Section 4.113. Standards Applying To Residential Developments In Any Zone.

(.01) Open Space

[Section 4.113 (01) Outdoor Recreational Area in Residential Developments was omitted by Ord. #841, effective 6/4/2020]

A. Purpose. The purposes of the following standards for open space are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development.

B. Area Required. The minimum open space area required in a development is an area equal to 25% of the size of the Gross Development Area.

C. Required Open Space Characteristics:

1. Size of Individual Open Spaces. For developments with 10 or more units (excluding ADU’s) an open space area must be at least 2,000 square feet to be counted towards the 25% open space requirement. For developments with less than 10 units (excluding ADU’s) an open space area must be at least 1,000 square feet to be counted towards the 25% open space requirement.

2. Types of Open Space and Ownership. The following types of areas count towards the minimum open space requirement if they are or will be owned by the City, a homeowners’ association or similar joint ownership entity, or the property owner for Multi-family Development.
   a. Preserved wetlands and their buffers, natural and/or treed areas, including those within the SROZ
   b. New natural/wildlife habitat areas
   c. Non-fenced vegetated stormwater features
   d. Play areas and play structures
   e. Open grass area for recreational play
   f. Swimming and wading areas
   g. Other areas similar to a. through f. that are publically accessible
   h. Walking paths besides required sidewalks in the public right-of-way or along a private drive.

3. Usable open space requirements. Half of the minimum open space area, an area equal to 12.5% of the size of the Gross Development Area, shall be located outside the SROZ and be usable open space programmed for active recreational use. Any open space considered usable open space programmed for active recreation use shall meet the following requirements.
   a. Be designed by a registered professional landscape architect with experience designing residential park areas. An affidavit of such professional’s credentials shall be included in the development application material.
   b. Be designed and programmed for a variety of age groups or other user groups.

4. Enhancing Existing Wildlife Habitat through Design of Open Space.
a. Open space designed, as wildlife habitat shall be placed adjacent to and connect to existing, preserved wildlife habitat to the extent feasible.

b. To the extent feasible, open space shall create or enhance connections between existing wildlife habitat.

D. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.

E. The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners’ association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.

F. The open space requirements of this subsection are subject to adjustments in PDR zones pursuant to Subsection 4.124 (.08).

G. Partitions for non-Multi-family development are exempt from the open space area requirements of this subsection, however serial or adjacent partitions shall not be used to avoid the requirements.

[Amended by Ord. #841, effective 6/4/2020]

(.02) **Building Setbacks** (for Fence Setbacks, see subsection .08). The following provisions apply unless otherwise provided for by the Code or a legislative master plan.

[Section .03 Building Setbacks amended by Ord. 806, 7/17/2017]

A. For lots over 10,000 square feet:

1. Minimum front yard setback: Twenty (20) feet.

2. Minimum side yard setback: Ten (10) feet. In the case of a corner lot less than one hundred (100) feet in width, abutting more than one street or tract with a private drive, the side yard on the street or private drive side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet.

3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
4. No structure shall be erected within the required setback for any future street shown within the City’s adopted Transportation Master Plan or Transportation Systems Plan.

5. Minimum setback to garage door or carport entry: Twenty (20) feet. Except, however, in the case of an alley where garages or carports may be located no less than four (4) feet from the property line adjoining the alley.

6. Minimum rear yard setback: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

B. For lots not exceeding 10,000 square feet:

1. Minimum front yard setback: Fifteen (15) feet, with open porches allowed to extend to within ten (10) feet of the property line.

2. Minimum side yard setback: One story: five (5) feet; Two or more stories: seven (7) feet. In the case of a corner lot, abutting more than one street or tract with a private drive, the side yard on the street side of such lot shall be not less than ten (10) feet.

3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.

4. No structure shall be erected within the required setback for any future street shown within the City’s adopted Transportation Master Plan or Transportation Systems Plan.

5. Minimum setback to garage door or carport entry: Twenty (20) feet. Wall above the garage door may project to within fifteen (15) feet of property line, provided that clearance to garage door is maintained. Where access is taken from an alley, garages or carports may be located no less than four (4) feet from the property line adjoining the alley.

6. Minimum rear yard setback: One story: fifteen (15) feet. Two or more stories: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

[Section 4.113(.03) amended by Ord. 682, 9/9/10]

(.03) Height Guidelines: The Development Review Board may regulate heights as follows:

A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.

B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.
C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River from greater encroachments than would occur if developed conventionally.

(.04) Residential uses for treatment or training.
   A. Residential Homes, as defined in Section 4.001, shall be permitted in any location where a single-family dwelling is permitted.
   B. Residential Facilities, as defined in Section 4.001, shall be permitted in any location where multiple-family dwelling units are permitted.

(.05) Off Street Parking: Off-street parking shall be provided as specified in Section 4.155.

