

3.60 RESIDENTIAL DISTRICTS RETAINED. The district provisions of subsections 3.61 through 3.685 shall apply to those lands as designated R-40, R-30, R-20, R-10, R-7, R-4, A-2 and A-1-B on the Multnomah County Zoning Map.

3.61 SINGLE FAMILY RESIDENTIAL DISTRICT R-40

3.611 USE.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- (A) Single family dwellings.
- (B) Accessory buildings such as garages, carports, studios, pergolas, private workshops, play-houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- (C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any residence other than the dwelling on the same lot.
- (D) Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature as provided in the Community Service Section (7.00), when approved by the Hearings Officer.
- (E) Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a Temporary Permit shall be issued for these structures as provided under Subsection 12.70. This permit shall expire at the end of one year, but may be renewed at the end of that period.
- (F) Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than 100 feet into the more restricted (residential) district:
  - (1) Two-family dwellings.
  - (2) Medical offices, dental offices and clinics.
  - (3) Parking, as required in Section 6.20.
  - (4) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.

- (1) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet, when erected at least ten feet behind the front property line.
  - (2) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of 80 square feet, when erected at least ten feet behind the front property line. Any such sign shall be approved by the Building Inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
  - (3) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two square feet.
  - (4) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of 18 square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (H) Uses customarily incident to any of the above uses, including home occupations.

### 3.612 RESTRICTIONS.

#### (A) Lot Size.

The minimum lot size shall be 40,000 square feet. The minimum average lot width shall be 100 feet. The minimum average lot depth shall be 140 feet.

#### (B) Yard Requirements.

- (1) Front Yard. There shall be a front yard with a minimum depth of 30 feet.
- (2) Side Yard. Side yards shall be a minimum of ten feet.
- (3) Rear Yard. There shall be a rear yard with a minimum depth of 30 feet to any permanent structure.

#### (C) Accessory Buildings.

Accessory buildings may be allowed if they fulfill the front, side and rear yard requirements of the main building.

(D) Off-Street Parking.

Two automobile spaces on the lot shall be provided for each dwelling unit.

(E) Height Restrictions.

Maximum height of any structures shall be 2-1/2 stories or 35 feet, whichever is less.

(F) Lot Coverage.

The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed 20% of the total area of the lot.

(G) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such case.

(I) 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, yard or setback requirements of this district.

3.613 EXCEPTIONS.

(A) Housing Project.

When a developer of four or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Hearings Officer may waive the front, side or rear yard requirements on a finding that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.

- (B) Where a lot has been a deed of record of less than 100 feet in width, or an area of less than 40,000 square feet, and was held under separate ownership, or was on public record at the time this Ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.
- (C) If topographical or other conditions exist which make these requirements unreasonable, the Hearings Officer may waive the front, side or rear yard requirements.

No building, structure, or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- (A) Single family dwellings.
- (B) Accessory buildings such as garages, carports, studios, pergolas, private workshops, play-houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- (C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any residence other than the dwelling on the same lot.
- (D) Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature as provided in the Community Service Section (7.00), when approved by the Hearings Officer.
- (E) Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a Temporary Permit shall be issued for these structures as provided under subsection 12.70. This permit shall expire at the end of one year, but may be renewed at the end of that period.
- (F) Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than 100 feet into the more restricted (residential) district:
  - (1) Two-family dwellings.
  - (2) Medical offices, dental offices and clinics.
  - (3) Parking, as required in Section 6.20.
  - (4) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.
- (G) Signs.

The following signs shall be permitted in this district:

- (1) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet, when erected at least ten feet behind the front property line.
  - (2) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of 80 square feet, when erected at least ten feet behind the front property line. Any such sign shall be approved by the Building Inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
  - (3) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
  - (4) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of 18 square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (H) Uses customarily incident to any of the above uses, including home occupations.

3.622

#### RESTRICTIONS.

##### (A) Lot Size.

The minimum lot size shall be 30,000 square feet. The minimum average lot width shall be 80 feet. The minimum average lot depth shall be 130 feet.

##### (B) Yard Requirements.

- (1) Front Yard. There shall be a front yard with a minimum depth of 30 feet.
- (2) Side Yard. Side yards shall be a minimum of ten feet.
- (3) Rear Yard. There shall be a rear yard with a minimum depth of 30 feet to any permanent structure.

##### (C) Accessory Buildings.

Accessory buildings may be allowed if they fulfill the front, side and rear yard requirements of the main building.

(D) Off-Street Parking.

Two automobile spaces on the lot shall be provided for each dwelling unit.

(E) Height Restrictions.

Maximum height of any structure shall be 2-1/2 stories or 35 feet, whichever is less.

(F) Lot Coverage.

The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed 25% of the total area of the lot.

(G) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

(I) 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, yard or setback requirements of this district.

3.623 EXCEPTIONS.

(A) Housing Project.

When a developer of four or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area, and other aesthetic conditions in harmony with the neighborhood, the Hearings Officer may waive the front, side or rear yard requirements on a finding that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.

- (B) Where a lot has been a deed of record of less than 80 feet in width, or an area of less than 30,000 square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.
- (C) If topographical or other conditions exist which make these requirements unreasonable, the Hearings Officer may waive the front, side or rear yard requirements.



## 3.631 USE.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- (A) Single family dwellings.
- (B) Accessory buildings such as garages, carports, studios, pergolas, private workshops, play-houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- (C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any residence other than the dwelling on the same lot.
- (D) Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature, as provided in the Community Service Section (7.00), when approved by the Hearings Officer.
- (E) Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a Temporary Permit shall be issued for these structures as provided under subsection 12.70. This permit shall expire at the end of one year, but may be renewed at the end of that period.
- (F) Where the side of a lot abuts a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than 100 feet into the more restricted (residential) district:
  - (1) Two-family dwellings.
  - (2) Medical offices, dental offices and clinics.
  - (3) Parking, as required in Section 6.20.
  - (4) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.

(G) Signs.

The following signs shall be permitted in this district:

- (1) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet, when erected at least ten feet behind the front property line.
- (2) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of 80 square feet, when erected at least ten feet behind the front property line. Any such sign shall be approved by the Building Inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
- (3) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two square feet.
- (4) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of 18 square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

- (H) Uses customarily incident to any of the above uses, including home occupations.

3.632 RESTRICTIONS.

(A) Lot Size.

The minimum lot size shall be 20,000 square feet. The minimum average lot width shall be 80 feet. The minimum average lot depth shall be 120 feet.

(B) Yard Requirements.

- (1) Front Yard. There shall be a front yard having a minimum depth of 30 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the

occupied lot, plus one half of the remaining distance to the required 30 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 30 feet.

(2) Side Yard. Side yards shall be a minimum of ten feet.

(3) Rear Yard. There shall be a rear yard with a minimum depth of 30 feet to any permanent structure.

(C) Accessory Buildings.

Accessory buildings may be allowed if they fulfill the front, side and rear yard requirements of the main building.

(D) Off-Street Parking.

Two automobile spaces on the lot shall be provided for each dwelling unit.

(E) Height Restrictions.

Maximum height of any structure shall be 2-1/2 stories or 35 feet, whichever is less.

(F) Lot Coverage.

The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed 30% of the total area of the lot.

(G) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

(I) 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, yard or setback requirements of this district.

3.633 EXCEPTIONS.

(A) Housing Project.

When a developer of four or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Hearings Officer may waive the front, side or rear yard requirements on a finding that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot areas, width and depth requirements shall remain the same as for this residential district.

(B) Where a lot has been a deed of record of less than 80 feet in width, or an area of less than 20,000 square feet, and was held under separate ownership, or was on public record at the time this ordinance become effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.

(C) If topographical or other conditions exist which make these requirements unreasonable, the Hearings Officer may waive the front, side or rear yard requirements.

## 3.641 USE.

No buildings, structure or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- (A) Single family dwellings.
- (B) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- (C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any residence other than the dwelling on the same lot.
- (D) Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature as provided in the Community Service Section (7.00), when approved by the Hearings Officer.
- (E) Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a Temporary Permit shall be issued for these structures as provided under subsection 12.70. This permit shall expire at the end of one (1) year, but may be renewed at the end of that period.
- (F) Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than 100 feet into the more restricted (residential) district:
  - (1) Two-family dwellings.
  - (2) Medical offices, dental offices and clinics.
  - (3) Parking, as required in Section 6.20.
  - (4) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.

(G) Signs.

The following signs shall be permitted in this district:

- (1) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet, when erected at least ten feet behind the front property line.
  - (2) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of 80 square feet, when erected at least ten feet behind the front property line. Any such sign shall be approved by the Building Inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
  - (3) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two square feet.
  - (4) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of 18 square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (H) Uses customarily incident to any of the above uses, including home occupations.

3.642 RESTRICTIONS.

(A) Lot Size.

The minimum lot size shall be 10,000 square feet. The minimum average lot width shall be 70 feet, and the minimum lot width at the building line shall be 70 feet. The minimum average lot depth shall be 100 feet.

(B) Yard Requirements.

- (1) Front Yard. There shall be a front yard having a minimum depth of 30 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structure on abutting lots on either side if both lots are occupied, if one lot is occupied and the

other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 30 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 30 feet.

(2) Side Yards. Side yards shall be a minimum of ten feet.

(3) Rear Yards. There shall be a rear yard with a minimum depth of 25 feet to the main building.

(4) Corner lots may have a rear yard of not less than ten feet if the front yard is not less than 30 feet and if the side yards are not less than 20 feet.

(C) Accessory Buildings.

Accessory buildings may be allowed if they fulfill the following requirements:

(1) If attached to the main building or separated by a breezeway they shall fulfill the front and side yard requirements of the main building.

(2) If detached and located behind the rear most line of the main building, or a minimum of 55 feet from the front lot line, whichever is greater, any one story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

(D) Off-Street Parking.

Two automobile spaces on the lot shall be provided for each dwelling unit.

(E) Height Restrictions.

Maximum height of any structure shall be 2-1/2 stories or 35 feet, whichever is less.

(F) Lot Coverage.

The maximum area that may be covered by the dwelling unit and accessory building shall not exceed 30% of the total area of the lot.

(G) All lots in this district shall abut a street or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (I) 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, yard or setback requirements of this district.

3.643 EXCEPTIONS.

(A) Housing Project.

When a developer of four or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Hearings Officer may waive the front, side or rear yard requirements on a finding that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.

- (B) Where a lot has been a deed of record of less than 70 feet in width or an area of less than 10,000 square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.
- (C) If topographical or other conditions exist which make these requirements unreasonable, the Hearings Officer may waive the front, side or rear yard requirement.



## 3.651 USE.

No building, structures, or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

- (A) Single family dwellings.
- (B) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- (C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any residence other than the dwelling on the same lot.
- (D) Special uses, such as parks, playgrounds, or community centers, churches, schools, golf courses and uses of similar nature, as provided in the Community Service Section (7.00), when approved by the Hearings Officer.
- (E) Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a Temporary Permit shall be issued for these structures as provided under subsection 12.70. This permit shall expire at the end of one year, but may be renewed at the end of that period.
- (F) Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than 100 feet into the more restricted (residential) district.
  - (1) Two-family dwellings.
  - (2) Medical offices, dental offices and clinics.
  - (3) Parking, as required in Section 6.20.
  - (4) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.
- (G) Signs.

