

**304 SPECIAL HIGH DENSITY RESIDENTIAL DISTRICT (SHD)**

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[The title of Section 304 changed by Ord. ZDO-224, 5/31/11]

304.01 PURPOSE

Section 304 is adopted to implement the goals and policies of the Comprehensive Plan for Special High Density Residential areas.

[Amended by Ord. ZDO-224, 5/31/11]

304.02 AREA OF APPLICATION

Property may be zoned Special High Density Residential District if:

- A. The site has a Comprehensive Plan designation of Special High Density Residential;
- B. The criteria in Section 1202 are satisfied; and
- C. The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.

[Amended by Ord. ZDO-224, 5/31/11]

304.03 PRIMARY USES

The following are primary uses in the Special High Density Residential District:

- A. Multifamily dwellings;
- B. Congregate housing facilities;
- C. Condominiums, subject to Section 803;
- D. Nursing homes, subject to Section 810;
- E. Utility carrier cabinets, subject to Section 830; and
- F. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.

[Amended by Ord. ZDO-224, 5/31/11]

304.04 ACCESSORY USES

The following are accessory uses in the Special High Density Residential District:

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- A. Indoor and outdoor recreational facilities such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary or limited use within the same development;
- B. Parking structures;
- C. Bus shelters, bike racks, street furniture, drinking fountains, kiosks, art sculptures, and other pedestrian and transit amenities;
- D. Rental and development information offices;
- E. Handyman and maintenance services in association with primary, accessory, or limited uses in the development;
- F. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;
- G. Self-service laundry facilities;
- H. Solar energy systems;
- I. Rainwater collection systems;
- J. Electric vehicle charging stations;
- K. Family daycare providers; and
- L. Home occupations, subject to Section 822.

[Amended by Ord. ZDO-224, 5/31/11]

304.05 LIMITED USES

Office, retail, and service uses may be included in a Special High Density Residential development subject to the provisions set forth below.

- A. Office, retail, and service commercial uses, itemized under Subsection 304.05(B), may be allowed as part of a development in this district when developed concurrently with, or after, the primary uses, subject to the following limitations and conditions:
  - 1. Limited uses may be allowed in developments meeting the minimum residential density of the zoning district for the entire site area. The total combined floor area occupied by all limited uses shall not exceed 15 percent of the total floor area occupied by primary uses.

Formula:  $.15 \times \text{primary use floor area} = \text{limited use floor area}$

2. All limited uses shall be part of a planned development, located and arranged within the development to cater primarily to the shopping and service needs of residents, onsite employees, and activity center patrons.
  3. No outdoor storage of materials associated with the limited use shall be allowed.
  4. Uses shall not be of a type or intensity which produce odor, smoke, fumes, noise, glare, heat or vibration which are detectable outside of the premises and are incompatible with primary uses.
- B. Limited uses may be as follows:
1. Neighborhood Commercial uses under Subsection 501.03;
  2. Drinking establishments;
  3. The sale or rental of art, craft, musical, dance, recreation, or minor office supplies and equipment in association with primary, accessory, or limited office uses;
  4. Smoke shop;
  5. Duplicating services;
  6. Self-service postal facilities;
  7. Banking facilities;
  8. Offices; and
  9. Any convenience or service commercial use that the Planning Director finds to be similar to one or more of those specified in Subsection 304.05(B) and consistent with the Comprehensive Plan and the purposes of Section 304. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03.

[Amended by Ord. ZDO-224, 5/31/11]

**304.06 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR**

The Planning Director may approve the following use in the Special High Density Residential District, pursuant to Subsection 1305.02:

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835.

[Amended by Ord. ZDO-224, 5/31/11]

304.07 CONDITIONAL USES

- A. The Hearings Officer may approve conditional uses in the Special High Density Residential District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use:
1. Shall have minimal adverse impact on the livability, value, and appropriate development on abutting properties and the surrounding area, considering location, size, design, and operating characteristics of the use;
  2. Shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character and scale of such structures in the vicinity and on a site no larger than necessary for the use and the operational requirements of the use;
  3. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites; and
  4. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration which can be detected outside the premises of the use.
- B. The following conditional uses may be allowed in the Special High Density Residential District:
1. Churches, subject to Section 804;
  2. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813;
  3. Hydroelectric facilities, subject to Section 829;
  4. Health clubs and recreational uses that exceed an accessory, limited, or service and recreational use;
  5. Hotels and associated convention facilities, with a maximum of 80 units per gross acre;
  6. The hosting of weddings, family reunions, class reunions, company picnics, and similar events;
  7. Office, retail, and service commercial uses identified in Subsection 304.05(B) which exceed the allowed floor area specified under Subsection 304.05(A)(1) or any community commercial use identified in Subsection 502.03(A), provided that:

- a. The proposed use shall provide a needed service commensurate with the population growth of the immediate area; and
  - b. The use shall be provided in conjunction with a primary use on the same site which is developed at the maximum allowed density for the site area.
8. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835, except that such facilities are not subject to Subsections 304.07(A)(1) through (4); and
  9. Multi-use developments, subject to Section 1016, except that such facilities are not subject to Subsections 304.07(A)(1) through (4).

