CONDITIONAL USES GROUP AND INSTITUTIONAL HOUSING

a. Residential Care Housing and Congregate Housing

b. Residential Care Housing Facilities and Congregate Housing in R-7.5, R-10 and R-15 Zones

c. Skilled Nursing Facilities in the R-0, WLG R-2.5, R-3 and R-5 Zones

d. Conditional Uses in the R-2 and R-6 Zones

In addition to the criteria contained in LOC 50.07.005, Conditional Use Permits, an application to establish a new conditional use in the R-2 or R-6 zones must comply with the following criteria:

i. A new conditional use shall not be located on a street with a traffic level that exceeds the functional classification of the street as set forth in the Lake Oswego Comprehensive Plan Connected Community chapter.

ii. If the street upon which the new use will be located is an arterial or collector and is currently operating within the parameters of its functional classification as set forth in the Lake Oswego Comprehensive Plan Connected Community chapter, the use shall not cause the street to exceed the allowable amount of traffic for its functional classification.

iii. If the street upon which the new use will be located is a local street and is currently operating within the parameters of its functional classification as set forth in the Lake Oswego Comprehensive Plan Connected Community chapter, the use shall not generate more than ten additional Average Daily Traffic (ADT) trips when the projected ADT or increased ADT of the proposed conditional use is divided by a figure equal to the square footage of the lot or parcel on which the conditional use will be located divided by 2,000 in the R-2 zone or 6,000 in the R-6 zone.
iv. Where available, a conditional use shall take access from collector or arterial streets and not from local streets. Exception: A conditional use may take access from a local street if a professional traffic analysis indicates that access to the local street would improve public safety or traffic management when compared to access from the available collector or arterial.

ITEM 1: Reorganizes the use-specific standards so that standards for permitted uses are grouped together, and standards for conditional uses are grouped together, for ease of use; renames sections as appropriate. This section was moved from LOC 50.03.003.1.b. References to Comprehensive Plan policies are also updated.

3. COMMERCIAL – PERMITTED USES

a. Home Occupations

A home occupation may be conducted where allowed by other provisions of this Code if the following conditions are continuously complied with:

i. The use does not alter the residential character of the neighborhood nor infringe upon the right of residents in the vicinity to the peaceful enjoyment of the neighborhood.

ii. A current and valid business license is maintained.

iii. No employees other than family members who reside at the dwelling.

iv. No outside storage of goods or materials other than vegetation.

v. No more than 25% of the dwelling is devoted to nonresidential use.

b. Large Animals Kept for Owner’s Use

This use may be permitted with no commercial activity under the following conditions:

i. The lot area shall be a minimum of one acre. The total number of large animals allowed on a specific property shall be determined by dividing the total area of the property by 15,000 sq. ft. per animal over the age of six months.

ii. Animal runs or barns shall not be closer than 70 ft. from the front property line and not closer than 35 ft. from a side or rear property line.

iii. Animals shall be properly housed and proper sanitation shall be maintained with food, other than hay or fodder, stored in metal or other rodent-proof receptacles.

c. Professional Offices
i. WLG RMU Zone

(1) Offices with limited customer or client traffic intended to attract and serve customers or clients on premises, such as: attorneys, physicians, dentists, counselors, insurance, travel agents, investment and financial services, real estate, studios (photography, commercial art, advertising), architects, landscape architects, engineers or other design businesses, research, software development, corporate offices, medical testing laboratories, specialty medical services.

(2) Professional Office Uses and Minor Public Facilities. A single building which provides for professional office uses or minor public facilities shall be limited to a total floor area of 8,000 sq. ft. in a multi-story building, with no more than 5,000 sq. ft. on any floor.

ii. WLG OC Zone

(1) Offices with limited customer or client traffic intended to attract and serve customers or clients on premises, such as: attorneys, physicians, dentists, counselors, insurance, travel agents, investment and financial services, real estate, studios (photography, commercial art, advertising), architects, landscape architects, engineers or other design businesses, research, software development, corporate offices, medical testing laboratories, specialty medical services.

(2) A single building which provides for any of the permitted uses shall be limited to a maximum building footprint of 5,000 sq. ft.

iii. WLG RLW Zone

Offices with limited customer or client traffic intended to attract and serve customers or clients on premises, such as: sole practitioner attorneys, counselors, investment and financial services, studios such as photography, artists, commercial software development and information technology services. (Such uses are subject to conditions for commercial use set forth in LOC 50.04.001.4.b.ii(1).)

iv. IP Zone

Not to exceed 15% of gross site area.

ITEM 1: Reorganizes the use-specific standards so that standards for permitted uses are grouped together, and standards for conditional uses are grouped together, for ease of use; renames sections as appropriate. Subsections a, b and c were moved from LOC 50.03.003.4
43. OTHER – CONDITIONAL USES - CONDITIONAL USE STANDARDS FOR PUBLIC, INSTITUTIONAL, AND CIVIC USES, INCLUDING STANDARDS FOR TELECOMMUNICATIONS FACILITIES

a. Churches, Convent and Related Facility

****

b. Major Public Facilities and Institutional Uses Not Covered by Other Specific Standards

****

c. Nonprofit Conditional Uses in Certain Zones

****

d. Schools

****

e. Telecommunications Facilities

****

f. Telecommunications Facilities in Residential or Mixed Residential/Commercial Zones

****

g. Conditional Uses Listed in Commercial or Industrial Zones and Not Covered by Other Specific Standards

i. The site will be designed so that ingress and egress will not cause hazardous turning movements, traffic slow-downs or blockages due to storage of vehicles waiting for services.

ii. Public services are or can be provided at the site.

iii. All outdoor lighting except security lighting shall be extinguished at the close of business hours.

iv. Any adverse impacts on adjoining residential uses such as noise, lights, or loss of privacy will be mitigated by landscaping, screening or increased setbacks.