The following signs shall be permitted in this district:

- (1) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet, when erected at least ten feet behind the front property line.
  - (2) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of 80 square feet, when erected at least ten feet behind the front property line. Any such sign shall be approved by the Building Inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
  - (3) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two square feet.
  - (4) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of 18 square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (H) Uses customarily incident to any of the above uses, including home occupations.

### 3.652 RESTRICTIONS.

#### (A) Lot Size.

The minimum lot size shall be 7,000 square feet. The minimum average lot width shall be 60 feet, and the minimum lot width at the building line shall be 60 feet. The minimum average lot depth shall be 80 feet.

#### (B) Yard Requirements.

- (1) Front Yard. There shall be a front yard having a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied, if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.

- (2) Side Yards. Side yards shall be a minimum of five feet, on corner lots the side yard shall be a minimum of ten feet on the side abutting the street.
- (3) Rear Yards. There shall be a rear yard with a minimum depth of 25 feet to the main building.
- (4) Corner lots may have a rear yard of not less than five feet if the front and side yards are not less than 20 feet.

(C) Accessory Buildings.

Accessory buildings may be allowed if they fulfill the following requirements:

- (a) If attached to the main building or separated by a breezeway they shall fulfill the front and side yard requirements of the main building.
- (b) If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line, whichever is greater, any one story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

(D) Off-Street Parking.

Two automobile spaces on the lot shall be provided for each dwelling unit.

(E) Height Restrictions.

Maximum height of any structure shall be 2-1/2 stories or 35 feet, whichever is less.

(F) Lot Coverage.

The maximum area that may be covered by the dwelling unit and accessory buildings shall be 35% of the total area of the lot.

- (G) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets.

The minimum front or side yards or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (I) 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, yard or setback requirements of this district.

3.653 EXCEPTIONS.

- (A) When a developer of four or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Hearings Officer may waive the front, side or rear yard requirements on a finding that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.
- (B) Where a lot has been a deed of record of less than 60 feet in width, or an area of less than 7,000 square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.
- (C) If topographical or other conditions exist which make these requirements unreasonable, the Hearings Officer may waive the front, side or rear yard requirements.

## 3.661 USE.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

- (A) One-family dwellings.
- (B) Two-family dwellings.
- (C) Dwelling groups when developed according to the provisions of subsection 3.663(C) and the standards of this district which apply.
- (D) Accessory building such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- (E) Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses, and uses of similar nature, as provided in the Community Service Section (7.00) when approved by the Hearings Officer.
- (F) Temporary structures may be allowed in this district, if these structures relate to the building or sale of land or homes, provided, however, that a Temporary Permit shall be issued for these structures as provided under subsection 12.70. This permit shall expire at the end of one year, but may be reviewed at the end of that period.
- (G) Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than 100 feet into the more restricted (residential) district.
  - (1) Apartment dwellings.
  - (2) Medical offices, dental offices and clinics.
  - (3) Parking, as required in Section 6.20.
  - (4) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.
- (H) Signs.

The following signs shall be permitted in this district:

- (1) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet, when erected at least ten feet behind the front property line.
  - (2) A sign advertising the sale of a tract of land or a legally approved subdivison or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of 80 square feet, when erected at least ten feet behind the front property line. Any such sign shall be approved by the Building Inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
  - (3) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two square feet.
  - (4) In the transitional areas a sign, illuminated or otherwise, but not of flashing intermittent type, with a maximum area on one side of 18 square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
  - (5) One identification sign for each dwelling group permitted under subsection 3.661(C) only indirectly illuminated, with a maximum area on one side of four square feet, and located not less than 15 feet from any property line.
- (I) Uses customarily incident to any of the above uses, including home occupations.

### 3.662 RESTRICTIONS.

#### (A) Lot Size.

The minimum lot size shall be 8,000 square feet for a two-family dwelling, 7,000 square feet for a single family dwelling, and 4,000 square feet for each dwelling unit in dwelling groups permitted under subsection 3.661(C). The minimum average lot width shall be 60 feet, the minimum width at the building line shall be 60 feet, and the minimum average lot depth shall be 80 feet.

#### (B) Yard Requirements.

- (1) Front Yard. There shall be a front yard having a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks

of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.

- (2) Side Yard. Side yards shall be a minimum of five feet, on corner lots the side yard shall be a minimum of ten feet on the side abutting the street.
- (3) Rear Yard. There shall be a rear yard with a minimum depth of 25 feet to the main building.

(C) Accessory Buildings.

Accessory buildings may be allowed if they fulfill the following requirements:

- (1) If attached to the main building or separated by a breezeway they shall fulfill the front and side yard requirements of the main building.
- (2) If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line whichever is greater, any one (1) story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

(D) Off-Street Parking.

Two automobile spaces on the lot shall be provided for each dwelling unit. Off-street parking for dwelling groups permitted under subsection 3.661(C) shall be provided according to the requirements of Section 6.20.

(E) Height Restrictions.

Maximum height of any structure shall be 2-1/2 stories or 35 feet, whichever is less. Maximum height of any structure in a dwelling group permitted under subsection 3.661(C) shall be one story, unless the Planning Director shall determine that a greater height is in harmony with the neighborhood.

(F) Lot Coverage.

The maximum area that may be covered by the dwelling(s) and accessory buildings shall not exceed 40% of the total area of the lot.

(G) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way widths to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

(I) 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, yard or setback requirements of this district.

### 3.663 EXCEPTIONS.

(A) Where a lot has been a deed of record of less than 60 feet in width, or an area of less than 8,000 square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied only by a use permitted in an R-7 district. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.

(B) If topographical or other conditions exist which make these requirements unreasonable, the Hearings Officer may waive the front, side or rear yard requirements.

(C) Dwelling groups may be located in this district when approved by the Hearings Officer. In approving such dwelling groups, the Hearings Officer shall consider:

(1) The present and potential character of the area;

(2) The need for adequate access, circulation and parking, privacy, and usable open spaces; and

(3) Other factors which will assure a desirable living environment.

(a) The Hearings Officer may attach such conditions to the approval as are necessary to carry out the objectives listed in subparts (1), (2), or (3), of this subsection.

### 3.664 DESIGN REVIEW.

A dwelling group approved by the Hearings Officer under subsection 3.663(C) shall be subject to Design Review approval pursuant to Section 7.60.



## 3.671 USE.

No building, structure or land shall be used and no building or structure shall be hereinafter erected, altered or enlarged in this district except for the following uses:

- (A) Single family dwellings.
- (B) Two-family dwellings.
- (C) Apartment dwellings.
- (D) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- (E) Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature, as provided in Community Service Section (7.00), when approved by the Hearings Officer.
- (F) Temporary structures may be allowed in this district, if these structures relate to the building or sale of land or homes, provided, however, that a Temporary Permit shall be issued for these structures as provided under subsection 12.70. This permit shall expire at the end of one year, but may be renewed at the end of that period.
- (G) Where any portion of a lot is within 150 feet of the boundary of a C-3 or C-2 district, apartment dwellings (3 units or more) with a minimum lot size of 5,800 square feet plus 1,200 square feet for each unit may be permitted after a public hearing before the Hearings Officer. In such cases the maximum area that may be covered by the dwelling unit and accessory buildings shall be 50% of the total area of the lot. All other requirements of the A-2 Section shall apply.
- (H) Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than 100 feet into the more restricted (residential) district:
  - (1) Medical offices, dental office and clinics.
  - (2) Parking, as required in Section 6.20.
  - (3) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this Ordinance which apply.

(I) Signs.

The following signs shall be permitted in this district:

- (1) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet, when erected at least ten feet behind the front property line.
  - (2) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of 80 square feet, when erected at least ten feet behind the front property line. Any such sign shall be approved by the Building Inspector as to location in regard to health, safety, view obstruction, or other such conditions, before erection.
  - (3) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two square feet.
  - (4) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of 18 square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
  - (5) In trailer parks a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of 12 square feet. Such sign shall pertain only to the use of the property, and shall be located not less than ten feet from any property line. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (J) Uses customarily incident to any of the above uses, including home occupations.
- (K) The following uses may be permitted after a public hearing before the Hearings Officer:
- (1) Trailer parks (mobile home parks)
  - (2) Hotels
  - (3) Boarding houses
  - (4) Motels
  - (5) Professional offices
  - (6) Medical and dental offices and clinics

The Hearings Officer may attach additional conditions as to setbacks, screening, off-street parking and loading, construction standards and maintenance, which may be deemed necessary to protect public health, safety and general welfare; to protect adjacent properties and the public interest.

### 3.672 RESTRICTIONS.

#### (A) Lot Size and Coverage.

<u>No. of Dwelling Units</u>	<u>Minimum Lot Size in Square Feet</u>	<u>Percent Lot Coverage</u>
1	7,000	35%
2	8,000	40%
3	11,000	40%
4	14,000	45%
5	16,500	45%
6	19,000	45%
7-10	21,500 + 2,250 for each unit over 7	45%
11-20	30,500 + 2,000 for each unit over 11	45%
21-37	50,750 + 1,750 for each unit over 21	50%
38-63	79,500 + 1,500 for each unit over 38	55%
64-up	118,500 + 1,000 for each unit over 64	55%

- (1) The minimum average lot width shall be 60 feet, and the minimum lot width at the building line shall be 60 feet. The minimum average lot depth shall be 80 feet.
- (2) Where the number of dwelling units erected on a lot is calculated in accordance with this Section, no greater number of units shall in any event be permitted at any time except in compliance with subsection 3.671(G) when approved by the Hearings Officer.

#### (B) Yard Requirements.

- (1) Front Yard. There shall be a front yard having a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.

- (2) Side Yard. For buildings one or two stories in height, side yards shall be a minimum of five feet; for buildings exceeding two stories in height, the side yards shall be a minimum of one foot horizontally for every three feet of building height; on corner lots the side yard for all structures shall be a minimum of ten feet on the side abutting the street.
- (3) Rear Yard. There shall be a rear yard with a minimum depth of 15 feet to the main building.

(C) Accessory Buildings.

Accessory buildings may be allowed if they fulfill the following requirements:

- (1) If attached to the main building or separated by a breezeway they shall fulfill the front and side yard requirements of the main building.
- (2) If detached and located behind the rear-most line of the main building, or a minimum of 45 feet from the front lot line, whichever is greater, any one story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

(D) Off-Street Parking.

Off-street parking shall be provided as required in Section 6.20.

(E) Height Restrictions.

Maximum height of any structure shall be 2-1/2 stories or 35 feet, whichever is less. All structures exceeding 35 feet, or 2-1/2 stories, may be permitted if in harmony with the neighborhood after a public hearing before the Hearings Officer.

- (F) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(G) Half Street.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (H) 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, yard or setback requirements of this district.

3.673 All of the above restrictions shall apply to hotels, boarding houses, motels, and trailer parks, except that the minimum lot sizes for such uses shall be as hereinafter provided, and in addition they shall comply with the following requirements:

(A) Trailer parks. (mobile home parks)

- (1) Trailer parks shall be located on well-drained sites, and shall be so located that their drainage shall not endanger any water supply. All such trailer parks shall be located in areas free from marshes, swamps, or other potential breeding places for insects or rodents.
- (2) The area of the trailer park shall be large enough to accommodate:
  - (a) The designated number of trailer spaces.
  - (b) Necessary streets and drives.
  - (c) Off-street parking.
  - (d) Service areas, recreation areas, and setbacks.
- (3) Each trailer space shall contain a minimum of 1,200 square feet, except that at the option of the owner the minimum size may be 1,000 square feet if, as provided in subsection (12) of this section, an area of 100 square feet for each trailer space is provided as recreation area. Each trailer space shall be a minimum of 25 feet in width, and shall abut on a drive with unobstructed access to a street. Such spaces shall be clearly defined. Trailers shall be located in such spaces with a minimum of 15 feet between trailers, or between a trailer and any building.
- (4) No trailer shall be located less than 5 feet from a side or rear property line.
- (5) No trailer shall be located less than 25 feet from any street or highway, or so that any part of such trailer will obstruct any drive or walkway.
- (6) No trailer shall remain in a trailer park unless a trailer space is available.