[Amended by Ord. ZDO-224, 5/31/11]

#### 304.08 PROHIBITED AND PREEXISTING USES

- A. Uses of structures and land in a manner not specifically permitted in Section 304 shall be prohibited in the Special High Density Residential District.
- B. Preexisting legally established commercial uses may be remodeled or expanded subject to staff review with public notice pursuant to Subsection 1305.02, where the following conditions are satisfied:
  1. Impact: The remodeled or expanded use and operational characteristics of the use will not be detrimental to the area or to adjacent properties.
  2. Limited Area: The remodeled or expanded use or structure will not require an expansion of the site area occupied by the preexisting use.
  3. Compatibility: The remodeled or expanded use or structure and associated operational requirements are integrated into residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.
- C. Lawfully established single-family dwellings or residential homes may be remodeled or expanded without review under Section 1206.
- D. A new lot may be created for a lawfully established single-family dwelling provided that the remaining lot shall be a minimum of three acres in size.
- E. Lawfully established single-family dwellings shall comply with the setback standards of Section 301.

- F. Any lot less than three acres in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 304.09(B).
- G. All other preexisting legally established structures and uses not specifically permitted as a primary use in Subsection 304.03 shall be nonconforming uses subject to Section 1206.

[Amended by Ord. ZDO-224, 5/31/11]

304.09 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
  - 1. Provide for appropriate intensity of uses, and ensure the advantage and prominence of the primary uses of this district;
  - 2. Encourage coordinated development of large areas, and the most efficient and maximum use of Special High Density areas;
  - 3. Provide for adequate structure separations to ensure air and light access and fire safety and protection for all development site areas and structures within the district and adjoining districts;
  - 4. Preserve opportunities for, and encourage the use of, active or passive solar energy systems in the development of any site area within or adjoining this district; and
  - 5. Ensure the provisions of open space in every development in order to improve compatibility with surrounding areas and provide outdoor activity areas and views for residents.
- B. Minimum Site Area: A minimum gross site area of three acres, including land dedicated for roadway purposes, shall be required for developments combining primary, accessory, and limited uses. "Site area" for purposes of this section shall be one of the following:
  - 1. A single tax lot, or two or more contiguous tax lots under the same ownership.
  - 2. Two or more contiguous tax lots under separate ownership, provided that:
    - a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and
    - b. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project, or

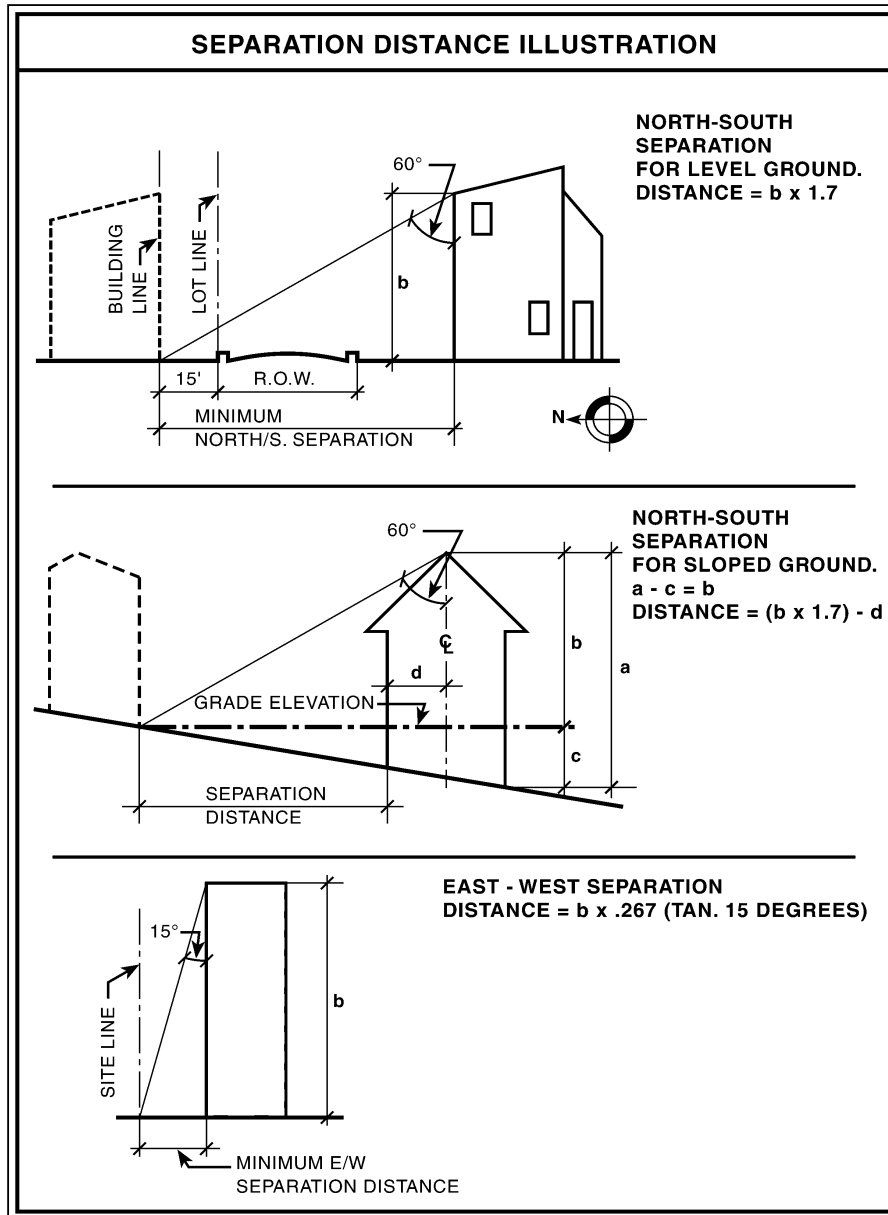
- c. The group shall record, in the office of the County Clerk, a contract and associated deed restrictions, in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site areas approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the approved development plan for the site area.
  
