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TO: Board of County Commissioners
FROM: Jennifer Hughes, Principal Planner
Kay Pollack, Senior Planner
CC: Don Krupp, County Administrator
Barb Cartmill, DTD Director
Mike McCallister, Planning Director
DATE: July 2, 2014
RE: Planning Session for the Year Two Audit of the Clackamas County Zoning and Development Ordinance (ZDO)

Purpose: The purpose of this planning session is to brief the Board of County Commissioners for upcoming land use hearings scheduled on July 16, 2014, and July 30, 2014, to complete the year two "audit" of the ZDO.

Background: The Planning and Zoning Division is in the second year of a five-year audit of the ZDO. The ZDO, adopted in 1980, has been amended nearly 250 times since. This has resulted in regulations that are sometimes inconsistent, antiquated, cumbersome or disorganized. As a consequence, a comprehensive review and updating is underway. The emphasis is on the ZDO, but amendments to the *Comprehensive Plan (Plan)* are proposed as needed to resolve inconsistencies between the two documents or to relocate provisions from one document to the other, as appropriate. The overarching goals of the ZDO audit are to develop a more condensed, user-friendly document, consolidate zones and allow additional uses where appropriate, provide clear and consistent development standards, and maintain compliance with state and regional regulations. The intent is to complete, by the end of the five-year work program, a comprehensive review and proposed amendments for every section of the ZDO.

Five-Year Audit Schedule

Year	Items	Status
• 2012-13	• Industrial lands	• Completed
• 2013-14	• Urban residential lands • Urban commercial lands • Procedural standards	• Underway; to be completed in summer 2014
• 2014-15	• Rural residential lands • Rural commercial lands • Special uses and development standards	• To be done
• 2015-16	• Overlay zones • Environmental regulations	• To be done
• 2016-17	• Carry-over • Final clean-up • Review whether to include other stand-alone regulations in ZDO	• To be done

Land use hearings with the BCC will address the year two audit in two sections:

- July 16 -- File ZDO-248, *Procedural Standards*; File ZDO-250, *Urban Commercial Zoning Districts*
- July 30 -- File ZDO-249, *Urban Residential Zoning Districts*

The year two audit is intended to:

- Streamline and clarify
 - Repeal redundant and/or conflicting regulations
 - Reorganize/consolidate ZDO sections to make important information easier to find and understand
 - Ensure consistency with state and regional laws
 - Review, clarify and consider amendments to policies on uses and development standards
 - permitted uses for each urban residential and commercial zone
 - zone-specific dimensional standards, e.g., setbacks and building height
 - some single-family residential development standards, such as those for accessory structures
 - Consolidate existing development standards (building design, landscaping, sign regulations, solar access provisions) in common locations
- **The year two audit will not:**
- Rezone property
 - Increase residential density allowed in any zone

- Amend commercial site development standards (such as parking, landscaping, signs) . . . *except* where necessary to resolve obvious conflicts

Public Outreach: An extensive public outreach program was conducted. (*see attachment for details*)

The following sections of this memo include an overview and summary of the proposals and key policy issues in each of the three ZDO amendment packages, as well as the Planning Staff and Planning Commission recommendations on each issue.

File ZDO-248, Procedural Standards

Overview

Currently the ZDO establishes procedures for processing many types of land use applications, as well as legislative amendments to the text of the ZDO and the Comprehensive Plan. A comprehensive revision of these provisions is proposed. Land use and legislative applications and proposals will be classified as Type I, Type II, Type III or Type IV based on common characteristics such as the initial and ultimate decision-maker on review, complexity and required notifications. The main purposes of the amendments are to establish an updated, uniform approach to the processing of applications, to make the land use application review process more understandable for applicants, to ensure consistency across the various types and to ensure the procedures are compliant with relevant state statutory requirements. These amendments do not fundamentally change the manner in which applications or proposals have historically been, or are currently processed.

Key elements of the proposal are:

- Repeal and consolidate ZDO Sections 104, 105, 1201, 1301, 1302, 1303, 1304, 1305, 1400 and 1500 into four new ZDO sections, Sections 1307 (Procedures), 1308 (Interpretation), 1309 (Modification) and 1310 (Time Extension)
- Provide a complete set of procedures that reflect required elements of state law and longstanding County practices and implement a more logical ordering of the standards
- Establish a system of classifying the many land use application and legislative proposal types as one of four numbered types, each of which is linked to a procedure. The ZDO already includes four processes, but they are not clearly identified and organized as is proposed.
- Repeal the allowance for a local appeal of a Type I ministerial application. These applications are reviewed and a decision rendered based upon clear and objective standards and not intended to be subject to discretionary criteria or result in a land use decision appealable to the Land Use Board of Appeals.