- (7) Access drives shall be provided to each trailer space, shall be continuous, shall connect with a street, and shall have a minimum width of 20 feet, with a minimum total width of 36 feet for exterior connections.
- (8) Improved walkways, not less than two feet in width, shall be provided from each trailer space to service buildings.
- (9) Access drives and walkways within the park shall be hard surfaced according to standards established by the County Engineer.
- (10) Each trailer space shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of 150 square feet and one crushed rock or better trailer pad having a minimum size of 10 feet by 40 feet.
- (11) Off-street parking shall be provided as required in Section 6.20, with a minimum of 1-1/2 parking spaces for each trailer space. Minimum width access drives shall not be considered in fulfilling this requirement.
- (12) Recreation areas which may be provided under the conditions of subpart (3) of this subsection, shall be suitably equipped and restricted to such uses. Such areas shall be protected from streets, drives and parking areas. A minimum of 100 square feet of recreation area for each trailer space shall be provided in one or more locations within the trailer park. The minimum size of each such recreation area shall be 2,500 square feet.
- (13) No permanent additions of any kind shall be built onto, nor become a part of, any trailer. Skirting of trailers is permissible, but such skirting shall not attach the trailer to the ground.
- (14) Permanent structures located within any trailer space shall be used for storage purposes only, shall have a maximum area of 25 square feet, shall be located not less than six feet from any trailer, and shall be subject to all of the applicable provisions of the Multnomah County Building Code. These structures shall be uniform and included in the plan submitted to and approved by the Hearings Officer.
- (15) Wheels of trailers shall not be removed, except temporarily when necessary for repairs.

- (16) A sight-obscuring fence of not less than six feet, nor more than seven feet in height, with no openings other than the required entrances and exits to streets and public places, shall be provided along any lot line which abuts or faces a more restricted residential district.
- (17) Applications for use of land as a trailer park shall be accompanied by complete plans and specifications of the proposed park and all permanent buildings, indicating the proposed methods of compliance with these requirements. Such plans shall be to a scale of not less than one inch per 40 feet. Such application shall also include a copy of the approval of plans by the County Sanitarian.

(B) Hotels, boarding houses and motels:

- (1) If cooking facilities are provided in individual units of a structure or structures, the requirements of the A-2 Apartment-Residential District for dwelling units shall apply for each unit containing the cooking facilities.

3.674 EXCEPTIONS.

- (A) Where a lot has been a deed of record of less than 60 feet in width, or an area of less than 8,000 square feet, and was held under separate ownership, or was on public record at the time this Ordinance became effective, such lot may be occupied only by a use in an R-7 district. In no case, however, shall a single family dwelling unit have a lot area of less than 3,000 square feet.
- (B) If topographical or other conditions exist which make these requirements unreasonable, the Hearings Officer may waive the front, side or rear yard requirements.

3.675 DESIGN REVIEW.

Uses in this district, except single family and two-family dwellings on individual lots, shall be subject to Design Review approval pursuant to Section 7.60.

3.68 APARTMENT-RESIDENTIAL-BUSINESS OFFICE DISTRICT A-1-B MULTNOMAH COUNTY

3.681 PURPOSE.

The purpose of this district is to provide suitable areas for apartment dwellings together with harmonious business and professional office uses, generally utilizing the frontage on major arterials, in a manner offering a high level of access and compatability with the necessary traffic-carrying capacity and with a minimum of conflict with adjoining single family residential districts.

3.682 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

- (A) Any use permitted in an R-7 or R-4 district and apartment dwellings according to the standards of Section 3.672.
- (B) Apartment Dwellings, High Density.

Where any portion of a lot is within 150 feet of the boundary of a C-3 or C-2 district, apartment dwellings (3 units or more) with a minimum lot size of 5,800 square feet plus 1,200 square feet for each unit may be permitted after a public hearing before the Hearings Officer. In such cases the maximum area that may be covered by the dwelling unit and accessory buildings shall be 50% of the total area of the lot. All other requirements of the A-2 Section shall apply.

- (C) Trailer courts, hotels, motels and boarding houses may be permitted after public hearing before the Hearings Officer, when in harmony with the Comprehensive Plan and the character of the area, and developed in accordance with the standards of subsection 3.673.
- (D) The following uses when developed in accordance with the standards of this Section:

- (1) Offices, studios or clinics of the following professions or occupations:
  - (a) Accountants
  - (b) Architects
  - (c) Artists
  - (d) Attorneys
  - (e) Authors and Writers



- (f) Dentists
  - (g) Designers
  - (h) Engineers
  - (i) Investment Counselors
  - (j) Landscape Architects
  - (k) Management Consultants
  - (l) Physicians and Surgeons
  - (m) Psychologists
- (2) Office of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations whose activities are such that few visitors other than employees have reason to come to the premises.
  - (3) Any other office use held similar to the above uses, as approved by the Planning Commission as being in harmony with the Comprehensive Plan and with the area and purposes set forth in subsection 3.681.
  - (4) Accessory buildings or uses customarily incidental to such uses, when located on the same lot.
- (E) Limitations.
- (1) Except for those items necessarily related to the business or profession, no goods, wares or merchandise shall be displayed, sold or serviced on any lot in this district.
  - (2) All uses and operations shall be confined, contained and conducted wholly within completely enclosed buildings, except off-street parking and loading areas.
- (F) Special uses, such as parks, playgrounds, or community centers, churches, schools, golf courses and uses of similar nature, as provided in the Community Service Section (7.00), when approved by the Hearings Officer.
- (G) Temporary structures or uses may be allowed in this district, if these relate to the building or sale of land or permanent structures, provided, however, that a Temporary Permit shall be issued for these temporary structures as provided under subsection 12.70. This permit shall expire at the end of one year, but may be renewed at the end of that period.

(H) Signs.

The following signs, located no closer than ten feet from any property line, shall be permitted in this district:

- (1) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet.
  - (2) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of 80 square feet. Any such sign shall be approved by the Building Inspector as to location in regard to health, safety, view obstruction, or other such conditions, before erection.
  - (3) A sign for each dwelling, stating the name of the owner or occupant of the property; with a maximum area on one side of two square feet.
  - (4) In trailer courts, a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of 12 square feet. Such sign shall pertain only to the use of the property. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
  - (5) For offices a sign or signs indirectly illuminated, but not of a flashing intermittent type, with the following limitations:
    - (a) Maximum sign area, one side, shall be two square feet for each use, and the total area, one side, of all exterior sign display surfaces shall not exceed 18 square feet.
    - (b) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
    - (c) Any external sign displayed shall pertain only to the use conducted within the building and shall not advertise incidental products.
- (I) The Hearings Officer may attach additional conditions as to setbacks, screening, off-street parking and loading, construction standards and maintenance, which may be deemed necessary to protect public health, safety and general welfare; to protect adjacent properties and the public interest.

## RESTRICTIONS.

Except as otherwise specified herein, all residential uses shall fulfill the applicable restrictions of the A-2 Section of this Ordinance. All other uses permitted by this Section shall meet the following requirements:

## (A) Yard Requirements.

- (1) Front Yard. There shall be a front yard having a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.
- (2) Side Yard. For buildings one or two stories in height, side yard shall be a minimum of five feet; for buildings exceeding two stories in height, the side yards shall a minimum of one foot horizontally for every three feet of building height; on corner lots the side yard for all structures shall be a minimum of ten feet on the side abutting the street.
- (3) Rear Yard. There shall be a rear yard with a minimum depth of 15 feet to the main building.

## (B) Accessory Uses.

Uses or buildings, accessory to primary office use, may be allowed and shall fulfill the yard requirements of this district.

## (C) Off-Street Parking and Loading.

Off-street parking and loading shall be provided as required in Section 6.20 of this Ordinance.

## (D) Height Restrictions.

Maximum height of any structure shall be 2-1/2 stories or 35 feet, whichever is less. All structures exceeding 35 feet, or 2-1/2 stories, may be permitted if in harmony with the neighborhood after a public hearing before the Hearings Officer.

- (E) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(F) Half Street.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such case.

- (G) 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, yard or setback requirements of this district.

3.684 EXCEPTIONS.

- (A) When a developer of four or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Hearings Officer may waive the front, side or rear yard requirements on a finding that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live and work.
- (B) If topographical or other conditions exist which make these requirements unreasonable, the Hearings Officer may waive the front, side or rear yard requirements.

3.685 DESIGN REVIEW.

Uses in this district, except single family and two-family dwellings on individual lots, shall be subject to Design Review approval pursuant to Section 7.60.

3.80 URBAN BUSINESS AND PROFESSIONAL OFFICE DISTRICT BPO

3.801 PURPOSES. The purposes of the Urban Business and Professional Office District are to establish suitable urban areas for diversified office uses in concentrated centers and in appropriate isolated locations; to accommodate the location of intermediate uses between residential districts and areas of more intense development; to afford opportunities for employment and for business and professional services in close proximity to residential neighborhoods and transportation facilities; to expand economic potentials and to vitalize urban communities; to provide for a range of compatible and supportive uses; to promote user convenience and the conservation of energy; to establish development standards which assure consistency with the Comprehensive Plan.

3.802 AREA AFFECTED. This subsection shall apply to those lands designated BPO on the Multnomah County Zoning Map.

3.803 USES. Except as otherwise provided in Ordinance No. 100, no building, structure or land shall be used, and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in subsections 3.804 through 3.806.

3.804 PRIMARY USES.

(A) Office of an accounting, administrative, architectural, business, data processing, design, drafting, editorial, educational, engineering, executive, financial, governmental, insurance, investment, landscape, legal, management, real estate, religious, research, scientific, statistical or similar service or organization.

(B) Medical or dental office or clinic.

(C) Duplicating, billing or mailing service.

(D) Instruction studio for arts, crafts, dance, music or photography.

(E) Business, professional, trade or commercial school.

(F) Any other use held similar to the above uses by the Planning Commission on a finding of consistency with the purposes of subsection 3.801.

3.805 USES UNDER PRESCRIBED CONDITIONS. The uses permitted subject to prescribed conditions for each use are:

(A) The following uses when located and arranged for principal service to the employees or users of one or more primary uses on the same lot or in the immediate vicinity:

- (1) A barber or beauty shop;
  - (2) A coffee or sandwich shop, cafeteria or restaurant, but not drive-in or fast-food service;
  - (3) Confection, tobacco, newspaper or magazine sales; and
  - (4) A florist shop;
- (B) The following uses, when occupying not more than 20% of the floor area of associated primary uses on the same lot:
- (1) Sales of stationery and minor office supplies in association with an office use listed in subsection 3.804(A);
  - (2) Pharmacy or the sale or rental of health supplies or appliances in association with an office or clinic use listed in subsection 3.804(B);
  - (3) Sale, rental or maintenance service of office machines in association with an office, clinic or service use listed in subsections 3.804(A), (B), or (C); and
  - (4) Sale or rental of art, craft, dance or musical supplies, equipment or instruments in association with a related instruction studio use listed in subsection 3.804(D); and
- (C) Residential uses permitted in the MR-3 district, as listed in subsection 3.463, and accessory uses thereto as listed in subsection 3.464(A), when developed according to the applicable requirements of subsections 3.40 through 3.419 and 3.462 through 3.466.
- (D) Temporary uses under the provisions of subsection 12.71.

