

Chapter 18.10
LEGAL FRAMEWORK

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18.10.010 Purpose

The purpose of the Community Development Code of the City of Tigard is to provide for the health, safety, and general welfare of the public. This title is designed to provide the standards and procedures governing the use and development of land in the corporate limits of the City of Tigard and to implement the goals and policies of the Tigard Comprehensive Plan, including the provision of adequate public facilities. The Tigard Comprehensive Plan is the overarching land use policy document that guides development within the city through the application of this title. (Ord. 17-22 §2)

18.10.020 Official Names

The ordinances codified in this title are known as the “Community Development Code of the City of Tigard” or “Title 18 of the Tigard Municipal Code” and will be referred to herein as “this title.” (Ord. 18-23 §2; Ord. 17-22 §2)

18.10.030 General Provisions

- A. Applicability. This title applies to all land, uses, and development within the corporate limits of the City of Tigard.
- B. General meanings. All of the terms in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this title. When this title is ambiguous, unclear, or silent, an interpretation may be requested as provided in Chapter 18.730, Director Determinations.
- C. Terms and usage.
 - 1. All words used in the present tense include the future tense.
 - 2. All words used in the plural include the singular, and all words used in the singular include the plural unless the context indicates otherwise.
 - 3. All words used in the masculine gender include the feminine gender.
 - 4. The words “shall,” “will,” and “must” indicate mandatory requirements and the word “may” indicates permission or optional items.
 - 5. The word “allowed” means allowed by right, unless stated otherwise.
 - 6. The words “may not” mean not allowed.

7. The word “prohibited” means not allowed, and that an adjustment may not be requested in order to allow an exception to the prohibition.

D. Text amendments. Amendments to this title may be made as provided in Chapter 18.790, Text and Map Amendments. The effective date of amendments to this title will be specified in the adopting ordinance.

E. Severability. The provisions of this title are severable. If any section, sentence, clause, or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this title. (Ord. 18-23 §2; Ord. 17-22 §2)

18.10.040 Consistency with Other Regulations

A. Municipal code. All references in this title to other city regulations are for informational purposes only, and do not constitute a complete list of such regulations.

B. Other regulations. All uses and development must comply with all other applicable regional, state, and federal regulations.

1. All references in this title to other regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. Any such references do not imply any responsibility by the city for enforcement of regional, state, or federal regulations.

2. Notwithstanding any other provision of this title, the Director has the authority to make an interpretation of reasonable accommodations in the application of this title when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling to the extent required by federal or state law. In considering whether an accommodation is reasonable, the Director may consider whether the request puts an undue burden or expense on the city and whether the proposed use creates a fundamental alteration in this title. The Director may ask for, or the applicant may voluntarily submit, additional information based on the requested accommodation, to determine whether the request creates an undue burden or a fundamental alteration. The accommodation may result in a permitted or conditional waiver of any limitation of this title. Determinations of reasonable accommodation are made through a Director determination, as provided in Chapter 18.730, Director Determinations.

C. References. All references in this title to other city, regional, state, or federal regulations refer to the most current version for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, such references no longer apply. (Ord. 18-23 §2; Ord. 17-22 §2)

18.10.050 Zoning

A. Base zones. All land within the City of Tigard is divided into zones. The use and development of land is limited by the base zone in which the land is located. The following base zones are established in the city:

Table 18.10.1 Base Zones	
Zone Name	Zone Abbreviation
Parks and Recreation	PR
<i>Residential Zones</i>	
Residential-1	R-1
Residential-2	R-2
Residential-3.5	R-3.5
Residential-4.5	R-4.5
Residential-7	R-7
Residential-12	R-12
Residential-25	R-25
Residential-40	R-40
<i>Commercial Zones</i>	
Neighborhood Commercial	C-N
Community Commercial	C-C
General Commercial	C-G
Professional/Administrative Commercial	C-P
Mixed-Use Central Business District	MU-CBD
Mixed-Use Employment	MUE
Mixed-Use Employment	MUE-1
Mixed-Use Employment	MUE-2
Mixed-Use Commercial	MUC
Mixed-Use Commercial	MUC-1
Mixed-Use Residential	MUR-1
Mixed-Use Residential	MUR-2
Triangle Mixed Use	TMU
<i>Industrial Zones</i>	
Industrial Park	I-P
Light Industrial	I-L
Heavy Industrial	I-H