- Clarify the responsibilities and roles of the Design Review Committee and Historic Review Board as recommending bodies to the review authority, rather than the current hybrid of decision-making and recommending.
- Change the length of the terms of Historic Review Board members from three years to four years, which is consistent with the existing term length for Design Review Committee and Planning Commission members
- Change the number of members of the Historic Review Board from “a minimum of five” to “seven”
- Change the number of members of the Design Review Committee from “a minimum of seven” to “seven”
- Codify the County’s longstanding practice of mailing notice of Type II applications to nearby property owners, but require it be mailed 20 days prior to decision, rather than the current 15 days, and provide for the same notice to Hamlets and Villages as is provided for Community Planning Organizations
- As is the case for quasi-judicial hearings, allow 20-day hearing notice for legislative amendments, but require notice of the proposal itself to be provided 35 days in advance. This approach is particularly helpful if a hearing is to be rescheduled.
- Increase the property owner notification distance for Type III applications in rural and natural resource zones from 500 feet (rural) and 750 feet (natural resource) to 1000 feet
- Broaden the language regarding providing copies to the Community Planning Organizations of legislative text amendments to the Plan and ZDO. The intent is to clearly allow for a range of options (e.g. standard mail, email, website posting).

ZDO-248: Procedural Standards Key Policy Issues

Staff and the Planning Commission have identified three significant issues.

1. **Should the authority of the Planning Commission to initiate legislative proposals to amend the Comprehensive Plan and Zoning and Development Ordinance be repealed?**
 Currently a legislative amendment to the ZDO or the Comprehensive Plan can be initiated by the Board of County Commissioners, Planning Commission, or Planning Director. Legislative amendments include amendments to the text of the Plan and ZDO, as well as certain types of amendments to the Plan designation and zoning of specific properties. Staff proposed to repeal the authority of the Planning Commission to initiate these types of amendments because initiating an amendment has the potential to commit staff resources to a particular project, and it is the Board of County Commissioners that approves the Planning and Zoning Division’s annual work program. This was proposed as a clean-up amendment and was not the result of any specific circumstances that have occurred. Staff does not recall that the Planning Commission has initiated an amendment in at least the last 15 years. The Planning Commission received public testimony regarding the importance of retaining Planning Commission authority to initiate legislative amendments.

The Planning Commission recommends that its authority to initiate legislative amendments be retained. Staff does not object because the provision has caused no known conflicts.

2. Should requirements be adopted for applicants to post one or more on-site notification signs on property that is undergoing land use application review?

Based on public comment, the Board of County Commissioners directed staff to research the adoption of on-site notice posting regulations. Such regulations provide for one or more signs to be posted on property that is the subject of a development proposal. The signs are intended to alert the passing public and allow interested citizens to seek further information from the local jurisdiction.

Staff evaluated regulations from several area jurisdictions and drafted a preliminary proposal for Planning Commission consideration. However, staff did not recommend adoption. Staff has concerns about the utility of this practice, as follows:

- Signage may be damaged or removed from the site, either intentionally or as a result of weather.
- If allegations are made that the required signage was not posted or was damaged/removed as noted above, how would that be remedied as part of the application review process (e.g., postponement of hearing)?
- Increased costs, in terms of staff time and signage materials, will be incurred to administer the new program.

As an alternative, the Planning Commission recommended, and staff supports, increasing the notice distance for personal, mailed notice of Type III applications (e.g., conditional uses, larger subdivisions) from 500 feet from the subject property in rural zones and 750 feet in natural resource zones to 1000 feet. The notice distance in urban areas would remain at 300 feet, which far exceeds the statutory minimum of 100 feet.

If posting requirements are adopted, the following questions should be addressed by the regulations:

- Which types of applications should require posting?
- Should it be countywide or limited to certain areas (e.g., urban areas)?
- How many signs?
- Content and design of signs?
- When must the posting be done and for how long?
- Is an affidavit of posting required and is that sufficient to meet the requirement, even if the sign is later damaged or removed or allegations are made that the posting was not done?
- What is the remedy if the posting regulations are not followed (e.g., hearing postponement)?

Staff and the Planning Commission agree that on-site notice posting requirements should not be adopted.

File ZDO-249, Urban Residential Zoning Districts

Overview

Currently the ZDO provides for 10 urban residential zones. As part of year two of the ZDO audit, amendments are proposed to the regulations that govern these zones. Key elements of the proposal are:

- Repeal Sections 301, 302, 303, 304, 311, 313, 1603, 1604, 1605 and 1706 and consolidate them into one new ZDO section, Section 315.
- Reorganize permitted uses and dimensional standards for all urban residential zoning districts into tables in Section 315.
- Adopt a list of *customarily accessory and incidental* uses to both single-family and multifamily residential uses so the determination of such uses is more clear and objective.
- Where uses are allowed in some zones and not in others (or are allowed with varying degrees of restriction), increase consistency within individual zones—and zones that are similar to one another—regarding what is permitted and under what circumstances
- Consistently allow government-owned parks, transit amenities, and pedestrian amenities as primary uses in all urban residential zoning districts.
- Consistently permit temporary buildings during construction, temporary storage of recyclable materials, permanent signs, bicycle racks, fences, retaining walls, and (with commercial uses) employee amenities as accessory uses.
- Delete the following uses currently permitted as conditional uses in urban residential districts: surface mining, sanitary landfills, hospitals and crematories.
- Amend the minimum front yard depth in the Urban Low Density Residential Districts from 20 feet to 15 feet, provided that all garage doors or carport entries are set back 20 feet. This provision replaces the current provision for a reduced front setback on a corner lot.
- Amend maximum lot coverage to set one maximum for all buildings, rather than one maximum for primary use buildings and another maximum for all buildings.
- Amend language permitting condominiums. Clarify that they are an ownership type, not a building type. If *condominiums* are currently listed as a permitted use in any zoning district, then any dwelling type currently permitted could be developed under the condominium ownership. Propose to add condominium ownership type in the R-2.5 District.
- Add a definition for accessory kitchen. Enable a single-family dwelling to have secondary kitchen facilities, limited by location and size so that it does not create a duplex where none is allowed.
- Incorporate the definition for a residential home into the definition for housekeeping unit.
- Amend accessory building standards:
 - Delete maximum number. Lot coverage and setbacks would control.

- Propose the same yard depths for all accessory buildings, including accessory dwellings and guest houses.
- Simplify side and rear yard depths to be three distinct measurements based on height. The maximum required rear yard depth would be 10 feet instead of 20 feet.
- Amend maximum height to be the height of the dwelling or 20 feet, whichever is greater. Currently the accessory building may not exceed the height of the dwelling.
- Amend the maximum area for an accessory dwelling unit to be 720 square feet; eliminate the six-percent-of-the-lot-size maximum if smaller than 720 square feet.
- Amend design standards. Only metal accessory buildings greater than 500 square feet would be required to paint the exterior similar to the dwelling.
- Add a guest house as an accessory use in VR-4/5, VR-5/7, and VTH zoning districts.
- Prohibit shipping containers as accessory buildings.
- Expand the list of limited uses in HDR, SHD and RCHDR zones:
 - Allow most neighborhood commercial uses as limited uses in HDR and RCHDR zones. Currently some of these are conditional uses. One exception is *not* to permit hotels in the HDR zone. (They are currently not permitted.)
 - Allow community commercial uses as limited uses in SHD zone. Currently some of these are conditional uses.
 - Coordinate with the amended commercial uses in ZDO-250.
 - Reduce the need for the current vague and cumbersome determination of uses.
 - Require a conditional use for limited uses only if the allowed size would be exceeded.
- Consolidate attached single family dwelling standards:
 - Move design standards into a new Section 838.
 - In the Urban Low Density Residential, MR-1, and MR-2 Districts, amend the side yard depth (where not a common wall) from 10 feet to five feet.
- Consolidate accessory dwelling unit standards:
 - Move design standards into a new Section 839.
 - Delete the requirement for exterior materials to match the primary dwelling.
- Permit adult daycare anywhere daycare services are currently permitted subject to Section 807. Eliminate the requirement for daytime use only.
- Delete preschools and nursery schools as a conditional use in the HDR zoning district. They may be permitted under daycare services, subject to 807. Eliminate the requirement that such a use would be daytime use only.
- Minor amendments to text in Chapters 4, 6, and 10 of the Comprehensive Plan, to provide consistency with proposed changes to the ZDO and additional grammatical corrections.
- Amend Multi-Use Developments as a Conditional Use as follows:
 - Add as a Conditional Use to LDR zones (corrects earlier error of omission)

- Delete from MR-2 zone. It was never listed in Section 1016 as a use that could be approved.
- Amend PMD zoning district as follows:
 - Amend density standards to match MR-1.
 - Add three-family dwellings as an allowed use.
 - Delete special parking requirement.
 - Delete requirement for homeowners' association.
- Expand the maximum driveway width in VR 4/5 and VR 5/7 zoning districts.

ZDO-249: Urban Residential Zones Key Policy Issues

Staff and the Planning Commission have identified four significant issues.

1. **Are the proposed amended development standards for accessory buildings, including the prohibition of shipping containers, appropriate?** Currently non-residential accessory building standards for maximum size, height and yard depths are different than either a guest house or a detached accessory dwelling unit. Amendments are proposed to maximum number, maximum size, minimum yard depth, maximum building height, and exterior materials. The proposal would provide more consistency across different types of accessory buildings and more simplicity in the setback standards. Maximum height would be amended to accommodate a recreational vehicle, and maximum rear setback would be 10 feet instead of 20 feet. The intent is to achieve more consistency, to provide more flexibility for the applicant, to simplify administration, and to address concerns that have been raised about shipping containers as accessory buildings.

Staff and Planning Commission both recommended approval of this proposal.