3.806 CONDITIONAL USES. The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- (A) Community Service Uses under the provisions of Section 7.00;
- (B) Conditional Uses under the provisions of Section 7.50; and
- (C) Under the procedural provisions of Section 7.50, the approval criteria of subsection 3.814 and the development standards of subsection 3.815:
  - (1) A research, experimental or testing laboratory;
  - (2) The production, assembly, labeling or packaging of small electrical, electronic, optical or similar parts, instruments or devices; and

(3) A hotel or motel.

3.807 ACCESSORY USES. The following accessory uses are permitted in this district:

- (A) Uses customarily accessory or incidental to a permitted use; and
- (B) Off-street parking and loading developed as required under subsection 6.20.

3.808 SIGNS. The following signs shall be permitted in this district:

- (A) A sign of a temporary nature, not artificially illuminated, advertising the sale or rental of a premises, with a maximum area on one side of eight square feet, when erected at least ten feet behind the front property line;
- (B) A sign of a temporary nature, not artificially illuminated, advertising the sale of a tract of land or a land division or development, with a maximum area on one side of 80 square feet, when erected at least ten feet behind the front property line. Any such sign shall be approved by the Planning Director before erection as to location in regard to road safety, view obstruction, residential privacy or other such conditions;
- (C) A sign stating the name of the owner or occupant of the property with a maximum area on one side of two square feet;
- (D) For a primary use, use under prescribed conditions, or conditional use authorized as provided in the district, not more than one sign for each use, provided that:
  - (1) The sign states only the name of the use or building, the name of each business, firm, organization or service and its symbol, if any, and address(es), telephone numbers and hours of operation;
  - (2) The total area on one side of any sign shall not exceed 0.30 square feet for each linear foot of the length of the principal facade of the building in which the use is located;
  - (3) Sign illumination, if any, shall be interior or indirect; and
  - (4) The sign shall be placed flat against the wall of the building or, if free-standing, on a permanent structure not exceeding eight feet in height, located not less than ten feet from any property line.

- (E) Any sign shall be maintained in good condition and shall be promptly removed when the associated use or circumstance no longer applies to the premises.

3.809 DIMENSIONAL REQUIREMENTS.

- (A) Except as otherwise established by this Ordinance, the lot size for a conditional use shall be determined at the time of approval of the use, based upon:
  - (1) The site size needs of the proposed use;
  - (2) The nature of the proposed use in relation to its impacts on nearby properties; and
  - (3) Consideration of the purposes of this district.
- (B) The minimum lot size, yard and other dimensional requirements for a residential use authorized under subsection 3.805(C), shall be provided as required in subsection 3.466.
- (C) The lot size for other uses permitted or authorized in this district shall be adequate to fulfill the applicable minimum yard, lot coverage and design review requirements of the district.
- (D) The minimum front lot line length shall be 20 feet.
- (E) The minimum lot width at the building line shall be 45 feet for an interior lot and 50 feet for a corner lot.
- (F) The maximum lot coverage shall be 50 percent.
- (G) The minimum front yard shall be 20 feet.
- (H) An interior side or rear yard of equal depth shall be provided adjoining any required yard in another district.
- (I) The minimum street side yard shall be ten feet.
- (J) Maximum structure height shall be three stories or 45 feet, whichever is less, except that: (1) Structures within 50 feet of a district having a height limit less than three stories shall be 2-1/2 stories or 35 feet, whichever is less; and (2) The Planning Director may approve a maximum structure height up to six stories or 76 feet, whichever is less, upon a finding that such additional height is consistent with the provisions of the Community Plan. In such case, the Director may require additional yards, screening or other development conditions necessary to assure adequate privacy, light, air or solar access for adjacent properties.



3.810 LOT OF RECORD.

- (A) For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to the effective date of Ordinance No. \_\_\_\_\_.
- (B) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- (C) No sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

3.811 ACCESS.

- (A) Any lot in this district shall have access from a public street or from a private street approved under the Land Division Chapter.
- (B) Access shall be improved according to the provisions of the Street Standards Chapter, MCC 11.60, for public streets, or the Site Development Standards Chapter for private streets.

3.812 EXCEPTIONS TO DIMENSIONAL REQUIREMENTS.

- (A) When a lot has been included in a future street plan approved under the Land Division Chapter, development of that lot, including area and setback requirements, shall be in compliance with the street and lotting pattern of that future street plan, or approved revision thereof, under subsection 1.246 of the Land Division Chapter.
- (B) In acting to approve a land division under the Land Division Chapter, the approval authority may grant an exception not to exceed ten percent of the lot area or 25 percent of any other dimensional requirement, upon written findings that such exception will result in any of the following:
  - (1) More efficient use of the site;
  - (2) A greater degree of privacy, safety or freedom from noise, fumes or glare;
  - (3) An improved solar and climatic orientation;

(4) The preservation of natural features, where appropriate;  
or

(5) The provision of pedestrian circulation facilities, where  
needed.

(C) Cornices, eaves, belt courses, sills, canopies, or similar architectural features may extend or project into a required yard not more than 30 inches. Fireplace chimneys may project into a required front, side or rear yard not more than two feet, provided the width of such side yard is not reduced to less than three feet.

(D) Open porches or balconies, not more than 30 inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and such porches may extend into a required front yard not more than 30 inches.

(E) The minimum yard requirement shall be increased to provide for street widening in the event a yard abuts a street having a width less than that specified for its functional classification under MCC Chapter 11.60.

(F) A fence, lattice work, screen wall, or similar feature with a maximum height of six feet may be located in any required yard; provided, however, that the maximum height shall be four feet if the feature is within 15 feet of a front property line, or five feet of a street side property line.

(G) Except as provided in the LF district, chimneys, antennae or similar structures may exceed height maximums established by Ordinance if located at least 20 feet from any property line.

3.813 OFF-STREET PARKING AND LOADING. Off-street parking and loading shall be provided as required by Section 6.20.

3.814 CONDITIONAL USE APPROVAL CRITERIA. In approving a conditional use in this district under the provisions of subsection 3.806(C), the approval authority shall find that the proposal:

(A) Will satisfy the applicable elements of Comprehensive Plan policies:

(1) No. 5, Economic Development,

(2) No. 19, Community Design,

(3) No. 20, Arrangement of Land Uses,

- (4) No. 22, Energy Conservation,
- (5) No. 30, Industrial Location, and
- (6) No. 40, Development Requirements; and

(B) Will satisfy the development standards listed in subsection 3.815.

3.815 CONDITIONAL USE DEVELOPMENT STANDARDS. A conditional use approved under subsection 3.806(C) shall comply with the other applicable requirements of this Ordinance and the following:

- (A) Have safe means of pedestrian and vehicular access to an arterial or collector street as designated by the Street Standards Chapter, MCC 11.60; and
- (B) Not generate noise, dust, smoke, odor, glare or vibration detectable at any property line.

3.816 PROVISIONS FOR PRE-EXISTING USES.

(A) A use listed as a Conditional Use in this district, which was legally established prior to the effective date of Ordinance No. \_\_\_\_\_, shall be deemed conforming and not subject to the provisions of subsection 12.75; provided, however, that:

- (1) Any change from one conditional use permitted in the district to another such conditional use shall be subject to approval under the conditional use provisions of the district; and
- (2) Any alteration of such conditional use listed in the district shall be subject to Design Review under the provisions of Section 7.60.

(B) A use conforming to the provisions of Ordinance No. 100 prior to the effective date of Ordinance No. \_\_\_\_\_, but not thereby listed in the BPO district as a primary use, use under prescribed conditions or a conditional use, is subject to the provisions of subsections 7.560 through 7.567.1.

3.817 DESIGN REVIEW. Uses in this district shall be subject to Design Review approval under Section 7.60.

3.818 APPEAL OF ADMINISTRATIVE DECISION. A decision of the Planning Director on an application for a Use Under Prescribed Conditions may be appealed by the applicant to the Hearings Officer in the manner provided in subsections 12.38 and 12.39.

SECTION 10 AMENDMENT ADDING URBAN COMMERCIAL DISTRICTS.

Subsections 4.00 through 4.492 of Ordinance No. 100 are amended to read:

4.00 URBAN COMMERCIAL DISTRICTS - GENERAL PROVISIONS.

4.001 AREA AFFECTED. This subsection shall apply to those lands designated LC, NC, GC, EC, and SC on the Multnomah County Zoning Map. Subsections 4.009 through 4.017 shall apply to drive-in businesses in any district.

4.002 PURPOSES. The purposes of the Urban Commercial Districts are to provide for commercial centers and uses appropriate to the various trade, service and employment needs of neighborhoods, communities and the region; to stabilize and upgrade existing commercial districts; to reinforce orderly and timely developments; to establish suitable mixes of businesses for user convenience and district vitality; to encourage new business opportunities and to expand economic potentials; to minimize adverse impacts of dissimilar uses; to assure compatibility between commercial developments and transportation needs; to preserve natural features; to provide for appropriate accessory and supportive uses; to assure adequate and safe pedestrian and vehicular access and circulation; to minimize the number and length of shopping and employment trips; to promote transit use and other means to conserve energy; to provide for commercial visibility which will contribute to community identity and to visual harmony; to establish approval criteria and development standards which assure improvements consistent with the Comprehensive Plan.

4.003 LOT OF RECORD.

(A) For the purposes of these districts, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to the effective date of Ordinance No. \_\_\_\_.

(B) No sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of the district.

4.004 ACCESS.

(A) Any lot in these districts shall have access from a public street or from a private street approved under the Land Division Chapter.

- (B) Access shall be improved according to the provisions of the Street Standards Chapter, MCC 11.60, for public streets, or the Site Development Standards Chapter for private streets.

4.005 EXCEPTIONS TO DIMENSIONAL REQUIREMENTS.

- (A) When a lot has been included in a future street plan approved under the Land Division Chapter, development of that lot, including area and setback requirements shall be in compliance with the street and lotting pattern of the future street plan or approved revision thereof, under subsection 1.246 of the Land Division Chapter.
- (B) Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 30 inches. Chimneys may project into a required front, side or rear yard not more than two feet, provided the width of such side yard is not reduced to less than three feet.
- (C) Open porches or balconies, not more than 30 inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and such porches may extend into a required front yard not more than 30 inches.
- (D) Buildings, structures, and required parking, loading or landscaping areas shall be set back to provide for street widening on any lot which abuts a street having a width less than that specified for the functional classification by MCC Chapter 11.60.
- (E) A fence, lattice work, screen or wall may be located in any yard:
  - (1) With a maximum height of three feet if within 15 feet of a front property line or within five feet of a street side property line; or
  - (2) With a maximum height of six feet in all other required yards.
- (F) Except as provided in the LF district, chimneys, antennae or similar structures may exceed the height requirements if located at least 20 feet from any property line.

4.006 LOT SIZES FOR CONDITIONAL USES. Unless otherwise established by Ordinance No. 100, the lot size for a conditional use shall be determined at the time of approval of the use, based on the following factors:

- (A) The site size needs of the proposed use;
- (B) The nature of the proposed use in relation to its impacts on nearby properties; and
- (C) Considerations of the purposes of the district.

