

ARTICLE 6 LAND DIVISIONS

SECTION 6.0000 INTRODUCTORY PROVISIONS

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General

6.0001 Purpose and Authority

No land may be divided without first obtaining a development permit.

- A.** No land or ownerships may be divided prior to approval of a partition or subdivision in accordance with this code. Except as provided for in **6.0001(B)**, if a development permit application to divide land is submitted that does not involve other proposed development, the application shall state an intended form of future development for the resulting land parcels. This intended future development will then be processed along with the land division processing just as though the applicant were intending to proceed with the further development.
- B.** For non-residential land divisions where it is more practical to determine how public facilities will be provided in a required subsequent development permit application, the proposed land division may be approved if:
 - 1.** It is feasible to provide public facilities to each lot; and
 - 2.** Adequate public facilities are provided with further development.
- C.** A land division is processed by approving a tentative plan prior to approval of the final plat. If there is compliance with the approved tentative plan, the Manager may approve final plats for land divisions under the Type I procedure.
- D.** An application for an expedited land division will be processed in accordance with the provisions of ORS 197.360 through 197.380.

Lot Design Standards

6.0010 Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of the Gresham Development Code.

6.0011 Residential District Lot and Parcel Configuration

- A. Subdivision lots and partition parcels created through the subdivision and partition process shall be rectilinear. Irregular shaped subdivision lots and partition parcels are not allowed, except at the discretion of the Manager when based upon existing parent lot shape. Exceptions shall not be granted to comply with minimum lot size requirements or minimum setback requirements for existing structures.
- B. Split-zoned lots
 1. When a single development site is split by two or more residential land use districts (as described in **Article 4, Section 4.0100**), the creation of lots or parcels through the subdivision and partition process or the adjustment of lots through the lot line adjustment process that have more than one land use district is not allowed unless the applicant demonstrates to the satisfaction of the Manager that a logical lotting pattern is not feasible without creating split-zoned lots or parcels.
 2. If the Manager determines a logical lotting pattern is not feasible, the applicant may create lots or parcels split by two or more land use districts as long as all split lots or parcels comply with the standards of the least intensive land-use district applied to the split lots. For the purposes of this section, least intense to most intense is: LDR-7, LDR-5, TR, TLDR, MDR-12, MDR-24.

6.0012 Lots in Excessively Sloped Areas

Development permit requests in areas exceeding 15% slope may be developed in accordance with the provisions of the underlying district and **Section 5.0200**, and if applicable, **Section 6.0300**.

6.0013 Lot of Record

- A. No sale or conveyance of any portion of a lot for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot area, lot dimensions, yard setbacks or result in a lot with less than the minimum buffering and screening requirements of this ordinance.
- B. The lot of record provisions do not include land divisions that were recorded with Multnomah County after December 16, 1975, where the City's approval was required but not sought and granted prior to recordation. Such land divisions are not recognized as lots of record as defined in this ordinance.

Condominiums

6.0020 Condominiums

- A. Condominium Review. A request to create condominiums shall be reviewed under the Type II Procedure as part of the Design Review or Land Division process.
- B. Plat Approval for a Condominium.
 - 1. Upon approval by the Manager, the applicant shall submit all necessary documents and final plat copies following the applicable requirements of **Section 6.0400** of this document and applicable sections of ORS 94.550 to 94.785, ORS Chapter 100, and the platting requirements of ORS Chapter 92.
 - 2. Public improvements must comply with the standards of **Appendix 5.000**.
 - 3. Plat recording shall not occur until the County Recording Officer has received a written approval from the Manager establishing compliance of the proposal with all applicable City of Gresham Development Codes.
- C. Condominium conversions must comply with **Section 10.0400**.