2. **Is the expansion of the limited uses permitted in HDR, SHD and RCHDR zones appropriate?** Currently the limited uses permitted in these multi-family developments are unclear and complicated because of references to other commercial zones. Staff's proposal would slightly expand the uses permitted, list the uses explicitly in a table and reduce administration. Most limited uses would still correlate with the revised commercial zones (ZDO-250). The current size limit and required subordination to primary residential uses would remain. Expansion of allowed size limit would require a conditional use, as it currently does.

Staff and Planning Commission both recommended approval of this proposal.

3. **Is it appropriate to allow accessory kitchen facilities for members of the same housekeeping unit in a single-family dwelling under prescribed size and location conditions?** We receive applications for second kitchens that range from a bar sink, fridge and microwave in a recreation room to a small separate kitchen for a relative living in the same household. Currently a second kitchen is not allowed because it is a feature used to define a duplex. The recommendation would permit an accessory

kitchen limited by size and location to prevent the conversion of a dwelling into a duplex without appropriate permits.

Staff and Planning Commission both recommended approval of this proposal.

4. Is the reduction of front yard depth in the Low Density Residential zones appropriate?

Currently the 20 foot minimum front yard depth may be reduced to 15 feet on a lower level street of a corner lot. However, because driveways are required to be on lower level streets, and garages must be set back 20 feet to accommodate driveway parking, often these standards are at odds. Staff proposes to reduce the front yard depth from 20 feet to 15 feet on *all* front yards, except garage doors and carport entries would remain at 20 feet. This would allow more flexibility for the applicant.

Staff and Planning Commission both recommended approval of this proposal.

File ZDO-250, Urban Commercial Zoning Districts

Overview

Currently the ZDO provides for 14 urban commercial and mixed-use zones. As part of year two of the ZDO audit, amendments are proposed to the regulations that govern these zones. Key elements of the proposal are:

- Repeal ZDO Section 1608, Village Commercial District, because all of the land in that district has been annexed to the City of Happy Valley
- Consolidate 11 of the remaining 13 urban commercial and mixed-use zones in one new ZDO section with permitted uses and dimensional standards contained in tables for ease of administration
- Relocate, with editing for consistency and clarity, most of the development standards (e.g., landscaping, signs, parking) to common locations, where related regulations already reside
- Standardize the descriptions of permitted uses across zoning districts wherever possible, so that it is clearer whether something is permitted and under what criteria
- Consistently permit as accessory uses a number of identified “customary” accessory uses, employee amenities, home occupations, parking lots (except where parking lots are allowed as a primary use) and signs.
- Consistently permit as primary uses civic and cultural facilities (art galleries, libraries, museums, and visitor centers), financial institutions, offices, clinics, government-owned parks, pedestrian amenities, business services, temporary signs and utility carrier cabinets.
- Where uses are allowed in some zones and not in others (or are allowed with varying degrees of restriction), increase consistency within individual zones—and zones that are similar to one another—regarding what is permitted and under what circumstances

- Expand the types of retail and commercial service uses explicitly permitted in Neighborhood Commercial; move several uses from a conditional use to a primary use (financial institutions, some types of offices, commercial schools); and add fire stations, police stations, post offices and more types of assembly uses as conditional uses
- Expand the types of retail and commercial service uses explicitly permitted in Community Commercial; and add fire stations, police stations, post offices and more types of assembly uses as primary uses
- Explicitly prohibit certain uses in certain zones (e.g., outdoor race tracks, truck stops, mini-storage). The uses to be newly identified as prohibited are not currently explicitly permitted in the zones where they are proposed to be prohibited, but a “similar use” determination currently could be applied for. Identifying them as prohibited clearly precludes a “similar use” determination.
- Repeal minimum road frontage standard in the three zones where it exists
- Repeal maximum lot coverage standard in the three zones where it exists
- Repeal the provision that allows Neighborhood Commercial zone changes to expire unless certain conditions are met
- Repeal policy language from the ZDO, if it is redundant with the Plan or conflicts with the Plan, and relocate several policy statements from the ZDO to the Plan where there is no apparent conflict but the Plan lacks important detail

ZDO-250: Urban Commercial Zones Key Policy Issues

Staff and the Planning Commission have identified three significant issues.

1. Are the permitted uses identified in Table 510-1 (attached) for the Neighborhood and Community Commercial Districts the appropriate ones?

These two districts currently include “laundry lists” of permitted uses that are, in many cases, very specific. For example, the lists identify specific types of stores or products that can be sold, rather than simply allowing all retail uses. The proposal is to streamline the use lists and expand the permitted uses but not to the point of explicitly allowing all retail or all service commercial uses. Unless a use is identified as prohibited, a “similar use” determination could be requested for uses not identified as permitted in these zones.

Staff and the Planning Commission agreed that the permitted uses identified in Table 510-1 are appropriate for the NC and C-2 Districts.