4.007 OFF-STREET PARKING AND LOADING. Off-street parking and loading shall be provided as required in Section 6.20.

4.008 USE UNDER PRESCRIBED CONDITIONS AND CONDITIONAL USE APPROVAL CRITERIA. Unless otherwise specified in the provisions of an Urban Commercial District, in approving a use under prescribed conditions or a conditional use, the approval authority shall find that the proposal:

- (A) Will satisfy the applicable elements of the following Comprehensive Plan policies:
  - (1) No. 5, Economic Development,
  - (2) No. 19, Community Design,
  - (3) No. 20, Arrangement of Land Uses,
  - (4) No. 21, Housing Choice,
  - (5) No. 22, Energy Conservation,
  - (6) No. 23, Redevelopment,
  - (7) No. 24, Housing Location,
  - (8) No. 27, Commercial Location,
  - (9) No. 28, Strip Development,
  - (10) No. 30, Industrial Location,
  - (11) No. 35, Public Transportation,
  - (12) No. 36, Transportation System Development Requirements, and
  - (13) No. 40, Development Requirements;

- (B) Will provide for pedestrian and vehicular access to the proposed use without creating traffic congestion or hazardous conditions considering roadway capacity, proximity to street or driveway intersections, speed limits, traffic signals or other regulating devices, turning movements and existing and projected traffic volumes. In determining such relationships, the approval authority shall consider the report and recommendations thereon of the County Engineer;
- (C) Will maintain the maximum possible continuity of retail and other business use frontage without interruption by uses which do not cater to pedestrian shopping or service needs;
- (D) Will allow for safe pedestrian circulation between retail and other business uses and between such uses and transit stops or stations with minimum interruption by vehicular movements;
- (E) Will have minimum adverse effect on the efficient movement of transit vehicles;
- (F) Will require a minimum number of entrance and exit drives and provide for the maximum consolidation of drives wherever possible;
- (G) Will have minimal adverse impact, taking into account location, size, design and operating characteristics on the (1) livability, (2) value, and (3) appropriate development of abutting properties and the surrounding area;
- (H) Will not generate noise, dust, smoke, odor, glare or vibration detectable at the property line; and
- (I) Will satisfy the applicable dimensional and other requirements of the district.

4.010 ABANDONED DRIVE-IN BUSINESS. The provisions of subsection 4.010 through 4.018 shall apply to an abandoned drive-in business in any district.

4.011 DEFINITION. "Abandoned drive-in business" means a lot or portion thereof improved as a service station, a fast food, dairy or other food products drive-in business, a photo finishing or other drive-up kiosk, a car wash, or any other drive-in, drive-up or drive-through facility not used as such for more than 30 days during a period of 12 consecutive months.

4.012 FINDINGS AND PURPOSE.

- (A) The Board of County Commissioners finds that the continued maintenance of an abandoned drive-in business is a nuisance which has a blighting effect upon neighboring property; deters

viable land uses; represents a danger to the health and welfare of the community through fire, vandalism, and decay of facilities above and below ground; and tends to become a collection place for litter and refuse.

- (B) It is the purpose of this subsection to eliminate the adverse consequences of an abandoned drive-in business through restoration of the original or similar use, the conversion to another permitted use, or the removal of the buildings and fixtures associated with the abandoned drive-in business.

4.013 ABANDONED DRIVE-IN BUSINESS PROHIBITED. Beginning one year after the effective date of Ordinance No. \_\_\_\_\_, it shall be unlawful for any owner or person in possession of property in the unincorporated area of Multnomah County to maintain on it an abandoned drive-in business. Said business is declared to be a nuisance, subject to abatement under this Ordinance.

4.014 ADMINISTRATION AND ENFORCEMENT.

- (A) The Director of the Department of Environmental Services shall be responsible for the administration and enforcement of this section.
- (B) The Director shall periodically examine the conduct of drive-in businesses and keep records of their operation.
- (C) Whenever the Director has reasonable cause to believe that an abandoned drive-in business exists, the Director shall give notice of the same by first class mail, return receipt requested, to the record owner and to any person in possession of the property, if known, and shall demand abatement within 60 days from the date of the notice.
  - (1) The notice shall describe the property with reasonable certainty and the nature of the nuisance, the action of the owner necessary to abate the nuisance, the right of the owner to a hearing as provided in subsection 4.016 and the remedy available to the County under subsection 4.017.

4.015 ABATEMENT BY OWNER. Abatement of an abandoned drive-in business nuisance by the owner shall be by:

- (A) Resumption of the previous use, when in compliance with this Ordinance;
- (B) Change to another use permitted by this Ordinance; or



- (C) Removal of any building, structure, fixture, or sign and the removal or the filling with inert material of any underground tank or other facility associated with the abandoned drive-in business.

4.016 HEARING.

- (A) Within 15 business days of the date of a notice described in subsection 4.014(C), the owner or person in possession of the property may file with the Director a request for a hearing before the Land Development Hearings Officer.
- (B) The request for a hearing may contain:
  - (1) Statements in support of the position that the property does not constitute an abandoned drive-in business as defined in subsection 4.011; or
  - (2) A plan and time schedule for the abatement of the abandoned drive-in business.
- (C) Within five business days after receipt of a request for a hearing the Director shall set a time and place for a hearing and shall give notice thereof at least ten business days prior to the hearing to the person filing the request, in the manner provided in subsection 4.014(C). The Director shall also give first class mailed notice to any other person considered to be interested.
- (D) The abatement demand given under subsection 4.014(C) shall be suspended upon the filing of the request for hearing,.
- (E) The hearing shall be conducted according to the rules of procedure adopted by the Hearings Officer. The owner of the property or any other interested person may present evidence concerning the status of the drive-in business or its abatement. The Director shall appear and present evidence and testimony on the question. Failure of the person requesting the hearing to appear or be represented shall constitute a waiver of the right to a hearing.
- (F) Within ten business days of the conclusion of the hearing, the Hearings Officer shall file with the Clerk of the Board of County Commissioners written findings thereon and an order:
  - (1) Reinstating the abatement demand made under subsection 4.014(C), for a time certain, but not less than the original 60 day period provided under that subsection;

- (2) Directing abatement according to a plan and time schedule with such conditions as are deemed appropriate to the purpose of subsection 4.012; or
- (3) Determining that an abandoned drive-in business does not exist and that no abatement action shall be taken.
- (G) Within ten business days of the conclusion of the hearing, the Director shall send a copy of the findings and order of the Hearings Officer by first class mail, return receipt requested, to the person requesting the hearing. The Director shall also send a copy of the findings and order by first class mail to those persons who appeared at the hearing and to others considered to be interested.
- (H) Review of any action of the Hearings Officer taken under this subsection and the rules of hearing procedures shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 to 34.100.

4.017 ABATEMENT BY COUNTY.

- (A) If the abandoned drive-in business has not been abated by the owner or person in charge of the property within the time specified under the provisions of this subsection, the Director may cause the nuisance to be abated. Accurate record of the abatement cost shall be kept, to which shall be added a surcharge of 25 percent of the abatement cost for administrative overhead. A billing for the amount of the total costs shall be forwarded by first class mail, return receipt requested, to the owner or person in charge of the property. Payment shall be made to the Department of Environmental Services within 30 days from the billing date.
- (B) The Board shall file a lien against the property if payment is not made as provided in subpart (A) above.
  - (1) The lien shall be given priority over all other liens except those for taxes and assessments, and shall include interest at the legal rate accruing from the date billing is sent under subpart (A) above.
  - (2) The lien shall be foreclosed in the manner prescribed by State law for the enforcement of liens and collection of assessments.

4.018 OTHER LAWS APPLY. The provisions of subsections 4.010 to 4.017 shall in no way be a substitute for, nor eliminate the necessity of conforming with any and all State laws, rules and other County

ordinances which are now or may in the future be applicable to property in Multnomah County.

4.019 RESIDENTIAL USE APPROVAL CRITERIA. In approving a residential use as a use under prescribed conditions under this Section, the approval authority shall find that the proposal:

(A) Will satisfy the applicable elements of Comprehensive Plan policies:

- (1) No. 5, Economic Development,
- (2) No. 19, Community Design,
- (3) No. 20, Arrangement of Land Uses,
- (4) No. 21, Housing Choice,
- (5) No. 22, Energy Conservation, and
- (6) No. 24, Housing Location; and

(B) Will satisfy the applicable requirements of subsections 3.40 through 3.419 and 3.426.

4.020 PROVISIONS FOR PRE-EXISTING USES.

(A) A use listed as a Conditional Use in the Urban Commercial Districts which was legally established prior to the effective date of Ordinance No. \_\_\_\_\_, shall be deemed conforming and not subject to the provisions of subsection 12.75; provided, however, that:

- (1) Any change from one conditional use permitted in the district to another such conditional use shall be subject to approval under the conditional use provisions of the district; and
- (2) Any alteration of such conditional use listed in the district shall be subject to Design Review under the provisions of Section 7.60.

(B) A use conforming to the provisions of Ordinance No. 100 prior to the effective date of Ordinance No. \_\_\_\_\_, but not thereby listed in the applicable district as a primary use, a use under prescribed conditions or a conditional use, is subject to the provisions of subsections 7.560 through 7.567.1.

- 4.021 DESIGN REVIEW. Uses in these districts shall be subject to design review approval under Section 7.60.
- 4.022 APPEAL OF ADMINISTRATIVE DECISION. A decision of the Planning Director on an application for a Use Under Prescribed Conditions, may be appealed by the applicant to the Hearings Officer in the manner provided in subsections 12.38 and 12.39.

4.20 URBAN LOCAL COMMERCIAL DISTRICT LC

4.201 PURPOSES. In addition to the purposes listed in subsection 4.002, the purposes of the Urban Local Commercial District are to provide for small retail businesses and commercial and personal services located for user convenience; to satisfy the daily commercial needs of nearby residents; to assure that such development is at a scale which is consistent with nearby residential character; to preserve residential privacy and to minimize traffic on local streets.

4.202 AREA AFFECTED. This subsection shall apply in addition to the provisions of subsections 4.00 through 4.022, to those lands designated LC on the Multnomah County Zoning Map.

4.203 USES. Except as otherwise provided in Ordinance No. 100, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in subsections 4.204 through 4.206.

4.204 PRIMARY USES. The following uses, conducted within an enclosed building with not more than 4,000 square feet of retail or customer service floor area for each use:

- (A) A retail grocery, meat, produce, bakery, delicatessen, confectionary or similar store, including the preparation of foodstuffs for sale primarily on the premises;
- (B) A retail drug, variety, gift, dry goods, notions, music, florist, book, stationery or similar store;
- (C) A barber, beauty, tailor, dressmaking or shoe repair shop, self-service laundry, dry-cleaning or laundry pick-up agency, photographer or similar personal service business;
- (D) A coffee or sandwich shop, but not drive-in or fast-food service;
- (E) An instruction studio for arts, crafts, music, dance or similar activity;
- (F) A radio, television or small appliance repair shop; and
- (G) Any use not listed in subsections 4.205 or 4.206, determined by the Planning Commission to be consistent with the purposes listed in subsection 4.201.