1. The base zones applied to the public rights-of-way within the city, as shown on the zoning map, do not directly regulate the uses or developments that are allowed in these rights-of-way. Public rights-of-way are governed by other regulations maintained by the city or other applicable transportation authorities.
 2. Land annexed to the city will be assigned a base zone or zones as provided in Chapter 18.720, Annexations.
 3. When more than one base zone exists on a property, the development standards for each base zone will apply to the portion of the property in that base zone.
- B. Zoning map. The map entitled “Tigard Zoning Map” is the official zoning map and displays the boundaries of each of the base zones provided in Table 18.10.1. The current official zoning map is maintained by the Director. The official zoning map is made a part of this title by reference.
- C. Zone boundary. The exact location of a zone boundary will be determined by the Director where there is uncertainty, contradiction, or conflict as to the zone boundary. Zone boundary determinations will consider the following:

1. Boundaries shown as approximately following the center lines of streets, highways, railroad tracks, or alleys are construed to follow such center lines;
 2. Boundaries shown as approximately following platted lot lines are construed as following such lot lines;
 3. Boundaries shown as approximately following city limits are construed as following city limits; and
 4. Boundaries shown as approximately following a river, stream, or drainage channel are construed as following such river, stream, or drainage channel.
- D. Zoning map amendments. Amendments to the official zoning map may be made as provided in Chapter 18.790, Text and Map Amendments. (Ord. 18-23 §2; Ord. 17-22 §2)

18.10.060 Special Designations

- A. Overlay zones. The following overlays are established in the city:

Table 18.10.2 Overlay Zones		
Overlay Zone Name	Zone Abbreviation	Regulating Chapter
Historic Resource	HR	18.750

1. Overlay zone boundaries are shown on the city’s official zoning map and may be located within any base zone.
2. Land within overlay zones is subject to the regulations of the base zone in which it is located and the specific regulations found within each regulating chapter as provided in Table 18.10.2.

- B. Plan districts. The following plan districts are established in the city:

Table 18.10.3 Plan Districts	
Plan District Name	Regulating Chapter
Bridgeport Village	18.620
Durham Advanced Wastewater Treatment Facility	18.630
River Terrace	18.640
Tigard Downtown	18.650
Tigard Triangle	18.660
Washington Square Regional Center	18.670

1. Plan district boundaries are shown on maps provided within each regulating chapter, as provided in Table 18.10.3.
2. Land within each plan district is subject to regulations of the base zone in which it is located and the specific regulations found within each regulating chapter as provided in Table 18.10.3.

- C. Special areas. The following special areas are established in the city:

Table 18.10.4 Special Areas	
Special Areas	Regulating Chapter
Wetlands	18.510
Significant habitat	18.510
Significant tree groves	18.520

1. Special areas are shown on the following maps:
 - a. Wetlands are shown on the “City of Tigard Wetland and Stream Corridor Map,” adopted by reference. Wetlands may be subject to additional regulations, either by the city as provided in Chapter 18.510, Sensitive Lands, or other agencies.
 - b. Significant habitats are shown on the “City of Tigard Significant Habitat Areas Map,” adopted by reference. Significant habitat areas are subject to voluntary regulations as provided in Chapter 18.510, Sensitive Lands.
 - c. Significant tree groves are shown on the “City of Tigard Significant Tree Grove Map,” adopted by reference. Significant tree groves are subject to voluntary regulations as provided in Chapter 18.520, Urban Forestry.
2. Land within each special area is subject to regulations of the base zone in which they are located.
3. Maps depicting special areas are intended for general reference and may not necessarily represent actual boundaries. Verification of special areas may be required upon application for development. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2) ■