2. Where uses are identified in Table 510-1 (attached) as explicitly prohibited, is that the best policy choice?

Consolidating 11 zones in one table of uses quickly revealed many, many inconsistencies across zones—some intentional and others likely unintentional. The draft amendments reduce these inconsistencies considerably. However, where a use currently is not explicitly permitted or prohibited in a particular zone—but is in another zone—a decision must now be made to permit the use, prohibit the use, or provide the opportunity for a “similar use”

determination. The proposal was drafted with the intent of prohibiting those uses that seem most clearly inconsistent with uses explicitly permitted in a particular zoning district.

Staff and the Planning Commission agreed that it is appropriate to explicitly prohibit the uses identified as such in Table 510-1.

3. **Should the distinction between restaurants and “taverns, bars, or cocktail lounges” be removed in the Neighborhood Commercial and Community Commercial Districts?**
In the Neighborhood Commercial and Community Commercial Districts, taverns, bars and cocktail lounges are prohibited within 100 feet of a residential zone and 500 feet of a school, and all operations must be contained in an enclosed building. In the NC District, a conditional use permit is required. Restaurants, however, are a primary use in both districts without the location/outdoor operations limits. Staff proposed eliminating the distinction in the code between the two uses due to the difficulty in determining when an establishment crosses the line between being a restaurant and a bar. (How much or what type of food must be served to qualify as a restaurant? How much alcohol may a restaurant serve? Is it based on sales volume?)

The Planning Commission recommended retaining the distinction, and did not recommend additional text to define the difference between restaurants and bars. Staff understands the Planning Commission’s concerns about bars in or near residential areas, but continues to believe that defining the difference between the two uses would be helpful in administering the code.

Clackamas County
Year Two (FY 2013-2014) Zoning and Development Ordinance Audit

PUBLIC OUTREACH PROGRAM

- **Citizen News Article (Spring Issue)**
- **Community Planning Organizations**
 - Contacted all 10 active urban CPOs
 - Attended meetings of the six that responded: Jennings Lodge, Sunnyside, Rosewood, Birdshill, Clackamas, and Oak Grove (January – June)
 - Additional meetings with two that requested it: Rosewood and Jennings Lodge
- **Advisory Committees**
 - Committee for Citizen Involvement (January)
 - Community Leaders Meeting (January)
 - Economic Development Commission (February)
 - Development Liaison Committee (April)
 - North Clackamas Chamber of Commerce, Public Policy Team (May)
- **Public Notice**
 - CPO/Hamlet/Village/Interested Parties Notice (May)
 - Posted on the County Website (May)
 - "Measure 56" Notice to Property Owners (May):
 - Mailed postcards to 660 commercial property owners
 - Mailed postcards to 21,232 residential property owners
 - Notice in *The Oregonian* (May and June)
- **Planning Commission & Board of County Commissioners**
 - Planning Commission Study Sessions
 - February 24, March 10, April 28
 - Planning Commission Public Hearings
 - June 9: File ZDO-248, Procedural Standards
File ZDO-250, Urban Commercial Zoning Districts
Seven citizens in attendance; two testified
 - June 23: ZDO-249, Urban Residential Zoning Districts
Approximately 60 citizens in attendance; three testified
 - County Commission Planning Session
 - July 9
 - County Commission Public Hearings
 - July 16, 9:30 am: Procedural Standards & Urban Commercial Zoning Districts
 - July 30, 9:30 am: Urban Residential Zoning Districts

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Accessory Uses, Customarily Permitted , including bicycle racks, cogeneration facilities, meeting facilities, property management and maintenance offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, and transit amenities	A	A	A	A	A	A	A	A	A	A	A
Accessory Uses, Customarily Permitted Accessory to a Dwelling⁴ , such as amateur (Ham) radio towers, citizen band transmitters and antennas, HVAC units, television antennas and receivers, and utility service equipment; arbors, decorative ponds, gazebos, pergolas, and trellises; carports, driveways, garages, and parking areas; community meeting rooms; courtyards and plazas; decks, outdoor kitchens, and patios; family daycare providers; garden sheds, pet enclosures, storage buildings/rooms, and shops; recreational facilities, such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails; and self-service laundry facilities	A	A	A	A	A	A	A	A	A	A	A
Assembly Facilities , including auditoriums, churches, community	C	P	P	P	P	P	P	P	S	P	P