v. Parking shall meet the parking standards and may be increased if additional spaces are shown to be necessary.

vi. For retail tire, batteries and accessory sales, the following criteria also apply:

(1) Must be located on an arterial street;
(2) Must be within one mile by road of an I-5 interchange;

(3) Must provide service to the industrial park uses as well as retail service to the general public. Such industrial service shall be included in routine advertising for the business;

(4) Site and building design shall give attention to the specialized requirements of industrial park users by such mechanisms as review of turning radii, height and width of service doors, dimensions of storage parking for vehicles waiting to be serviced, and internal site circulation; and

(5) Only one two-way access to the arterial is allowed. A one-way internal street with two access points located at least 100 ft. apart may be approved as an alternative.

h. Office Uses in Structures on the City’s Historical Landmarks List and Which Are Located on Arterial Streets

i. Public services are adequate to serve the facility.

ii. Notwithstanding LOC 50.06.002.2, the required parking for office uses in historic landmarks shall be determined in the conditional use approval. In applying the general conditional use criteria under LOC 50.07.005.3.a.iii and iv, the on-site parking may be reduced to protect the historic character of the landmark.

iii. Access should be located on an arterial street, if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. A traffic study will be required of the applicant to identify the projected average daily trips to be generated and their distribution pattern. Uses which are estimated to generate fewer than 20 trips per week shall be exempted from the requirements of this subsection.

iv. Noise generating equipment shall be sound buffered when abutting a residential use.

v. Exterior lighting and signage shall be designated to avoid glare onto adjacent residential uses.

vi. Levels of operations shall be adjusted to avoid conflict with adjacent uses, where practicable.

vii. The historical designation of the property shall be maintained throughout the period of the conditional use. The property owner shall provide a deed restriction with the application which ensures that the property owner will not remove the property from the City’s Historical Landmark List for the duration of the conditional use permit. Request for removal from the list shall void the conditional use permit.
ITEM 1: Reorganizes the use-specific standards so that standards for permitted uses are grouped together, and standards for conditional uses are grouped together, for ease of use; renames sections as appropriate. Subsection “g” moved from LOC 50.03.003.4.a, subsection “h” moved from LOC 50.03.003.4.d

4. COMMERCIAL

a. Conditional Uses Listed in Commercial or Industrial Zones and Not Covered by Other Specific Standards

i. The site will be designed so that ingress and egress will not cause hazardous turning movements, traffic slowdowns or blockages due to storage of vehicles waiting for services.

ii. Public services are or can be provided at the site.

iii. All outdoor lighting except security lighting shall be extinguished at the close of business hours.

iv. Any adverse impacts on adjoining residential uses such as noise, lights, or loss of privacy will be mitigated by landscaping, screening or increased setbacks.

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b. Home Occupations

A home occupation may be conducted where allowed by other provisions of this Code if the following conditions are continuously complied with:

1. The use does not alter the residential character of the neighborhood nor infringe upon the right of residents in the vicinity to the peaceful enjoyment of the neighborhood.

2. A current and valid business license is maintained.

3. No employees other than family members who reside at the dwelling.

4. No outside storage of goods or materials other than vegetation.

5. No more than 25% of the dwelling is devoted to nonresidential use.

c. Large Animals Kept for Owner’s Use

This use may be permitted with no commercial activity under the following conditions:

1. The lot area shall be a minimum of one acre. The total number of large animals allowed on a specific property shall be determined by dividing the total area of the property by 15,000 sq. ft. per animal over the age of six months.

2. Animal runs or barns shall not be closer than 70 ft. from the front property line and not closer than 35 ft. from a side or rear property line.

3. Animals shall be properly housed and proper sanitation shall be maintained with food, other than hay or fodder, stored in metal or other rodent-proof receptacles.

d. Office Uses in Structures on the City’s Historical Landmarks List and Which Are Located on Arterial Streets

1. Public services are adequate to serve the facility.

2. Notwithstanding LOC 50.06.002.2, the required parking for office uses in historic landmarks shall be determined in the conditional use approval. In applying the general conditional use criteria under LOC 50.07.005.3.a.iii and iv, the on-site parking may be reduced to protect the historic character of the landmark.

3. Access should be located on an arterial street, if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. A traffic study will be required of the
applicant to identify the projected average daily trips to be generated and their distribution pattern. Uses which are estimated to generate fewer than 20 trips per week shall be exempted from the requirements of this subsection.

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v. Exterior lighting and signage shall be designated to avoid glare onto adjacent residential uses.

vi. Levels of operations shall be adjusted to avoid conflict with adjacent uses, where practicable.

vii. The historical designation of the property shall be maintained throughout the period of the conditional use. The property owner shall provide a deed restriction with the application which ensures that the property owner will not remove the property from the City’s Historical Landmark List for the duration of the conditional use permit. Request for removal from the list shall void the conditional use permit.

e. Professional Offices

i. WLG RMU Zone

(1) Offices with limited customer or client traffic intended to attract and serve customers or clients on-premises, such as: attorneys, physicians, dentists, counselors, insurance, travel agents, investment and financial services, real estate, studios (photography, commercial art, advertising), architects, landscape architects, engineers or other design businesses, research, software development, corporate offices, medical testing laboratories, specialty medical services.

(2) Professional Office Uses and Minor Public Facilities. A single building which provides for professional office uses or minor public facilities shall be limited to a total floor area of 8,000 sq. ft. in a multi-story building, with no more than 5,000 sq. ft. on any floor.

ii. WLG OC Zone

(1) Offices with limited customer or client traffic intended to attract and serve customers or clients on-premises, such as: attorneys, physicians, dentists, counselors, insurance, travel agents, investment and financial services, real estate, studios (photography, commercial art, advertising), architects, landscape architects, engineers or other design businesses, research, software development, corporate offices, medical testing laboratories, specialty medical services.