(.06) Signs: Signs shall be governed by the provisions of Sections 4.156.01 – 4.156.11.

(.07) Fences:
   A. The maximum height of a sight-obscuring fence located in the required front yard of a residential development shall not exceed four (4) feet.
   B. The maximum height of a sight-obscuring fence located in the side yard of a residential lot shall not exceed four (4) feet forward of the building line and shall not exceed six (6) feet in height in the rear yard, except as approved by the Development Review Board. Except, however, that a fence in the side yard of residential corner lot may be up to six (6) feet in height, unless a greater restriction is imposed by the Development Review Board acting on an application. A fence of up to six (6) feet in height may be constructed with no setback along the side, the rear, and in the front yard of a residential lot adjoining the rear of a corner lot as shown in the attached Figure.
   C. Notwithstanding the provisions of Section 4.122(10)(a) and (b), the Development Review Board may require such fencing as shall be deemed necessary to promote and provide traffic safety, noise mitigation, and nuisance abatement, and the compatibility of different uses permitted on adjacent lots of the same zone and on adjacent lots of different zones.
   D. Fences in residential zones shall not include barbed wire, razor wire, electrically charged wire, or be constructed of sheathing material such as plywood or flakeboard.
Figure 1  Fence Standards for Residential Development
(.08) **Corner Vision:** Vision clearance shall be provided as specified in Section 4.177, or such additional requirements as specified by the City Engineer.

(.09) **Prohibited Uses:**

A. Uses of structures and land not specifically permitted in the applicable zoning districts.

B. The use of a trailer, travel trailer or mobile coach as a residence, except as specifically permitted in an approved RV park.

C. Outdoor advertising displays, advertising signs, or advertising structures except as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10.

(.10) **Accessory Dwelling Units.**

A. Accessory Dwelling Units, are permitted subject to standards and requirements of this Subsection. [Amended by Ord. #825, 10/15/18]

B. Standards

1. Number Allowed
   a. For detached dwellings units and attached single-family dwelling units: One per dwelling unit.
   b. For all other attached dwelling units: None. [Amended by Ord. #825, 10/15/18]

2. Maximum Floor Area: per definition in Section 4.001, 800 square feet of habitable floor area. Per Subsection 4.138 (.04) C. 1., in the Old Town Overlay Zone the maximum is 600 square feet of habitable floor area. Larger units shall be subject to standards applied to duplex housing.

3. Accessory dwelling units shall be on the same lot as the dwelling unit to which they are subordinate.

4. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.

5. Design Standards:
   a. Roof pitch shall be 4:12 to 12:12. No flat roofs allowed.
      i. Where the primary dwelling unit has a roof pitch of less than 4:12 the minimum roof pitch does not apply.
   b. Roof and siding materials shall match the respective material of one or more of the following: (1) the primary dwelling unit on the same lot, (2) a primary dwelling unit on an immediately adjacent lot, or (3) a primary dwelling unit within the same subdivision.
      i. For the purpose of the requirement to match material, fiber cement siding made to appear like wood, stucco, or masonry may be used to match wood, stucco, or masonry respectively.
c. Where design standards established for a zone or overlay zone are more restrictive and/or extensive than a. and b. above the more restrictive and/or extensive design standards shall apply. This includes design standards for the Village (V) Zone, the Residential Neighborhood (RN) Zone, and the Old Town Overlay Zone.

6. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II/Final Development Plan.

7. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City’s Community Development Department to assure that Building Code requirements are adequately addressed.

Parking: Each accessory dwelling unit shall have one standard sized parking space on the same lot.

Where an off-street parking space is not available to serve the accessory dwelling unit, on-street parking satisfies this requirement if at least 45 feet of frontage along the lot is available for on-street parking and is not otherwise approved to meet minimum parking standards for another use.

8. Each accessory dwelling unit shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.

10. Accessory dwelling units may be short-term rentals, but the owner/local operator must maintain an active business license with the City of Wilsonville for a short-term rental business and pay all applicable lodging and other taxes.

-[Subsection 4.113 (.11) amended by Ord. 677, 3/1/10 and Ord. #825, 10/15/18]

(.11) Reduced Setback Agreements. The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those properties, or to allow for neighbors to voluntary waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection.

A. Examples
1. First example: the owner of one house is allowed to build to the sideyard property line, with no setback, provided that the owner of the neighboring property agrees and that the agreements of both owners are recorded with the deed records for those properties.

2. Second example: the owner of one property is allowed to build a structure, or grow trees that are not solar friendly, shading an adjoining property beyond the amount that is permitted in Section 4.137.

B. Standards

1. The use of the Reduced Setback Agreement procedure does not waive Building Code requirements. The Building Code may require increased firewall standards or increased setbacks on one property as a means of assuring adequate fire separation from the adjoining property. Applicants are advised to work with the Building Division of the Community Development Department prior to filing for approval of a Reduced Setback Agreement.