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts ⁵											
Bed and Breakfast Residences and Inns , subject to Section 832	P	P	X	P	P	P	X	X	X	P	X
Bus Shelters , subject to Section 823	A	A	P	P	P	P	P	P	A	P	P
Civic and Cultural Facilities , including art galleries, libraries, museums, and visitor centers	P	P	P	P	P	P	P	P	P	P	P
Congregate Housing Facilities	X	X	P ^{6,7}	P ⁸	P ⁸	P ⁸	P	P	L ⁹	P ⁸	P ^{6,7}
Daycare Facilities , subject to Section 807	P	P	P	P	P	P	P	P	P	L ^{10,C}	L ^{11,C}
Daycare Services, Adult	P	P	P	P	P	P	P	P	P	L ^{10,C}	L ^{11,C}
Drive-Thru Window Services , subject to Section 827	C	A	A ¹²	A	A	A	A ¹³	X	X	A ¹³	A ¹³
Dwellings, Attached Single-Family	X	A	X	A	X	A	P	P	L ¹⁴	X	X
Dwellings, Detached Single-Family	A	A	X	A	X	A	X	X	X	X	X
Dwellings, Multifamily	X	X	P ⁶	P ⁸	P ⁸	P ⁸	P	P	L ⁹	P ⁸	P ⁶
Dwellings, Three-Family	X	X	X	P	P	P	P	P	L ⁹	P ⁸	X
Dwellings, Two-Family	X	A	X	P	P	P	P	P	L ⁹	P ⁸	X
Electric Vehicle Charging Stations	A,C	P	A	A,C	P	P	A	A	A	A	A
Employee Amenities , including cafeterias, clinics, daycare facilities ¹⁵ , fitness facilities, lounges, and recreational facilities	A	A	A	A	A	A	A	A	A ¹⁶	A ¹⁶	A ¹⁶

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Entertainment Facilities , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	C ¹⁷	P ¹⁷	P ¹⁷	P	P	P	P ¹⁷	P ^{17, 18}	S	C ^{13, 17}	L ^{11, 17}
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P	P	P	P	P	P	P	P	P	P
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	P ¹⁷	P ¹⁷	P ¹⁷	P	P	P	P ¹⁷	P ^{17, 18}	L ^{17, 38}	C ¹⁷	L ^{17, 19}
Government Uses , including fire stations, police stations, and post offices	C	P	P	P	P	P	P	P	P	P	P
Heliports	X	X	C ²⁰	C	C	C	X	X	X	C ²⁰	C ²⁰
Helistops	X	X	C ²⁰	C	C	C	C	C	X	C ²⁰	C ²⁰
Home Occupations , subject to Section 822	A	A	A	A	A	A	A	A	A	A	A
Hospitals , subject to Section 809	X	X	X	X	X	X	X	X	X	C	C
Hotels	P	P	P	P	P	P	P	P ¹⁸	S	L ^{10, 21} , C ²¹	P ²¹
Hydroelectric Facilities , subject to Section 829	X	C	X	C	X	C	X	X	X	X	X
Manufacturing , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products; and the assembly of component parts. Primary processing of raw materials is prohibited.	S	S	S	S	P	P	S	P ^{22, 23}	S	P ²⁴	S

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Mobile Vending Units, subject to Section 837	P	P	P	P	P	P	P	P	A ²⁵	A ²⁵	A ²⁵
Motels	P	P	P	P	P	P	P	P ¹⁸	S	L ^{10,26} , C ²⁶	L ¹¹
Multi-Use Developments, subject to Section 1016	X	X	X	X	X	C	X	X	X	C	X
Nursing Homes, subject to Section 810	X	X	X	X	X	X	P	P	L	X	X
Offices, including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, governmental services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P	P	P	P	P	P	P	P	P	P
Offices and Outpatient Clinics—both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P	P	P	P	P	P	P	P	P	P	P
Parking Lots	A	A	A	A	P	P	A	A	A	P ²⁷	A
Parking Structures	X	A ²⁸	P ²⁷	P ²⁷	P	P	A	A	A ²⁸	P ²⁷	P ²⁷

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Parks, Government-Owned , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; boarding or riding stables; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; nature preserves and wildlife sanctuaries; picnic areas and structures; play equipment and playgrounds; tables and seating; and similar recreational uses. Accessory uses to a park may include concessions, maintenance facilities, restrooms, and similar support uses.	P	P	P	P	P	P	P	P	P	P	P
Pedestrian Amenities	P	P	P	P	P	P	P	P	P	P	P
Public Utility Facilities	S	C	C ²⁹	C ²⁹	C	C	S	S	S	S	S
Race Tracks, Outdoor	X	X	X	X	X	C	X	X	X	X	X
Radio and Television Studios , excluding transmission towers	C	P	P	P	P	P	P	P	S	P	P
Radio and Television Transmission and Receiving Towers and Earth Stations ³⁰	S	C	S	S	C	C	S	S	S	S	S
Radio and Television Transmission and Receiving Earth Stations	S	C	C	C	C	C	A	S	S	S	S