- C. Undersized Site Areas: Primary and accessory uses may be established on less than three acre site areas which are physically separated from all other undeveloped or underdeveloped properties in this district.
  
- D. Density: The district land area for purposes of calculating density pursuant to Section 1012 shall be 726 square feet per dwelling unit.
  
- E. Minimum Landscaping and Outdoor Surface Area: 40 percent of the lot, as set forth in Section 1009.
  
- F. Minimum Front Yard Setback: 15 feet.
  
- G. Minimum North-South Separation: The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part or projection of the structure which first intersects a 60-degree angle projecting toward the ground north of the building. (See Figure 304-1.) This provision shall be modified as follows:
  - 1. Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.
  - 2. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site falls within the required separation distance.
  - 3. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 304.09(H), that area may be included in the required separation distance.
  
- H. North-South Separation Easements: An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:
  - 1. Documentation and a map of the easement is submitted with the development plans for the site areas in question, and

2. The development plans for the two or more site areas in question are coordinated to the maximum extent possible, and
  3. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.
- I. East-West Separation: The maximum distance on an east-west axis between any building and a site area line, except when abutting a public, county or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 304-1.)

Formula: Separation = b x .267 (tan 15 degrees)

- J. Separation Exception: The north-south and east-west separation distance requirements shall not preclude structurally connecting two or more buildings on separate site areas provided that the proposed connection is approved as part of the development plans for the affected site areas.

Figure 304-1



- K. Exceptions to Setback and Separation Standards: The requirements of Subsection 304.09 are not subject to the modifications under Sections 903 and 904. However, these requirements may be modified pursuant to Design Review under Section 1102. Approval shall not be granted unless.
1. The purposes set forth under Subsection 304.09(A) are addressed and satisfied in the proposed design of the development, and

2. The modification requested is necessary to allow development of primary uses at densities allowed for the site area.

[Amended by Ord. ZDO-224, 5/31/11]

304.10 DEVELOPMENT STANDARDS

- A. General: Development is subject to the applicable provisions of Sections 1000 and 1100.
- B. Community and Design Plans: Development within a Community or Design Plan Area as identified in Chapter 10 of the Comprehensive Plan shall also comply with the specific policies and standards for the Community or Design Plan.
- C. Recreational Facilities: A residential development shall provide a least one of the following recreational facilities for the first 60 dwelling units, or portion thereof, and at least one additional facility for every additional 120 dwelling units, or portion thereof. Indoor recreational facilities over and above the minimum standard, as well as all outdoor recreational facilities, may be counted toward the minimum landscaping and outdoor surface area requirement of Subsection 304.09(E).
  1. An 800 square foot or larger heated swimming pool;
  2. A minimum 1,000 square foot exercise room with exercise equipment and mats;
  3. Two handball/racquetball courts;
  4. Whirlpool and sauna or steam bath rooms;
  5. Minimum 1,200 square foot game room with pool and ping pong tables, folding tables and chairs, and kitchenette;
  6. An 800 square foot shop equipped with hand tools, work benches, storage shelves, lockers, and ventilation;
  7. A 400 square foot greenhouse with all-season solar exposure, equipped with benches, water, ventilation, summer shading materials, and storage areas for pots, tools, potting soil, fertilizers, etc;
  8. 3,000 square feet of hard surface play area, such as a tennis court, basketball court or half-court, or rollerskating area;
  9. 4,200 square feet of soft surface play area with equipment provided for lawn games such as volleyball, badminton, croquet, or horseshoes; and

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10. Any other similar facility, as determined by the Planning Director.

D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

[Amended by Ord. ZDO-224, 5/31/11]