(2) A single building which provides for any of the permitted uses shall be limited to a maximum building footprint of 5,000 sq. ft.
iii. WLG RLW Zone

Offices with limited customer or client traffic intended to attract and serve customers or clients on
premises, such as: sole practitioner attorneys, counselors, investment and financial services,
studios such as photography, artists, commercial software development and information
technology services. (Such uses are subject to conditions for commercial use set forth in LOC
50.04.001.4.b.ii(1).)

iv. IP Zone

Not to exceed 15% of gross site area.

ITEM 1: Reorganizes the use-specific standards so that standards for permitted uses are
grouped together, and standards for conditional uses are grouped together, for ease of
use; renames sections as appropriate. These sections were moved to Subsections 2-4,
above, as appropriate.

References in the Use Tables have been updated to reflect changes.

50.03.003.1.a.ii(1) [Residential Uses – West Lake Grove]

a. Attached, Residential Townhome Uses in West Lake Grove

***

ii. Within the WLG RMU zone:

(1) Attached townhomes are allowed solely or in conjunction with office uses in the same
building.

(2) When a combination of office-commercial and attached townhome residential uses are
proposed together on the same site and in separate buildings, the commercial structure(s)
shall front on Boones Ferry Road. Residential buildings shall occupy the rear portion of the
parcel which is most proximate to the surrounding residential zoning districts.

ITEM 2: Prior to Code Reorg, in the WLG RMU zone (OC/R-2.5), you could have attached
residential townhomes as a use AND you could have them mixed with office uses or
office-commercial. On the Use Table, there is a Use Specific Note in the Attached
Townhouse row that directs the reader to this subsection (1)(a). Thus in reading it, it
reads that attached townhomes are ONLY permitted in conjunction with office or office-
commercial; that standalone townhomes are not permitted. That is not true.

50.03.003.1.e(i)(1) [Residential Uses in Commercial Zones / GC and NC zones]

i. GC and NC

(1) At R-0, R-3 and R-5 Density

Except as specifically allowed in LOC 50.02.002.2, Specific Standards for Commercial, Mixed
Use, and Industrial Zones, a residential use may occupy the ground floor in the GC or NC
zones only if a commercial use is located along the street frontage and the residential use is located behind the commercial use with the following exceptions:

i. A residential use may occupy the ground floor in the GC zone at street frontage designated Park Lane, Crossroads Gateway or Campus Woods within the Lake Grove Village Center Overlay District (see Village Character Map, LOC Figure 50.05.007-D).

ii. On a corner site, the residential use is behind the commercial use as viewed from the higher classification street.

**ITEM 3**: When there is a corner site, “behind” without limitation requires commercial use on both frontages in front of a residential use. This was not the intent of the code, according to then Assistant Planner Director Denny Egner.

50.04.001.2  [Dimensional Table/Residential Medium Density Zone/Yard Setback Additional Standards]

**ii. R-6 Yard Setback Standards**

(1) Required Setbacks

<table>
<thead>
<tr>
<th>TABLE 50.04.001-5: MINIMUM YARD SETBACKS – R-6 ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Structures (ft.)</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Adjacent to a Street</td>
</tr>
<tr>
<td>Rear</td>
</tr>
</tbody>
</table>

Notes:

[1] < 600 sq. ft. and with walls < 10 ft. in height below the eave.

[2] Behind the front building line of the house (excluding a porch).

[3] Provided there is no less than 20 ft. between the edge of pavement and the structure.

**ITEM 34**: Clarifies that the measurement is from the edge of pavement.

(2) Additional Setback Standards and Modifications

(a) A projecting covered front porch may extend into the front yard setback up to six ft.
(b) Additions to primary and accessory structures built before July 1, 2010, are subject to the following minimum side yard setbacks:

<table>
<thead>
<tr>
<th>Structures ≤ 18 ft. in height</th>
<th>Structures &gt; 18 ft. in height</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 ft.</td>
<td>5 ft. minimum width on a side, 15 ft. cumulative, except a multi-story structure may have a smaller side yard setback than required by this section where the ground floor is set back a minimum of 5 ft. and the remainder of the structure is stepped back from the building line by at least 4 ft. on each side.</td>
</tr>
</tbody>
</table>

**ITEM 35**: Superfluous Table heading, since the exact language was identified immediately above. This cleans it up.

50.05.004.3 [Downtown Redevelopment Design District/Relationship to Other Development Standards]

3. RELATIONSHIP TO OTHER DEVELOPMENT STANDARDS

a. LOC 50.05.004.5 to 50.05.004.7 supersedes LOC 50.06.001.5, Commercial, Industrial, and Multi-Family Development Standards for Approval, in its entirety for developments subject to this overlay district.

b. LOC 50.05.004.8 supersedes LOC 50.06.004.1, Landscaping, Screening and Buffering, in its entirety for developments subject to this overlay district shall apply in addition to the requirements of LOC 50.06.004.1, Landscaping, Screening and Buffering, but exceptions to the requirements of LOC 50.06.004.1 may be granted as provided in LOC 50.08.005, Downtown Redevelopment District Exceptions to Standards.

****

**ITEM 7**: This corrects a circular reference that was internally inconsistent. The Landscaping standard already exempts downtown project from the standards under Landscaping (LOC 50.06.004.1).

Currently the Downtown Redevelopment applicability standard refers back to the general landscaping standard. LOC 50.06.004.1. But the general landscaping standard refers the reader back to the Downtown Redevelopment Design District (LOC 50.06.004.1.a.ii):

ii. The above developments located within:
The Downtown Redevelopment Design District shall comply with LOC 50.05.004 rather than the provisions of this section.