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Recreational Sports Facilities for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: general recreation, instruction, practice, and competitions.	P ²⁰	P ²⁰	P ²⁰	P	P	P	P ²⁰	P ^{18, 20}	S	C ²⁰	L ^{19, 20}
Recyclable Drop-Off Sites , subject to Section 819	A	A	X	X	A	A	X	X	X	X	X
Research Facilities and Laboratories , including product research and development, product design and testing, medical research, and medical laboratories	S	S	S	S	P	P	P ²⁴	P	P ³¹	P ³¹	P ²⁴
Retailing —whether by sale, lease, or rent—of new or used products	S	S	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹
Retailing —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic	P	P	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
supplies, signs, small power equipment, sporting goods, stationery, tobacco, toiletries, tools, toys, vehicle supplies, and videos.											
Retailing —whether by sale, lease, or rent—of any of the following new or used products: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	P	P	P	P	X	X	X	C ³²	L ¹¹
Retailing —whether by sale, lease, or rent—of any of the following new or used products: boats, heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; manufactured dwellings, recreational vehicles, and residential trailers	X	X	X	P	P	P	X	X	X	X	X
Schools ³³	P ³⁴	P ³⁴	P	P	P	P	P	P	L ³⁵	P	P
Service Stations , subject to Section 820	C	P	X	C	P	P	X	X	X	X	X
Services, Business , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P	P	P	P	P	P	P	P	P	P	P
Services, Commercial	S	S	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹
Services, Commercial—Car Washes	S	S	X	C	P	P	P	X	X	X	X

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Services, Commercial—Construction and Maintenance , including contractors engaged in construction and maintenance of electrical and plumbing systems	C	P	P	P	P	P	P	S	S	C ³²	L ¹¹
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	P	P	P	P	P	P	P	P ¹⁸	L ³⁸	L ¹⁰ , C ³⁶	L ¹¹
Services, Commercial—Maintenance and Repair of any of the following: bicycles, electronic equipment, musical instruments, optical goods, signs, small power equipment, and sporting goods	P	P	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹
Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	C	P	P	P	P	P	X	X	X	C ³²	L ¹¹
Services, Commercial—Maintenance and Repair of any of the following: boats, heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; manufactured dwellings, recreational vehicles, and residential trailers	X	X	X	P	P	P	X	X	X	X	X
Services, Commercial—Miscellaneous , including food lockers, interior decorating, locksmith,	P	P	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
upholstering, and veterinary											
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, tanning salons, and video rental. Also permitted are incidental retail sales of products related to the service provided.	P	P	P	P	P	P	P	P ¹⁸	L ³⁸	L ¹⁰	L ¹¹
Services, Commercial—Mini-Storage/Self-Storage Facilities	S	S	X	C	P	P	X	X	S	X	X
Services, Commercial—Storage of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	X	C	P	P	X	X	X	X	X
Services, Commercial—Storage of any of the following: boats, heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; manufactured dwellings, recreational vehicles, and residential trailers	X	X	X	C	P	P	X	X	X	X	X
Services, Commercial—Studios of the following types: art, dance, and music	P	P	P	P	P	P	P	P ¹⁸	S	P	P
Services, Commercial—Truck Stops	X	X	X	X	P	P	X	X	X	X	X
Services, Information , including blueprinting, bookbinding, photo	S	S	S	S	P	P	P	P ²²	P	P	P

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
processing, photo reproduction, printing, and publishing											
Signs, subject to Section 1010	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷
Stadiums, Outdoor	X	X	X	X	X	C	X	X	X	X	X
Telephone Exchanges	S	C	C	C	C	C	S	S	S	S	S
Temporary Buildings for Uses Incidental to Construction Work, provided that such buildings shall be removed upon completion or abandonment of the construction work	A	A	A	A	A	A	A	A	A	A	A
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A	A	A	A	A	A	A	A	A	A
Transit Facilities, including transit centers, transit stations, and transit stops	S	S	P	P	P	P	P	P	S	P	P
Transit Park-and-Rides	S	S	P	P	P	P	P	P	S	P	P
Utility Carrier Cabinets, subject to Section 830	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.04, subject to Section 835	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.05, subject to Section 835	P	P	P	P	P	P	P	X	P	P	P

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	X	X	X	X	X	X	X	X	X	X

- ¹ Required primary uses for each Planned Mixed Use site are listed in Table 510-3.
- ² A minimum of 60 percent of the total building floor area on a site shall be primary use(s).
- ³ A maximum of 40 percent of the total building floor area on a site may be limited use(s). Limited uses may be allowed as part of a development when developed concurrently with, or after, the primary use(s).
- ⁴ These uses shall be for residents—and their nonpaying guests and on-site employees—and shall not be permitted for commercial purposes.
- ⁵ Churches are not subject to Section 804.
- ⁶ Freestanding congregate housing facilities and freestanding multifamily dwellings are subject to the development and dimensional standards applicable to congregate housing facilities and multifamily dwellings in the RCHDR District. This requirement does not apply to congregate housing facilities or multifamily dwellings in a mixed-use building.
- ⁷ A congregate housing facility shall have a minimum of four dwelling units.
- ⁸ Freestanding congregate housing facilities and freestanding multifamily dwellings are subject to the development and dimensional standards applicable to congregate housing facilities and multifamily dwellings in the IDR District. With the exception of compliance with the maximum density standard, this requirement does not apply to congregate housing facilities or multifamily dwellings in a mixed-use building.
- ⁹ Two-family, three-family and multifamily dwellings, subject to the density standards of the MR-2 District, may be developed in the same building as a primary use.
- ¹⁰ The maximum combined building floor area of the use, and any other limited uses, shall be 20 percent of the building floor area of primary uses in the same development.
- ¹¹ The use is permitted only in a multistory building with a primary use—up to a maximum building floor area equal to the building floor area of the first floor—or on the ground-level floor of a freestanding parking structure. However, a freestanding eating and drinking establishment shall be allowed in conjunction with a primary use in the same development, subject to the following criteria:
 1. The building floor area of the freestanding eating and drinking establishment shall not exceed 5,000 square feet.