4.205 USES UNDER PRESCRIBED CONDITIONS. The uses permitted subject to prescribed conditions for each use are:

- (A) Office and other uses listed in subsection 3.804 and associated uses listed in subsection 3.805(B) when found to satisfy the approval criteria of subsection 4.208 and the development standards of subsection 4.209.
- (B) Residential uses permitted in the MR-4 district, as listed in subsection 3.423, and accessory uses listed in subsection 3.424(A), when found by the Planning Director to satisfy the approval criteria of subsection 4.019, and when developed according to the applicable requirements of subsections 3.40 through 3.419 and 3.426.
- (C) Uses and structures customarily accessory or incidental to a permitted or approved use.
- (D) Off-street parking and loading, developed as required under Section 6.20.
- (E) Temporary uses under the provisions of subsection 12.71.

4.206 CONDITIONAL USES. The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- (A) Community Service Uses under the provisions of Section 7.00; and
- (B) Conditional Uses under the provisions of Section 7.50.

4.207 DIMENSIONAL REQUIREMENTS.

- (A) The minimum lot size, yard and other dimensional requirements for a residential use authorized under subsection 4.205(B) shall be as required in subsection 3.426.
  - (1) The ground floor area and parking, loading and vehicle maneuvering space provided for a non-residential use shall not occupy the land required to satisfy the dimensional requirements for a residential use on the same lot.
- (B) The lot size for other uses permitted or authorized in this district shall be adequate to fulfill the applicable minimum yard, lot coverage and design review requirements of the district.
- (C) The maximum lot coverage shall be 50 percent.
- (D) The minimum front yard shall be 20 feet.

- (E) An interior side or rear yard of equal depth shall be provided adjoining any required yard in another district.
- (F) The minimum street side yard shall be ten feet.
- (G) Maximum structure height shall be 2-1/2 stories or 35 feet, whichever is less.

4.208

**BUSINESS OR PROFESSIONAL OFFICE OR CLINIC APPROVAL CRITERIA.**

In approving a business or professional office as a use under subsection 4.205(A), the approval authority shall find that the proposal:

- (A) Will satisfy the applicable elements of Comprehensive Plan policies:
  - (1) No. 5, Economic Development,
  - (2) No. 19, Community Design,
  - (3) No. 20, Arrangement of Land Uses,
  - (4) No. 22, Energy Conservation, and
  - (5) No. 29, Office Location (Isolated);
- (B) Will satisfy the development standards listed in subsection 4.209;
- (C) Will have minimal adverse impact, taking into account location, size, design and operating characteristics on the (1) livability, (2) value, and (3) appropriate development of abutting properties and the surrounding area; and
- (D) Will satisfy the applicable dimensional and other requirements of the district.

4.209

**BUSINESS OR PROFESSIONAL OFFICE OR CLINIC DEVELOPMENT STANDARDS.**

A business or professional office or clinic located under subsection 4.205(A), shall comply with the other applicable requirements of Ordinance No. 100, and shall:

- (A) Be located in a structure occupied by other permitted or authorized uses, or if detached, in a structure which is compatible with the character and scale of such structures in the vicinity; and
- (B) Provide vehicular access, circulation, parking and loading without conflict with similar facilities required for other uses on the same lot.

4.30 URBAN NEIGHBORHOOD COMMERCIAL DISTRICT NC

4.301 PURPOSES. In addition to the purposes listed in subsection 4.002, the purposes of the Urban Neighborhood Commercial District are to provide for concentrations of retail and commercial service activities necessary to satisfy the daily and weekly shopping needs of residents of nearby neighborhoods; to locate a range of businesses for user convenience; to stabilize existing commercial districts and accommodate new business and employment opportunities; to promote suitable mixes of commercial, employment and residential uses; to contribute to community identity and vitality; to assure commercial development at a scale compatible with nearby residential character and the need for privacy; to minimize hazards, noise, glare, traffic congestion and other by-products of commercial concentrations.

4.302 AREA AFFECTED. This section shall apply, in addition to the provisions of subsections 4.00 through 4.022, to those lands designated NC on the Multnomah County Zoning Map.

4.303 USES. Except as otherwise provided in Ordinance No. 100, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in subsections 4.304 through 4.306.

4.304 PRIMARY USES. The following uses, conducted within an enclosed building, unless otherwise specified:

- (A) The retail, personal service and other uses listed in subsection 4.204 of the Urban Local Commercial District, but without the floor area limitation;
- (B) The office, clinic, service, studio and other uses listed in subsection 3.804 of the Business and Professional Office District, but without the floor area limitation;
- (C) The sale, rental, maintenance and other uses listed in subsection 3.805(B) of the Business and Professional Office District, but without the floor area limitation and the required association with an office primary use;
- (D) The retail sale of antiques, second-hand merchandise, hardware, paint, glass, wallpaper, and similar items, and locksmith;
- (E) The retail sale, rental or servicing of bicycles, photographic, phonographic, radio, recording, television or optical equipment or supplies, personal and minor electrical appliances, housewares, jewelry, sporting goods and similar items;
- (F) A bank, savings and loan, credit, finance, travel or ticket office, or similar use, but not including a drive-in facility or fast food service;



- (G) A restaurant, cafe, coffee or sandwich shop, tavern, lounge, liquor store or other food or beverage sales, or frozen food locker, but not including drive-in or fast food service;
- (H) The sale of wearing apparel, fabrics, shoes, leather goods and similar items and dry-cleaning and pressing using non-explosive fluids;
- (I) A massage treatment business, licensed under MCC 6.50;
- (J) The sale of pets and pet supplies;
- (K) The sale of garden, plant and nursery stock and equipment, provided that any display or storage of items not in a building shall be located and maintained according to conditions established under Design Review, Section 7.60, to assure maximum compatibility with nearby uses;
- (L) A neighborhood meeting room; and
- (M) Any use not listed in subsections 4.305 or 4.306, determined by the Planning Commission to be consistent with the purposes listed in subsection 4.301.

4.305 USES UNDER PRESCRIBED CONDITIONS. The uses permitted subject to prescribed conditions for each use are:

- (A) The following uses, subject to approval by the Planning Director when found to satisfy the approval criteria of subsection 4.008 and of the conditions stated below:
  - (1) Automobile service station and convenience car wash, including minor repairs and adjustments only, tire mounting, battery charging and similar such services;
  - (2) Drive-in, drive-up or drive-through service or sales for a bank, food or food products, photo-finishing, travel or ticket office, or similar facility;
  - (3) A racquet club, health club, or similar enclosed recreational facility, provided that the structure is found by the Director to be compatible with the character of developments in the area as to scale and construction materials;
  - (4) A recycling collection center, provided that any outside storage of materials shall be enclosed within a sight-obscuring fence approved under the provisions of Section 7.60; and

(5) A veterinary clinic or animal hospital, without outside animal pens or runs, and provided that interior animal-keeping or treatment areas are designed to prevent the transmission of sound beyond a property line.

(B) Residential uses permitted in the MR-3 district, as listed in subsection 3.463, and accessory uses listed in subsection 3.464(A), when found by the Planning Director to satisfy the approval criteria of subsection 4.019, and when developed according to the applicable requirements of subsections 3.40 through 3.419 and 3.466.

(C) Uses and structures customarily accessory or incidental to a permitted or approved use.

(D) Off-street parking and loading, developed as required under Section 6.20.

(E) Temporary uses under the provisions of subsection 12.71.

4.306 CONDITIONAL USES. The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) Community Service Uses under the provisions of Section 7.00;

(B) Conditional Uses under the provisions of Section 7.50; and

(C) Under the procedural provisions of Section 7.50 and the approval criteria of subsection 4.008:

(1) A research, experimental or testing laboratory;

(2) The production, assembly, labeling or packaging of small electrical, electronic, optical or similar parts, instruments or devices;

(3) A hotel or motel; and

(4) Distribution of products or supplies of the type sold on the premises to other retail outlets in the same ownership in the metropolitan area.

4.307 DIMENSIONAL REQUIREMENTS.

(A) The minimum lot size, yard and other dimensional requirements for a residential use authorized under subsection 4.305(B), shall be as required in subsection 3.466.

(1) The ground floor area, and landscaped buffer, parking, loading and vehicle maneuvering space provided for a non-residential use shall not occupy the land required to

satisfy the dimensional requirements for a residential use on the same lot.

- (B) The lot size for other uses permitted or authorized in this district shall be adequate to fulfill the applicable minimum yard, lot coverage and design review requirements of the district.
- (C) The maximum lot coverage shall be 50 percent.
- (D) Maximum structure height shall be 2-1/2 stories or 35 feet, whichever is less.

4.308 LANDSCAPED BUFFER AREA.

- (A) A landscaped buffer area shall be established and maintained according to the applicable standards of subsection 7.619.c.1. through 7. The buffer area shall have a minimum width:
  - (1) Of ten feet along a lot line adjacent to a street;
  - (2) Equal to the building height, between a building in this district and a residential district lot line; and
  - (3) Of ten feet between a parking, loading or vehicle maneuvering area and a residential district lot line.
- (B) Exception. In acting on a final design review plan under subsections 7.617 through 7.617.3, the Planning Director may modify or waive a requirement of subsection 4.308(A)(1) through (3) upon a finding that:
  - (1) An established building line renders the requirement inappropriate; or
  - (2) The factors listed in subsection 7.620.c.1.(a) through (d) are satisfied.

4.40 URBAN GENERAL COMMERCIAL DISTRICT GC

4.401 PURPOSES. In addition to the purposes listed in subsection 4.002, the purposes of the Urban General Commercial District are to provide for the concentration of major retail goods and service uses at centers having convenient access to metropolitan area markets; to encourage the provision of a variety of goods and services and comparative shopping opportunities at each center; to stabilize existing commercial districts and accommodate new business and employment opportunities; to promote suitable mixes of commercial, employment and residential uses; to contribute to community identity and vitality; to assure commercial development scaled to blend with nearby residential character and the need for privacy, and to minimize hazards, noise, glare, traffic congestion and other adverse factors associated with commercial concentrations.

4.402 AREA AFFECTED. This section shall apply, in addition to the provisions of subsections 4.00 through 4.022, to those lands designated GC on the Multnomah County Zoning Map.

4.403 USES. Except as otherwise provided in Ordinance No. 100, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in subsections 4.404 through 4.406:

4.404 PRIMARY USES. The following uses, conducted within an enclosed building, unless otherwise specified:

- (A) Any use listed in subsection 4.304 of the Urban Neighborhood Commercial District;
- (B) A department, discount or surplus store;
- (C) Commercial amusements including coin arcade, bowling alley, dance or pool hall, theater or similar uses;
- (D) A second-hand store or pawnshop;
- (E) A hotel or motel with convention facilities or meeting rooms; and
- (F) Any use not listed in subsections 4.405 or 4.406, determined by the Planning Commission to be consistent with the purposes of subsection 4.401.