It was intended that the 2012 CDC Update include a revision in the Downtown Redevelopment standard and that included eliminating the reference back to the general landscaping standard, but that was dropped. The Downtown Redevelopment landscaping standard should supersede the general landscaping requirements, but not the general site design requirements.

50.05.004.5.d.i [Downtown Redevelopment / Building Siting and Massing / Number of Stories / Fourth Story]

d. Number of Stories

New buildings shall be at least two stories tall, and new and remodeled building shall be no greater than three stories tall, except:

i. Fourth Story
A fourth story shall be permitted subject to the following:
(1) The fourth story is residential and is contained within a gabled or hipped roof;
(2) The site is sloping and the structure has three or fewer stories on the uphill side;
(3) The fourth story is significantly stepped back from the building plane created by the lower stories; or
(4) Fourth story design elements are used to break up the mass of a building, create visual interest and variety, hide mechanical equipment, define an entry or define a particular building’s function. Examples of such design elements include dormers, towers, turrets, clerestories, and similar features.

ITEM 6: This is a Code Reorg inadvertent change in wording from “shall” to “may”; there was no intent to change the text.

Old 50.65.025.4.a

4. Number of Stories. New buildings shall be at least two stories tall, and new and remodeled building shall be no greater than three stories tall, except:
a. A fourth story shall be allowed if:
   i. The fourth story is residential and is contained within a gabled or hipped roof;
   ii. The site is sloping and the structure has three or fewer stories on the uphill side;
   iii. The fourth story is significantly stepped back from the building plane created by the lower stories; or
   iv. Fourth story design elements are used to break up the mass of a building, create visual interest and variety, hide mechanical equipment, define an entry or define a particular building’s function. Examples of such design elements include dormers, towers, turrets, clerestories, and similar features.
b. Street Front Setback Plane

Except as set forth in LOC 50.06.001.2.d and for flag lots in the R-6 zone, the profile of a structure that fronts on a street shall fit behind a plane that starts at the setback line (front yard or side yard abutting a street) and extends upward to 20 ft. in height, then slopes toward the center of the lot up to the maximum base height of the zone, as illustrated below in Figure 50.06.001-A: Street Front and Street Side Setback Plane:

ITEM 8: Clarifies that the Street Front Setback Plane does not apply to flag lots in any zone, not just R-6.

v. Multiple Garage Opening Setbacks

In any instance where a garage or a set of adjacent garages is designed to park three or more vehicles, only the garage openings for the first two vehicles may occupy the same building plane. Each additional building plane with a garage opening shall be set back by a minimum of two ft. from the previous garage building plane.

Exceptions:
(1) The lot is a steeply sloped lot;
(2) The width of a parcel is less than 50 ft.; or
(3) The garage is proposed to be set back at least 60 ft. from the public right-of-way.

ITEM 10: There was an error in the 2008 CDC Update 08-0054 (Ord. 2525) regarding the exemptions to the garage appearance requirement that needs to be restored. These exemptions, and other for location, were combined into a long list of exemptions for location but these three exemptions were not retained. Staff has reviewed the code annotations and there is no statement that it was the intent to terminate these exemptions for garage opening setback:

i. Where the average slope of a parcel exceeds 20%,
ii. Where the width of a parcel is less than 50 feet, or
iii. Where the garage is proposed to be set back at least 60 feet from the public right-of-way.
50.06.002.2.a.v (Parking / Standards for Approval)

v. Reduction for Parking Space Requirements

(1) Parking space requirements shall 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 50.06.002-4 for reduction options.

<table>
<thead>
<tr>
<th>TABLE 50.06.002-4: PARKING REQUIREMENT MODIFIERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types of Modification</td>
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<tr>
<td>Development Site Size (DS)</td>
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<tr>
<td>Access to Transit Facilities (TA)</td>
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<tr>
<td>Downtown Redevelopment District</td>
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<tr>
<td>Pedestrian and Bicycle Access (PA)</td>
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<tr>
<td>Downtown Redevelopment District</td>
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<tr>
<td>Downtown Redevelopment District</td>
</tr>
<tr>
<td>FMU Ground Floor Exemption</td>
</tr>
<tr>
<td>OR Parking Study (alternative to all modifications)</td>
</tr>
</tbody>
</table>

****
ITEM 12: The table suggests that in the Downtown Redevelopment Design District (DRDD), the Development Site Size (DS) modification is not available because the DRDD is listed for Transit and Pedestrian Access, but not for DS. Rather than adding DRDD to the DS listing, by removing the DRDD from the Transit and Pedestrian Access modifiers, then when one looks at the table, one applies all applicable modifiers shown – DS, Transit, Pedestrian Access, and DRDD except the parking study modifier is an alternative to all other modifiers. This is per the text of the DRDD, LOC 50.06.004.9.a:

9. PARKING REQUIREMENTS
Parking shall be designed to provide adequate, but not excessive, space while preserving and enhancing the village character of Lake Oswego, through compliance with the following criteria:

a. Number of Spaces
New uses shall provide the number of parking spaces required under the City of Lake Oswego Parking Standards (LOC 50.06.002), modified as follows:

i. Because of the layout of downtown Lake Oswego and the ready availability of on-street parking and transit, the minimum parking requirement shall be 0.75 of the total required for each use pursuant to Table 50.06.002-1, Minimum Off-Street Parking Space Requirements.

ii. Retail uses within 1,000 ft. of 100 or more residential units may further reduce their total parking requirements to 0.9 of the total spaces required after all other adjustments are made pursuant this section.

iii. Within the East End General Commercial zone only, only the parking modifiers permitted by the Downtown Redevelopment District Design Standards, and Development Size, or the Parking Study provision are permissible for reduction options.

iv. New uses within existing buildings may demonstrate compliance with the parking requirement through the use of existing spaces on adjacent property if the applicant complies with all of the following criteria:

1. The applicant demonstrates that the proposed use has substantially different peak period parking needs than uses served by the parking spaces on the adjacent property. Evidence necessary to support such demonstration may include a by-the-hour parking study, patron use evidence from register tapes, or written employees transportation and parking policies.