2. The Reduced Setback Agreement procedure may be used to allow for the construction of common wall units.

3. Property owners using the Reduced Setback Agreement procedure have responsibility for notifying lien holders of the changes, for meeting all requirements of utility providers, and for avoiding conflicts with established easements.

4. The Reduced Setback Agreement procedure shall require the approval of a Class I Administrative Review permit.

5. Owners must provide accurate metes and bounds descriptions of all areas to be covered by non-construction easements.

6. Nothing in this Section shall abrogate any easements or utility locations existing on the subject properties. The property owners are responsible for assuring that easements and utilities are not adversely affected by any construction that is anticipated.

(.12) Bed and Breakfasts.

A. Purpose. The purpose of this subsection is to provide standards for the establishment of bed and breakfast facilities. These regulations are intended to allow for a more efficient use of large, older houses in residential areas where the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner that keeps them primarily in residential use. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

B. Description
1. Bed and Breakfast Home. An operation conducted by the owner-occupant of a dwelling in an RA-H, R, or PDR zone, or of a one- or other district permitting residential uses, that provides not more than five (5) rooms for paying guests on an overnight basis. Guest occupancy periods shall not exceed fourteen (14) consecutive days. The occupancy of such a bed and breakfast home is limited to two (2) persons or one (1) family per lodging unit or guest room.

2. Operations that would otherwise meet the standards listed above for Bed and Breakfast Homes, but which exceed either the number of rooms available or the length of stay allowed, shall be subject to the same standards as hotels or motels, listed elsewhere in this Code.

C. Where These Regulations Apply. The regulations of Section 4.113(.12) apply to bed and breakfast facilities in PDR, R, and RA-H zones.

D. Conditional Use Review. Bed and breakfast facilities require a conditional use review, as specified in Section 4.184.

E. Use-Related Regulations.

1. Accessory Use. A bed and breakfast facility must be accessory to a household living use on the site. This means that the individual or family who operate the facility must occupy the house as their primary residence.

2. Maximum size. Bed and Breakfast facilities are limited to a maximum of five (5) bedrooms for guests and a maximum of six (6) guests per night. In PDR-1, PDR-2, PDR-3, AND PDR-4 zones, bed and breakfast facilities over these size limits are prohibited.

3. Services to guests.
   a. Food services may only be provided to overnight guests of a bed and breakfast facility.
   b. Serving alcohol to overnight guests is allowed. The proprietor may need Oregon Liquor Control Commission approval to serve alcohol at a bed and breakfast facility.

4. Meetings and Social Gatherings.
   a. Commercial meetings. Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are prohibited at a bed and breakfast facility.
   b. Private social gatherings. The residents of bed and breakfast facilities are allowed to have only four (4) private social gatherings, parties, or meetings per year, for more than four (4) guests. The private social gatherings must be hosted by and for the enjoyment of the residents. The bed and breakfast operator must log the dates these social gatherings are held. Private social gatherings for four (4) or fewer guests are allowed without limit as
part of a normal household living use at the site. All participants in the social gathering are counted as guests except for residents.

F. Site-Related Standards.

1. Development Standards. Bed and breakfast facilities must comply with the development standards of the base zone, overlay zones, and plan districts, if applicable.

2. Appearance. Bed and breakfast homes or inns in residential zones must be compatible with the surrounding residential neighborhood. No alterations to the exterior of the house shall be for the purpose of establishing a more commercial building appearance shall be permitted except for routine maintenance, alterations not requiring a building permit, restoration or requirements related to safety or handicapped accessibility. There shall be no exterior indication of a business except for the one (1) permitted sign.

3. No cooking facilities are permitted in the individual guest rooms.

4. Food service shall only be provided to guests taking lodging in the bed and breakfast home or inn.

5. In PDR-1, PDR-2, PDR-3 or PDR-4 zones, no bed and breakfast home may be located on a lot closer than five hundred (500) feet from any other lot containing a bed and breakfast home, with only one (1) such establishment permitted per block face.

6. There shall be no more than one (1) sign. Such sign shall not be self-illuminated and shall not exceed six (6) square feet in area. Additional sign requirements described in Sections 4.156.02 through 4.156.10 of this Code shall be met.

7. Each such use must obtain a Certificate of Occupancy from the Building Official before it commences.

8. Bed and Breakfast facilities must comply with the off-street parking standards for commercial development found in Section 4.155.

9. Bed and Breakfast facilities must comply with the landscaping standards for commercial development found in Section 4.176.

(.13) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type. However, consideration of these factors shall not prevent the Board or Planning Director from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.

[Section 4.113 amended by Ord. No. 704, 6/18/12]