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

2. If the primary use in the same development is an office use, as defined in Note 28 to Table 510-2, the floor area ratio of the development, including the eating and drinking establishment, shall comply with the minimum floor area ratio standard for primary office uses in Table 510-2.
3. If the primary use in the same development is a multifamily dwelling or a congregate housing facility, the acreage developed with the eating and drinking establishment, and any parking or accessory structures that are used exclusively for the eating and drinking establishment, may be subtracted from the total acreage when calculating minimum density pursuant to Table 510-2.
4. The eating and drinking establishment shall be developed concurrently with or after a primary use is developed on the site.
- 12 Drive-thru window service is prohibited on streets designated as Main Streets on Comprehensive Plan Map X-CRC-3, *Citackamas Regional Center Area Design Plan, Urban Design Elements*.
- 13 Drive-thru window service is permitted only if it is accessory to a financial institution and only if the financial institution is not on a street designated as a Main Street on Comprehensive Plan Map X-CRC-3.
- 14 Attached single-family dwellings, subject to the density standards of the VTH District, may be developed in the same building as a primary use.
- 15 Daycare facilities as an employee amenity are not subject to Section 807.
- 16 Employee amenities shall be located in the same structure as the use to which they are accessory.
- 17 Only indoor facilities are permitted.
- 18 A maximum of 40,000 square feet of ground-floor building floor area may be occupied by any one business, regardless of the number of buildings occupied by that business. In addition, the total ground-floor building floor area occupied by any combination of uses subject to Note 15 to Table 510-1 shall not exceed 40,000 square feet in a single building.
- 19 A health club may be allowed in conjunction with a primary use on the site, subject to the following criteria:
 1. If the primary use on the site is an office use, the minimum floor area ratio (FAR) standard of Table 510-2 may be modified as follows for a lot of greater than two and one-half acres in size:
 - a. The minimum FAR for the office use shall be 0.75; and
 - b. The minimum FAR for the health club and the office use combined shall be 1.0.
 2. If the primary use on the site is a multifamily dwelling, the site area developed with the health club and any parking or accessory structures used exclusively for the health club shall be included in the net acreage when calculating minimum density pursuant to Table 510-2.
 3. The health club shall be developed concurrently with or after a primary use is developed on the site.

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

- 20 This use is permitted only in conjunction with a primary or another conditional use.
- 21 Also permitted are associated gift shops, newsstands, and eating and drinking establishments, all of which shall be located in the same building as the hotel.
- 22 These uses are permitted with a maximum of 10,000 square feet of building floor area per building, if part of a mixed-use development and if the combined building floor area of the use, and any other uses subject to Note 22 of Table 510-1, does not exceed 25 percent of the building floor area of the mixed-use development.
- 23 Manufacturing of the following is prohibited: explosive devices; incendiary devices; and renewable fuel resources, such as alcohol, biomass, and methanol.
- 24 This use is permitted only if it has physical and operational requirements that are similar to those of other primary uses allowed in the same zoning district.
- 25 Only level one mobile vending units are permitted.
- 26 Also permitted are associated gift shops, newsstands, and eating and drinking establishments, all of which shall be located in the same building as the motel.
- 27 The parking structure is permitted to serve only developments located in the same zoning district as the subject property.
- 28 This use is limited to understructure parking.
- 29 Only substations are permitted.
- 30 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 31 No operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions.
- 32 The maximum combined building floor area of the use, any limited uses, and any other uses subject to Note 32 to Table 510-1, shall be 20 percent of the building floor area of primary uses in the same development.
- 33 Schools are not subject to Section 805.
- 34 Only commercial schools are permitted.
- 35 Schools shall be limited to no more than 30 percent of the total building floor area on a site.
- 36 An eating and drinking establishment may be permitted as a conditional use, provided that it complies with a minimum of five of the following criteria:
- Has a minimum seating capacity of 75;
 - Specializes in gourmet, ethnic, or specialty cuisine;

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

- Includes banquet facilities and services;
- Provides live entertainment at least two nights a week;
- Utilizes custom architectural design and/or collections of artistic, cultural, or historic items to produce a distinctive thematic decor or atmosphere;
- Has an Oregon Liquor Control Commission license to serve beer and wine; or
- Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.

³⁷ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

³⁸ An individual use shall not exceed 2,500 square feet of building floor area. In addition, the maximum combined building floor area of an individual use, and any other uses subject to Note 38 to Table 510-1, shall be 10 percent of the total building floor area in the same development.