2. The applicant demonstrates that he or she has permission of the owner of the adjacent property to utilize his or her property for parking, either by an easement or a parking agreement or leases that will last for the life of the use.

3. The location of the adjacent property complies with LOC 50.05.004.9.b.

v. High turnover eating or drinking establishments such as coffee shops, ice cream parlors and "take-and-bake" food services may vary from the parking requirements for restaurants by providing evidence that demonstrates the short term nature of their employee and patron parking needs. In no case, however, shall parking be reduced below the number of spaces that would be required for an equal size retail store.

vi. Existing on-street parking along the property frontage shall be used to calculate parking requirements.

vii. In the portion of the downtown shopping and business district shown on Figure 50.05.004-K: Downtown – No Required Parking, below, no parking shall be required for existing or proposed uses when:

1. A retail use locates in an existing structure, or
(2) An existing structure is expanded and the ground floor footprint does not increase in area.

**Figure 50.05.004-K: Downtown – No Required Parking**

50.06.002.2.b (Parking Standards / Standards for Approval / Bicycle Parking)

b. Bicycle Parking

i. **Applicability**

1. 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.

2. 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 50.06.002-6 for the entire development. For the purposes of this section, an "existing building" is a building as it exists on February 19, 1998.

***

iii. [Reserved]. 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 50.06.002-6 for the entire development. For the purposes of this section, an "existing building" is a building as it exists on February 19, 1998.
**ITEM 13:** LOC 50.06.002.2.b.iii is an applicability statement for modifications that gets lost by being in subsection iii; an applicability section for Bicycle Parking is created in subsection (i) and the text is moved to 50.06.002.2.b.i.

50.06.005.3.a. (Parks and Open Space Contribution / Standards for Approval)

**a. Amount of Open Space Required**

i. All developments, except as otherwise provided by this section, shall provide open space land approved by the City in an aggregate amount equal to at least 20% of the gross land area of the development.

ii. Commercial (except commercial development in OC zone), institutional, and industrial development shall provide open space approved by the City in an aggregate amount equal to at least 15% of the gross land area of the development.

iii. Subdivisions and major partitions on sites of greater than 75,000 sq. ft. in size shall provide open space approved by the City in an aggregate amount equal to at least 20% of the gross land area of the development.

iv. Subdivisions and major partitions of 75,000 sq. ft. or less shall provide open space for the following areas of the site:

1. Areas identified as RP (Resource Protection) or RC (Resource Conservation) on the Sensitive Lands Atlas.

2. A 50.0 ft.-ft. buffer along a mapped *regional*, *community collector*, and *local access* recreational trail that crosses or is abutting the site, to a maximum of 20% of the gross site area. If the buffer area would exceed 20% of the gross site area, the buffer area shall be uniformly reduced along the recreational trail so that the buffer area is 20% of the gross site area.

**ITEM 16:** "Mapped" refers to the Trail and Pathways Master Plan. "Recreational" means all three types of trails: *regional*, *community collector*, and *local access*. The 50 ft. default buffer width -- this might be a typo of 5.0 ft.[H1], but we have no legislative history to confirm that.

3. Exception: The buffer width may be reduced to a lesser amount, up to zero, as designated by an adopted trail plan for the mapped recreational trail.

Subsection 3 Exception is just an exception to subsection 2, not to all of iv.

3[4] The area of the site contains resources identified as Class I or II Riparian Corridors/Wildlife Habitat or Class A or B Upland Wildlife Habitat as mapped on Metro’s Title 13 Regionally Significant Fish and Wildlife Habitat Inventory Map (adopted by Metro on September 29, 2005, and amended on December 8, 2005); provided, however, the maximum required area is 20% of the gross site area. See Figure 50.07.007-C: Regionally Significant Fish and Wildlife Habitat Inventory Map.
50.06.005.3.b [PARK AND OPEN SPACE CONTRIBUTIONS / STANDARDS FOR APPROVAL]

**b. Required Open Space – How Provided**

Open space land in commercial, institutional, public use, industrial and office campus areas may be provided as a combination of reserved land and landscaping. Where no RP or RC district resources or public park land is located on the site, the open space requirement can be met by protecting nondesignated natural resource areas and/or providing landscaping which meets the requirements of the landscaping standard.

**ITEM 17:** “Areas” is not a defined term. Because it is applied based on the nature of the use on the site, rather than applied as a zone requirement, the more appropriate term is “use”.

50.07.003.1 [Review Procedures / Application]

**f. Neighborhood Contact and Notice Required for Certain Applications**

****

**ii. Selecting Date, Time, and Location of Neighborhood Meeting**

In establishing the date, time and location of the meeting with the neighbors and with the neighborhoods:

**(1) Procedure**

The applicant shall follow the applicable procedures in subsections 1.f.ii(1)(a)(i) and (ii) of this section.

**(a) Required Organizations**

****

**(ii) County Community Planning Citizen Participation Organizations (CPOs).**

Where the proposed development is within the boundaries of a County-recognized CPO, or equivalent, the applicant shall provide the chair of the County CPO in which the site proposed for development is predominantly located three alternative meeting options (on three different days, with at least seven days between the first and the last date proposed).

****

**ITEM 25:** Corrects the name of CPOs, which is Community Planning Organization, which is the name used by Clackamas County.
j. Modification of Pending Application

i. Modifications of a pending application shall be considered under the standards in effect at the time the application was filed, if the modification:

(1) Does not increase the amount of required parking, square footage, or the number of dwelling units; or

(2) Does not change the form of a structure.

ii. Any modification that does not comply with subsection 1.j.i of this section shall be considered a new application.