4.405 USES UNDER PRESCRIBED CONDITIONS. The uses permitted subject to prescribed conditions for each use are:

- (A) The following uses, conducted within an enclosed building, subject to approval by the Planning Director when found to

satisfy the approval criteria of subsection 4.008 and of the conditions stated below:

- (1) The uses under prescribed conditions listed in subsection 4.305(A) of the Urban Neighborhood Commercial District;
  - (2) Automobile, small truck or motorcycle repair, rebuilding, parts and glass replacement, body and fender work, painting, upholstery, automobile battery or tire shop, automobile parts or accessories sales, conducted within an enclosed building with no outside storage.
  - (3) Floor coverings, furniture or furnishings, home improvement items and household appliances sales, rental or repair;
  - (4) Garden equipment or supplies sales, rental or repair;
  - (5) A hotel or motel, without convention facilities or meeting rooms;
  - (6) A trade, professional or commercial school;
  - (7) Wholesale storage or distribution of bakery products, confections, drugs, jewelry, novelties, barber, beauty or office supplies, radio and television supplies or equipment, tobacco products and similar items;
  - (8) Reproduction services including printing, publishing, blue-printing, photo processing and reproduction;
  - (9) Custom manufacturing, including the assembly, repair, treatment or packaging of goods or products of small size;
  - (10) Service businesses including appliance repair, upholstery, furniture repair and refinishing, plumbing shop, sign shop, electrical shop or similar use; and
  - (11) Adult entertainment use such as an arcade, bookstore, shop, theater or similar use where persons under 18 years of age are not admitted, provided that at the time of location, the site is not within 660 feet of property used for a church, clinic, day care center, hospital, library, nursing home, park, playground or school.
- (B) Residential uses permitted in the HR-2 district, as listed in subsection 3.523, and accessory uses listed in subsection 3.524(A), when found by the Planning Director to satisfy the approval criteria of subsection 4.019, and when developed according to the applicable requirements of subsections 3.40 through 3.419 and 3.526.

(C) Uses and structures customarily accessory or incidental to a permitted or approved use.

(D) Off-street parking and loading, developed as required under Section 6.20.

(E) Temporary uses under the provisions of subsection 12.71.

4.406 CONDITIONAL USES. The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) Community Service Uses under the provisions of Section 7.00;

(B) Conditional Uses under the provisions of Section 7.50;

(C) A regional shopping center of 250,000 sq. ft. of leasable floor area or more, when approved by the Planning Commission under the procedural provisions of Section 7.50 and the approval criteria of subsection 4.008; and

(D) A conditional use listed in subsection 4.306.

4.407 DIMENSIONAL REQUIREMENTS.

(A) The minimum lot size, yard and other dimensional requirements for a residential use authorized under subsection 4.405(B), shall be as required in subsection 3.526.

(1) The ground floor area, and landscaped buffer, parking, loading and vehicle maneuvering space provided for a non-residential use shall not occupy the land required to satisfy the dimensional requirements for a residential use on the same lot.

(B) The lot size for other uses permitted or authorized in this district shall be adequate to fulfill the applicable minimum yard, lot coverage and design review requirements of the district.

(C) The maximum lot coverage shall be 50 percent.

(D) Maximum structure height shall be 3-1/2 stories or 45 feet, whichever is less.

4.408 LANDSCAPED BUFFER AREA.

(A) A landscaped buffer area shall be established and maintained according to the applicable standards of subsection 7.619.c.1. through 7. The buffer area shall have a minimum width:

- (1) Of ten feet along a lot line adjacent to a street;
  - (2) Equal to the building height, between a building in this district and a residential district property line;
  - (3) Of ten feet between a parking, loading or vehicle maneuvering area and a residential district lot line; and
  - (4) Of 25 feet between an outside storage or open display area and a residential district lot line.
- (B) Exception. In acting on a final design review plan under subsections 7.617 through 7.617.3, the Planning Director may modify or waive a requirement of subsection 4.408(A)(1) through (4) upon a finding that:
- (1) An established building line renders the requirement inappropriate; or
  - (2) The factors listed in subsections 7.620.c.1.(a) through (d) are satisfied.

4.50 URBAN EXTENSIVE COMMERCIAL DISTRICT EC

4.501 PURPOSES. In addition to the purposes listed in subsection 4.002, the purposes of the Urban Extensive Commercial District are to provide for the location of uses which require large land areas, which utilize open display or storage of merchandise or equipment or which are otherwise unsuitable for inclusion in retail commercial centers; to accommodate uses which satisfy less frequent purchase or service needs; to designate locations for commercial or service uses having operational characteristics which may tend to conflict with residential, office or retail commercial developments; to minimize adverse impacts of extensive commercial uses on the transportation system.

4.502 AREA AFFECTED. This section shall apply in addition to the provisions of subsections 4.00 through 4.022, to those lands designated EC on the Multnomah County Zoning Map.

4.503 USES. Except as otherwise provided in Ordinance No. 100, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in subsections 4.504 through 4.506.

4.504 PRIMARY USES. The following uses, including open display of merchandise, for sale or rental, provided that any manufacturing, servicing, processing or repair activities shall be within an enclosed building, and provided that any outside storage shall be within a sight-obscuring fence at least six feet in height:

- (A) Ambulance service;
- (B) Automobile battery servicing or rebuilding and tire recapping or retreading;
- (C) Small boat and recreational marine supplies and equipment sales, rental or repair;
- (D) Custom cabinet shop, office or store fixture manufacturing or repair, plumbing, heating or electrical shop, sign painting and sign manufacture or repair;
- (E) Furniture sales, rental, repair, refinishing and upholstering;
- (F) Retail fuel and ice storage and distribution;
- (G) Household moving supplies and equipment sales or rental and household goods storage;
- (H) Janitorial or building maintenance service;



- (I) Landscaping services and maintenance, including tree care, spraying and yard care;
- (J) Lumber, building and home improvement materials sales;
- (K) Mail order house, door-to-door sales headquarters, motion picture distributor;
- (L) Outdoor commercial amusements, including garden golf, go-carts, skateboards or trampolines;
- (M) Small tools and equipment rental, sales, maintenance, repair, sharpening, and small engine repair and service;
- (N) A recycling center and the sorting, baling and shipping of collected materials; and
- (O) Any use determined by the Planning Commission to be similar to the above uses and consistent with the purposes of subsection 4.501.

4.505 USES UNDER PRESCRIBED CONDITIONS. The uses permitted subject to prescribed conditions for each use are:

- (A) The uses under prescribed conditions listed in subsection 4.405(A) of the Urban General Commercial District, subject to approval of the Planning Director upon written findings by the Director of satisfaction of the approval criteria of subsection 4.008(B) through (I).
- (B) The following uses, subject to approval by the Planning Director upon written findings by the Director of satisfaction of the approval criteria of subsection 4.008 and provided that any servicing, processing or repair activities shall be within an enclosed building and that any outside storage shall be within a sight-obscuring fence at least six feet in height:
  - (1) Auction house or flea market;
  - (2) Automobile, small truck or motorcycle, new and used sales or rental, repair, rebuilding, parts and glass replacement, body and fender work, painting, upholstery, towing and full service or self-service car wash;
  - (3) Camper, mobile home, motor home, recreational vehicle, recreational or utility trailer sales, rental, servicing, repair or storage and moving van or trailer rental;
  - (4) Drive-in theater; and
  - (5) Farm and garden equipment sales, rental, repair or servicing.

- (C) Residential uses permitted in the HR-2 district, as listed in subsection 3.523, and accessory uses listed in subsection 3.524(A), when found by the Planning Director to satisfy the approval criteria of subsection 4.019, and when developed according to the applicable requirements of subsections 3.40 through 3.419 and 3.526.
- (D) Uses and structures customarily accessory or incidental to a permitted or approved use.
- (E) Off-street parking and loading, developed as required under Section 6.20.
- (F) The primary uses listed in subsection 4.404, subject to the approval criteria of subsection 4.008.
- (G) Temporary uses under the provisions of subsection 12.71.

4.506 CONDITIONAL USES. The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- (A) Community Service Uses under the provisions of Section 7.00; and
- (B) Conditional Uses under the provisions of Section 7.50.

4.507 DIMENSIONAL REQUIREMENTS.

- (A) The minimum lot size, yard and other dimensional requirements for a residential use authorized under subsection 4.505(C), shall be as required in subsection 3.526.
  - (1) The ground floor area, and landscaped buffer, parking, loading and vehicle maneuvering space provided for a non-residential use shall not occupy the land required to satisfy the dimensional requirements for a residential use on the same lot.
- (B) The lot size for other uses permitted or authorized in this district shall be adequate to fulfill the applicable minimum yard, lot coverage and design review requirements of the district.
- (C) The maximum lot coverage shall be 50 percent.
- (D) Maximum structure height shall be 3-1/2 stories or 45 feet, whichever is less.

4.508 LANDSCAPED BUFFER AREA.

- (A) A landscaped buffer area shall be established and maintained according to the applicable standards of subsection 7.619.c.1. through 7. The buffer area shall have a minimum width:
  - (1) Of ten feet along a lot line adjacent to a street;
  - (2) Equal to the building height between a building in this district and a residential district lot line;
  - (3) Of ten feet between a parking, loading or vehicle maneuvering area and a residential district lot line; and
  - (4) Of 25 feet between an outside storage or open display area and a residential district property line.
- (B) Exception. In acting on a final design review plan under subsections 7.617 through 7.617.3, the Planning Director may modify or waive a requirement of subsection 4.508(A)(1) through (4) upon a finding that:
  - (1) An established building line renders the requirement inappropriate; or
  - (2) The factors listed in subsections 7.620.c.1.(a) through (d) are satisfied.

4.60 URBAN STRIP CONVERSION DISTRICT SC

- 4.601 PURPOSES. In addition to the purposes listed in subsection 4.002, the purposes of the Urban Strip Conversion District are to provide for the vitalization of existing strip commercial areas along arterial streets having high traffic volumes and limited capacities; to contain the location of additional strip commercial uses which contribute to the enormity of traffic accidents, to the erosion of arterial efficiency, to land use discord, and to visual clutter; to designate a range of uses which supply local shopping and service needs, offer new employment, and investment opportunities and contribute to the satisfaction of area housing needs; to establish improvement standards designed to reduce the frequency of vehicular turning movements, pedestrian-vehicle conflicts and the adverse impacts of strip development on adjacent land uses; to protect existing investments in land and improvements and allow the continuation of uses legally established prior to SC classification while inducing those changes over time which will fulfill Comprehensive Plan policies.
- 4.602 AREA AFFECTED. This section shall apply, in addition to the provisions of subsections 4.00 through 4.022, to those lands designated SC on the Multnomah County Zoning Map.
- 4.603 USES. Except as otherwise provided in Ordinance No. 100, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in subsections 4.604 through 4.606.
- 4.604 PRIMARY USES. The following uses, conducted within an enclosed building, subject to the dimensional requirements of subsection 4.607 and the development standards of subsection 4.608:
- (A) A retail grocery, meat, produce, bakery, delicatessen, confectionary or similar store, including the preparation of food for sale on or off the premises;
  - (B) A retail drug, variety, gift, dry goods, notions, music, florist, book, stationery or similar store;
  - (C) A barber, beauty, tailor, dressmaking or shoe repair shop, self-service laundry, dry-cleaning or laundry pick-up agency, photographer or similar personal service business;
  - (D) A coffee or sandwich shop, but not drive-in or fast food service;
  - (E) The primary uses listed in subsection 3.804 of the Business and Professional Office District; and
  - (F) Any use not listed in subsections 4.605 or 4.606, determined by the Planning Commission to be consistent with the purposes of subsection 4.601.