ITEM 37: This is a Code Reorg inadvertent change in wording from “application” to “modification”; there was no intent to change the text. The original text is below:

OLD 50.77.045 Modification of Pending Application.
1. Modifications of a pending application shall be considered under the standards in effect at the time the application was filed, if the modification:
   a. Does not increase the amount of required parking, square footage, or the number of dwelling units; or
   b. Does not change the form of a structure.
2. Any modification which does not comply with subsection (1) of this section shall be considered a new application.

50.07.003.3 [Review Procedures / Public Notice/Opportunity for Public Comment]

Except as set forth in LOC 50.07.003.3.d, prior to making a final decision on a minor development permit application or a legislative decision, notice of the opportunity to comment upon an application and, if applicable, the date of a public hearing upon the application, shall be given as follows:

ITEM 20: This section includes procedures for legislative decisions as well as quasi-judicial decisions. This introduction is amended to include reference to legislative decisions.
50.07.003.4.g.iii [Review Procedures /]

iii. In the case of a major development which requires an amendment of the Comprehensive Plan, or the text or map of this Code, the hearing body’s order adopted pursuant to subsection 4.g.ii of this section shall be considered a recommendation to Council and not a final decision. The notice of the hearing body’s decision provided pursuant to LOC 50.07.003.4.h shall be modified to note that the decision is a recommendation which will be forwarded to the Council for public hearing and final decision. The Council shall review the recommendation pursuant to LOC 50.07.003.7.f through o, Appeals, and LOC 50.07.003.4.e, Preservation of Order, except that, for purposes of the appeal hearing in LOC 50.07.003.7.i, Conduct of the Appeal Hearing, the applicant shall proceed with testimony, followed by persons in favor of the application, opponents, and rebuttal by the applicant.

ITEM 22: Code Reorg inadvertently left out reference to Preservation of Order:

  e. Preservation of Order
  The Chair shall preserve order and decorum, discourage personal attacks, and confine debate to the material issues. The Chair may eject from the hearing any person in attendance who becomes disorderly, abusive or disruptive, or who fails or refuses to obey a ruling of the Chair. The Chair may summon assistance of the Lake Oswego Police to assist in maintaining order.

50.07.003.5.a.v [Conditions on Development]

  5. CONDITIONS ON DEVELOPMENT
  a. The reviewing authority may impose conditions of approval on a major or minor development permit in one or more of the following circumstances:
     ***
     v. The proposed variance or exception to a code requirement is based on the preservation of tree(s), and the condition of approval is reasonably related to preserving the tree(s) that is the basis for the variance or exception.

ITEM 23: Word inadvertently omitted in original ordinance, LU 08-0053.

LOC 50.07.003.7 [Appeals]

  j. Time Limits on Testimony
  The provisions of LOC 50.07.003.4.b shall be applicable here with the following time frames substituted for those in LOC 50.07.003.4.b.i:
  i. If the appellant is the applicant:
     (1) Fifteen minutes for the applicant’s presentation;
     (2) Ten minutes for a representative of a recognized neighborhood association, homeowners association, government or government agency, or other incorporated public interest organization;
     (3) Five minutes each for other persons; and
     (4) Five minutes for the applicant’s rebuttal.
ii. If the appellant is not the applicant:
   (1) Fifteen minutes for the applicant’s presentation, except if the time is expanded
       by the Mayor pursuant to LOC 50.07.003.4.b.iii; Fifteen minutes for the appellant’s
       presentation. If there is more than one appellant, the appellants shall have a total of
       15 minutes, unless the time is expanded by the Mayor pursuant to LOC
       50.07.003.4.b.iii;
   (2) Fifteen minutes for the applicant’s presentation, except if the time is expanded
       by the Mayor pursuant to LOC 50.07.003.4.b.iii; Fifteen minutes for the appellant’s
       presentation. If there is more than one appellant, the appellants shall have a total of
       15 minutes, unless the time is expanded by the Mayor pursuant to LOC
       50.07.003.4.b.iii;
   (3) Ten minutes for a representative of a recognized neighborhood association,
       homeowners association, government or government agency, or other incorporated
       public interest organization;
   (4) Five minutes each for other persons; and
   (5) Five minutes for the applicant’s rebuttal.

ITEM 24: The order of testimony is governed by subsection i, which states that the
order of testimony is the same as at the initial evidentiary hearing: applicant,
supporters, opponents, neither for nor against. This amendment conforms to the order
of testimony as to applicant and appellant, to eliminate confusion that this time limit
section also addresses the order of testimony.

50.07.003.13.e [Review Procedures / Ministerial Development Decisions / Review and Decision]  

   e. Review and Decision  

   i. Decision-Making Authority  

   Ministerial development applications shall be reviewed and approved by the City Manager.

   ii. Review Criteria for Ministerial Developments  

   A ministerial development shall comply with the requirements of the zone, including overlay
zones, in which the subject lot or parcel is located, and shall comply with the following sections of
the development standards:

   (1) Parking, LOC 50.06.002.

   (2) Hillside Protection, LOC 50.06.006.2.

   (3) On-Site Circulation – Driveways and Fire Access Roads, LOC 50.06.003.2.

   (4) If the ministerial development involves placement of a manufactured home,
       Manufactured Homes, LOC 50.03.003.1.eb.

   (5) Building Design Standard, LOC 50.06.001.5.b.viii (mechanical equipment screening).
(6) Weak Foundation Soils, LOC 50.06.006.1, for construction of structures where the requirements of LOC 50.06.006.1 have not been previously addressed for the development site.

(7) If located in the Flood Management Area, LOC 50.05.011.

**ITEM 1:** Updates cross-reference from re-organization in section 50.03.002.

---

50.07.003.16.c [Review Procedures / Required Notice to DLCD]

c. Required Notice to DLCD

i. Except as provided by subsections 16.c.ii and iii of this section, any proposed amendment or addition to the City’s acknowledged Comprehensive Plan or land use regulations shall be forwarded to the Director of the Oregon Department of Land Conservation and Development (DLCD) at least 45 days as required by OAR 660-018-0020 before the first evidentiary hearing on adoption. The City shall include the text of the proposed amendment and any supplemental information that the City believes is necessary to inform the Director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

**ITEM 18:** ORS 197.610 previously required not less than 45 days, but that statute was amended to establish a maximum of 35 days, but DLCD could provide for less.

The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

Currently the DLCD rule is 35 days, but rather than stating in our code the current number of days per DLCD rule, reference is made to the rule so that if the rule is revised, there would not be a need to amend our code. An Editor’s Note can be included to state the current number of days notice, so if there is a change, the editor’s note can change.

Note: Notice may also be required to be given to Metro if the amendment affects one of their Titles, and they currently require 45 days notice prior to the first evidentiary hearing.

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50.07.003.16.e (Review Procedures / Legislative Decisions / City Council Review and Decision)
e. City Council Review and Decision

The City Council shall hold at least one public hearing on the proposed legislative decision.

i. Notice
Notice of a City Council hearing on a legislative decision shall be published pursuant to LOC 50.07.003.3.c, Published Notice. Notice shall also be mailed at least ten days in advance to the Committee for Citizen Involvement, to all recognized Neighborhood Associations and to all persons who appeared either orally or in writing at the Planning Commission hearing. The notice shall include:

a. The time, date and place of the public hearing;

b. A brief description of the proposed legislative amendment; and

c. A phone number for obtaining additional information.

**ITEM 19:** During the Code Reorg, it consolidated parts of 50.75.020 and 50.75.025 because most of it was repetitive. In consolidating 50.75.020(3) and 50.75.025(2) of the old code into LOC 50.07.003.3.c of the reorganized code, the Code Reorg team mistakenly used the language of 50.75.020(3) instead of 50.75.025(2), which has the additional requirement to provide notice to all persons who appeared either orally or in writing at the PC hearing of the scheduled City Council public hearing.

50.75.025(2):
2. Notice. Notice of a City Council hearing on a legislative decision shall be published at least once in a newspaper of general circulation in the City of Lake Oswego at least ten days in advance of the hearing. Notice shall also be mailed at least ten days in advance to the Committee for Citizen Involvement, to all recognized Neighborhood Associations and to all persons who appeared either orally or in writing at the Planning Commission hearing. The notice shall include:

a. The time, date and place of the public hearing;

b. A brief description of the proposed legislative amendment; and

c. A phone number for obtaining additional information.

This was an oversight and it was not intended to eliminate the requirement to provide notice to persons that testified at the PC hearing.

50.07.004.8.a.ii [Additional Submission Requirements / Sensitive Lands Overlay Districts]

a. Criteria for Designating Property within an Overlay District
   i. Goal 5 Analysis Required
      In order to include an individual property, a portion of a property, or a group of properties within an RP or RC overlay district, the reviewing body shall find that the resource on the site or sites has been ranked and evaluated through an Economic, Social, Environmental, and Energy (ESEE) Process Analysis in compliance with Statewide Land Use Planning Goal 5 and merits a Resource Protection (RP) and/or Resource Conservation (RC) designation.
   ii. Procedure
An RP or RC designation may be imposed, modified or removed pursuant to either a City or area-wide Goal 5 analysis or a Goal 5 analysis of a single property or small number of individual properties. A City-wide or area-wide group of properties analysis shall be processed as a legislative Comprehensive Plan Map and Zoning Map amendment pursuant to LOC 50.07.003.16.a.i, and an analysis affecting a single property or small number of individual properties shall be processed as a quasi-judicial Comprehensive Plan Map and Zoning Map amendment pursuant to LOC 50.07.003.16.a.ii.

ITEM 26: Pre-2009 the code section used “former” and “later” to refer to the different classifications of properties and how the RP or RC designation imposition, modification or removal would be processed: legislative or quasi-judicial. The 2009 mis-grouped the classifications: amendments affected a large area are to be addressed legislatively, and an amendment affecting a small number of parcels or a single parcel is to be processed as a quasi-judicial application. This is based on the Oregon Supreme Court’s Strawberry Hill case which provides the criteria for distinguishes when a land use amendment should be processed as a legislative amendment and when it should be processed as a quasi-judicial amendment.

50.07.004.12.a [Additional Submission Requirements / Telecommunications Facilities]

a. New Facilities

In addition to standard required application material, the applicant for a new facility shall submit the following information in conjunction with an application for a new facility:

i. A site reconnaissance study containing, at a minimum:

(1) A vicinity map depicting the proposed extent of the service area.

(2) A graphic simulation showing the appearance of the proposed tower and accessory structures from five points within the impacted vicinity. Such points are to be mutually agreed upon by the City Manager and applicant.

(3) An inventory within the applicant’s proposed service area depicting the height and location of nonhabitable structures, including poles, towers, and appurtenances that could accommodate collocation of the proposed antennas.

ii. Recognizing that technology in this field is changing rapidly, a demonstration that an alternative technology that does not require the use of new towers, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, or any other less visually obtrusive method, is unsuitable. For the purposes of this subsection, a "less visually obtrusive method" means a reasonably practicable alternative technology that will better accomplish the purposes of this section as set forth in LOC 50.03.003.34.e.i, Purpose. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
ITEM 1: Updates cross-reference due to re-organization of LOC 50.03.003.1-5.