USES UNDER PRESCRIBED CONDITIONS. The uses permitted subject to prescribed conditions for each use are:

(A) The following uses, conducted within an enclosed building unless otherwise specified, subject to approval by the Planning Director when found to satisfy the approval criteria of subsection 4.008, the development standards of subsection 4.608, and of the conditions stated below:

- (1) Ambulance service;
- (2) Custom cabinet shop, office or store fixture manufacturing or repair, plumbing, heating or electrical shop, sign painting shop and appliance repair;
- (3) Custom manufacturing including the assembly, repair, treatment or packaging of goods or products of small size and small electrical, electronic or optical or similar parts, instruments or devices;
- (4) Furniture sales, rental, repair, refinishing or upholstery;
- (5) A hotel or motel;
- (6) Janitorial or building maintenance service;
- (7) Mail order house, door-to-door sales headquarters, motion picture distributor;
- (8) A racquet club, health club or similar enclosed recreational facility, provided that the structure is found by the Director to be compatible with the character of developments in the area as to scale and construction materials;
- (9) A recycling center and the sorting, baling and shipping of collected materials, provided that outside storage shall be enclosed within a sight-obscuring fence not less than six feet in height;
- (10) Reproduction services including printing, publishing, blueprinting, photo processing and reproduction;
- (11) A research, experimental or testing laboratory;
- (12) A veterinary clinic or animal hospital, without outside animal pens or runs and provided that interior animal-keeping or treatment areas are designed to prevent the transmission of sound beyond a property line; and

(13) Wholesale storage or distribution of bakery products, drugs, jewelry, novelties, barber, beauty or office supplies, radio or television supplies or equipment, tobacco products and similar items.

(B) Residential uses permitted in the HR-2 district, as listed in subsection 3.523 and accessory uses listed in subsection 3.524(A), when found by the Planning Director to satisfy the approval criteria of subsection 4.019, and when developed according to the applicable requirements of subsections 3.40 through 3.419 and 3.526.

(C) Uses and structures customarily accessory or incidental to a permitted or approved use.

(D) Off-street parking and loading, developed as required under Section 6.20.

(E) Temporary uses under the provisions of subsection 12.71.

4.606 CONDITIONAL USES. The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) Community Service Uses under the provisions of Section 7.00; and

(B) Conditional Uses under the provisions of Section 7.50.

4.607 DIMENSIONAL REQUIREMENTS.

(A) The minimum lot size, yard and other dimensional requirements for a residential use authorized under subsection 4.605(B), shall be as required in subsection 3.526.

(1) The ground floor area, and landscaped buffer, parking, loading and vehicle maneuvering space provided for a non-residential use shall not occupy the required to satisfy the dimensional requirements for a residential use on the same lot.

(B) The lot size for other uses permitted or authorized in this district shall be adequate to fulfill the applicable minimum yard, lot coverage and design review requirements of the district.

(C) The maximum lot coverage shall be 50 percent.

(D) Maximum structure height shall be 3-1/2 stories or 45 feet, whichever is less.

4.608 STRIP CONVERSION DEVELOPMENT STANDARDS. The following standards shall apply to the location, change or alteration of a use permitted

in this district or to any modification of existing parking or loading area or access drive and shall be satisfied in the design review plan required under Section 7.60:

- (A) To the maximum extent possible, access drives and curb cuts shall be provided to minor or secondary streets rather than to an arterial street.
- (B) Access drives and curb cuts shall be consolidated or shared between uses to minimize the number of access points to an arterial street.
- (C) Subject to approval of the County Engineer, access drives and curb cuts connecting to an arterial street shall provide for one-way traffic movements, angled drives, waiting or maneuvering areas uninterrupted by vehicle movements or other means designed to assure traffic safety and efficiency.
- (D) The design of off-street parking, loading and maneuvering areas and of pedestrian and bicycle ways shall provide for safe and convenient circulation on the site and between adjacent sites wherever possible. Such developments may include exchange of easements, access rights or other means to assure the continuous availability of inter-site circulation.
- (E) A safe and convenient means of pedestrian circulation shall be provided to each use either on the property or in the adjacent right-of-way, from the use to the property line of adjacent SC uses and from the use to any public transit facility.
- (F) The Planning Director may modify or waive a requirement of this subsection in approving a final design review plan, upon a written finding by the Director that existing development or other circumstances make application of the standard impractical or inappropriate.

4.609 LANDSCAPED BUFFER AREA.

- (A) A landscaped buffer area shall be established and maintained according to the applicable standards of subsection 7.619.c.1. through 7. The buffer area shall have a minimum width:
  - (1) Of ten feet along a lot line adjacent to a street;
  - (2) Equal to the building height between a building in this district and a residential district lot line;
  - (3) Of ten feet between a parking, loading or vehicle maneuvering area and a residential district lot line; and

(4) Of 25 feet between an outside storage or open display area and a residential district property line.

(B) Exception. In acting on a final design review plan under subsections 7.617 through 7.617.3, the Planning Director may modify or waive a requirement of subsection 4.508(A)(1) through (4) upon a finding that:

(1) An established building line renders the requirement inappropriate; or

(2) The factors listed in subsections 7.620.c.1.(a) through (d) are satisfied.



4.90 COMMERCIAL DISTRICTS RETAINED. The District provisions of subsections 4.91 through 4.933 shall apply to those lands as designated C-4, C-3, and C-2 on the Multnomah County Zoning Map.

4.91 LOCAL COMMERCIAL DISTRICT C-4

4.911 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

(A) Any use permitted in an R-7, R-4 or A-2 District.

(B) Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading areas:

- (1) Antique shop
- (2) Art gallery
- (3) Bakery goods - two (2) employees or less
- (4) Barber shop or beauty parlor
- (5) Book or stationery store
- (6) Clothes cleaning agency or pressing establishment
- (7) Confectionary store
- (8) Custom dressmaking or millinery shop
- (9) Drug store
- (10) Dry goods or notions store
- (11) Florist or gift shop
- (12) Grocery, fruit, or vegetable store
- (13) Hardware or electric appliance store
- (14) Jewelry store
- (15) Laundry agency
- (16) Meat market or delicatessen store

- (17) Office, business or professional
- (18) Photographer
- (19) Off-street parking and loading areas when located and developed as required in Section 6.20.
- (20) Radio and television sales and service
- (21) Self-service laundry
- (22) Shoe store or shoe repair shop
- (23) Tailor, clothing or wearing apparel shop
- (24) Accessory buildings when located on the same lot
- (C) Any other use held similar to the above uses, as approved by the Planning Commission.

4.912 RESTRICTIONS.

(A) Lot Size.

The minimum lot size for all dwelling units shall meet the requirements of the A-2 Apartment Residential District.

(B) Yard Requirements.

- (1) Front Yard. There shall be a front yard having a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.
- (2) Side Yards. None except property abutting a residential district, in which case the side yard on the abutting side shall be the same as the abutting property. On a side abutting a street the setback shall be a minimum of ten feet for all structures. Side yards for dwelling units shall meet the requirements of the A-2 Apartment residential district.
- (3) Rear Yard. None. However, if a rear yard is provided, the minimum depth shall be 12 feet.

(C) Height Restrictions.

Maximum height of any structure shall be 2-1/2 stories or 35 feet, whichever is less.

(D) Off-Street Parking and Loading.

Off-street parking and loading shall be provided as required in Section 6.20.

(E) All lots in this district shall abut a street, or shall have such other access as deemed suitable by the Hearings Officer.

(F) Half Streets.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

(G) 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, yard or setback requirements of this district.

(H) Any external sign displayed shall pertain only to the uses conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

(I) No commercial structure or structures in this district shall exceed 4,000 square feet in ground floor area.

4.913 DESIGN REVIEW.

Uses in this district, except single family and two-family dwellings on individual lots, shall be subject to Design Review approval pursuant to Section 7.60.

## 4.921 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

- (A) Any use permitted in subsection 4.911(B) of the C-4 Local Commercial District.
- (B) Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading area:
  - (1) Retail store or business
  - (2) Automobile service station (no repairs) with a sight obscuring fence at least six feet and not more than seven feet in height--unless otherwise specified by the Hearings Officer.
  - (3) Bank
  - (4) Bath, Turkish and the like
  - (5) Bird store, pet shop or taxidermist
  - (6) Business college or private school operated as a commercial enterprise
  - (7) Blueprinting or photostating shop
  - (8) Car Wash, Convenience, subject to the following requirements:
    - (a) Accessory to a service station.
      - (i) Operated by service station personnel.
      - (ii) Floor area of the car wash shall not exceed 50 percent of the constructed floor area of the service station.
      - (iii) Car wash mechanical apparatus shall not exceed 26 feet in length, excluding conveyor equipment, or 14 feet in width. The overall height shall not exceed 12 feet with a vehicle entry and exit not to exceed seven feet, eight inches. The recess opening height shall not exceed eight feet.
    - (b) All equipment and operations, including drying and vacuuming shall be conducted within a completely enclosed structure, except for an approved entrance and an exit.

- (i) Entrance and exit shall provide flaps or other suitable means of containing water vapor generated by the car wash within the structure.
  - (c) Car wash structures shall be located not less than 150 feet from the boundary of an 'R' or 'A' district.
  - (d) Hours of operation shall not be before 7:30 a.m. nor after 10:00 p.m.; hours shall be prominently posted on the premises.
  - (e) Noise levels generated by the car wash shall not exceed standards established by the Department of Environmental Quality or County Ordinance.
  - (f) Such uses are subject to design review by the staff.
- (9) Catering establishment
  - (10) Cleaning establishment, using non-explosive and non-inflammable cleaning fluid
  - (11) Department or furniture store
  - (12) Frozen food locker, excluding wholesale storage
  - (13) Hospital or sanitarium (except animal hospital)
  - (14) Hotel (Also allowed in A-2)
  - (15) Ice storage house, not more than five tons capacity
  - (16) Interior decorating store
  - (17) Medical or dental clinic and laboratory
  - (18) Motion picture theatre
  - (19) Music conservatory or music instruction
  - (20) Newsstand
  - (21) Nursery, flower or plant, provided that all incidental equipment and supplies are kept within a building or suitable lattice cover
  - (22) Pawnshop
  - (23) Restaurant, tea room, cafe or tavern
  - (24) Second-hand store, if conducted wholly within a completely enclosed building

- (25) Studio--art, dance, etc.
- (26) Trade or commercial school, if not objectionable due to noise, odor, vibration or other similar causes
- (27) Wholesale merchandise broker, excluding wholesale storage
- (28) Uses customarily incident to any of the above uses when located on the same lot, provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- (29) Accessory buildings when located on the same lot
- (C) Any other use held similar to the above uses, as approved by the Planning Commission.

4.922 RESTRICTIONS.

(A) Yard Requirements.

- (1) Front Yard. None.
- (2) Side Yard. None.
- (3) Rear Yard. None. However, if a rear yard is provided, the minimum depth shall be 12 feet.

(B) Height Restrictions.

Maximum height of any structure shall be three stories or 45 feet, whichever is less.

- (C) No new residence shall be permitted in this district except that related to the business or enterprise allowed in this district such as janitor or night watchman. Any such residence shall meet the requirements of the A-2 Apartment-Residential District.

(D) Off-Street Parking and Loading.

Off-street parking and loading shall be provided as required in Section 6.20.

- (E) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(F) Half Streets.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (G) 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, yard or setback requirements of this district.
- (H) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (I) Advertising signs or structures or billboards, except those identifying the use conducted on the premises, shall not be located within 500 feet of the R. H. Baldock Freeway, the T. H. Banfield Freeway, the Columbia River Express Highway, the Minnesota Freeway or any other freeway, if the advertising face is designed to be viewed from such highway. The Hearings Officer may waive this provision on lots with front lines abutting on such highway if, after public hearing, the Officer finds such use to be in harmony with the commercial character of the area.

4.923 DESIGN REVIEW.

Uses in this district shall be subject to Design Review approval pursuant to Section 7.60.