50.07.005.3.a [Conditional Use Permits / Authorization to Permit or Deny Conditional Uses]

a. An application for a conditional use shall be allowed if:

i. The requirements of the zone are met; and

ii. Special conditions found in LOC 50.03.003.1-b2.d, 50.03.003.2.a through 50.03.003.2.c, 50.03.003.34.a through 50.03.003.34.d, 50.03.003.34.f, and 50.03.003.4.ag and 50.03.003.4.dh, if applicable, are met; and

iii. The site is physically capable of accommodating the proposed use; and

iv. The functional characteristics of the proposed use are such that it can be made to be reasonably compatible with uses in its vicinity.

****

ITEM 1: Updates cross-reference due to re-organization of LOC 50.03.003.1-5.

50.07.007.2.e.iii(1)(b) [Flag Lot Maximum Building Height Calculation]

(b) The average height of all dwellings on properties abutting the development site, as determined prior to the time of creation of the flag lot. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 ft. away from the development site:

1. then the maximum height permitted in the underlying zone shall be used for calculating the average, except

i. In cases where the abutting property is zoned to permit a height greater than that allowed on the subject site, then the maximum height for the zone in which the subject site is located shall be substituted and used to calculate the average.

ITEM 27: This has been reformatted for clarity -- the last sentence applies to the middle sentence, not the first sentence.
50.07.007.2.e.v [Land Divisions/Flag Lots/Building and Site Design Standards/Setback Requirements]

v. Setback Requirements

(1) The standard front yard setback of the zone shall be superseded by the following front yard requirement: A minimum ten ft. front yard setback is required from the access lane, except that a 20-ft. setback is required from the access lane to the front of a garage or carport when the garage or carport opening faces the access lane. For flag lot partitions that receive a minor variance to the determination of the front yard, per LOC 50.08.002.3.o, the setbacks from the access lane described above shall apply. For purposes of this standard, the access lane shall include the projected extension of the access lane through the property as illustrated in Figure 50.07.007-B: Access Lane.

****

ITEM 28: In order to maintain standard setbacks from the access lanes on flag lots partitions, the “front yard” setbacks described – 10 foot for dwellings and 20 feet for garage openings, as measured from the access lane – shall remain even if the flag lot orientation is altered through a Minor Variance.

50.07.007.2.f [Land Divisions/Flag Lots/Building and Site Design Standards/Screening, Buffering and Landscaping Installation]

f. Screening, Buffering and Landscape Installation

iii. The rear and side yards of the flag lot shall be screened from abutting lots outside of the partition site with a six-ft. tall fence, except

(1) Where a four-ft. fence is required by LOC 50.06.004.2.b.i, Fences, or by LOC 50.05.010.2.c(iv), Sensitive Lands Overlay Districts and except, or

(2) Where the fence would be located within a wetland or stream channel, or

(3) Where the abutting owner agrees in writing that a fence is not necessary along the common property line.

In addition, a landscaped buffer within the rear yard setback a minimum of six ft. in width shall be created along the rear property line and planted with a deciduous or evergreen hedge, a minimum four ft. in height at planting, which shall grow to a height of six ft. within two years and shall be maintained at a minimum of that height, except where the abutting owner agrees in writing that a landscaped buffer is not necessary. The above requirements pertaining to the "rear yard" are not applicable where the rear yard abuts Oswego Lake or railroad rights-of-way.
ITEM 29: Creates exceptions to the flag lot fencing requirements that conflicted with the Sensitive Lands code, which prohibits or limits the height of fences in certain areas of RP Districts.

50.08.002.1 [Minor Variance/Classification of Variances]

e. Variances in floor area for single-family residential development, up to a maximum 15% increase in floor area, subject to the following lot size limitations:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Lot Size Required if House Floor Area Is to Be Adjusted Under Minor Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-5</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>R-6</td>
<td>12,000 sq. ft.</td>
</tr>
<tr>
<td>R-7.5</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>R-10</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>R-15</td>
<td>22,500 sq. ft.</td>
</tr>
</tbody>
</table>

ITEM 36: Removes superfluous words in Table

50.08.002.3 [Minor Variance/Classification of Variances]

A variance which would allow development not in conformance with the requirements of the development standards may be granted. The City Manager shall decide the classification of any variance application.

Minor variances are small changes from the Code requirements and which will have little or no effect on adjacent property or users. Minor variances include:

k. Variances to driveway and access lane width for flag lots (LOC 50.07.007.2.c).

ITEM 31: The referenced Code section for flag lots includes standards for both driveways (which serve single properties) and access lanes (which serve up to eight properties). This amendment clarifies that the width of both driveways and access lanes can be the subject of a minor variance.
50.10.002.3 Definitions (Dwelling Unit, Secondary)

Dwelling Unit, Secondary

A second dwelling unit, either attached or separate, located on a lot already containing a dwelling unit. The following dwelling configurations shall also constitute a secondary dwelling unit regardless of whether the occupants of the second dwelling unit are a part of the family of the occupants of the primary dwelling unit:

a. A detached accessory structure that contains all of the elements of a dwelling unit within the accessory structure and the accessory structure complies with LOC 50.03.003.1.f, or

b. A portion of the dwelling structure contains the elements of a secondary dwelling unit pursuant to LOC 50.03.003.1.f, and the other portion of the dwelling structure meets the definition of "dwelling unit," and the two portions are physically separated from each other by means of a wall or other permanent barrier, so that the usual and customary use of the two portions of the dwelling structure is as separate dwelling units, not as a single, interconnected housekeeping unit.

ITEM 1: Updates cross-reference from reorganization under LOC 50.03.002.

50.10.002.3 Definitions (Lot, Steeply Sloped)

Lot, Steeply Sloped

A "steeply sloped lot" is a lot with a slope of 20% or more, when measured from the lowest or highest front lot line, whichever results in the greater difference in grade, to the most distant point of the primary building footprint.

ITEM 32: The front lot line grade also varies. This revision clarifies the method of determining which grade height difference to use.