

## **CHAPTER 151**

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**151.010. CLASSIFICATION OF USES.** Most permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis following a use designation indicate that the use is listed and described under that number in the SIC. Where particular activities otherwise included under an SIC category are excluded from the permitted, special, or conditional use, those particular activities are listed, preceded by the words "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter.

**151.020. PERMITTED USES.** The following uses, when developed under the general development standards in this zoning code applicable to the CN district and to all such uses, generally, are permitted in the CN district:

(a) **Residential:**

(1) One dwelling unit for each business use on the lot.

(b) **Agriculture and forestry:**

(1) Agricultural production - crops (01) with no retail sales area; and

(2) Timber tracts (081);

(3) Forest nurseries and tree seed gathering and extracting.

(c) **Transportation, communications, electric, gas and sanitary services:**

(1) Arrangement of passenger transportation (472);

(d) The following uses will be permitted where the gross floor area of a single use does not exceed 4000 square feet:

**Retail Trade**

(1) Paint, glass, and wallpaper stores (523)

(2) Hardware stores (525);

(3) Retail nurseries, lawn and garden stores (526);

(4) Miscellaneous general merchandise stores (539);

(5) Food store (54) provided there is no processing or sale of live poultry, AND EXCLUDING freezer and locker meat provisioners (5421);

(6) Apparel and Accessory Stores (56)

(7) Home furnishing stores, miscellaneous (5719);

(8) Drug stores and proprietary stores (591);

(9) Miscellaneous shopping goods stores (594);

(e) The following uses will be permitted where the gross floor area of a single use does not exceed 5000 square feet:

**Retail Trade**

(1) Eating places (5812) provided that no drive-in or drive-through facilities are permitted. The use may sell alcohol as a secondary use.

**Amusement and Recreation**

(2) Dance halls, studios, and schools (791) for children 18 years and under;

(3) Membership sports and recreation clubs (7997);

**Services**

(4) Libraries (823);

(5) Educational Services (83).

(6) Social Services (83).

(7) Membership Organizations (86)

(f) The following uses will be permitted where the gross floor area of a single use does not exceed 2000 square feet.

(1) Landscape Counseling and Planning (SIC 0781).

**Retail Trade**

(2) Florists (5992);

(3) Tobacco stores and stands (5993);

(4) News dealers and newsstands (5994)

**Finance, Insurance, and Real Estate:**

(5) Depository Institutions (60);

(6) Nondepository Credit Institutions (61);

(7) Insurance agents, brokers, and services (64);

(8) Real estate (65);

**Services:**

(9) Laundry, cleaning, and garment services (721); BUT EXCLUDING Power Laundries, Family and Commercial (7211), Linen Supply (7213), Dry Cleaning Plants, Except Rug Cleaning (7216), Carpet and Upholstery Cleaning (7217), and Industrial Launderers (7218);

(10) Beauty shops (723);

(11) Barber shops (724);

(12) Shoe repair and hat cleaning shops (725);

(13) Photocopying and duplicating Services (7334)

(14) Secretarial and court reporting services (7338)

(15) Computer Programming and Other Software Services (7372)

(16) Radio and Television Repair Shops (7622)

(17) Watch, Clock, and Jewelry Repair (7631)

(18) Film or tape distribution for television (7824);

(19) Offices of Physicians (801);

(20) Offices of dentists (802);

(21) Offices of Osteopathic Physicians (803);

(22) Offices of other Health Practitioners (804);

(23) Legal Services (81);

(24) Accounting, auditing, and bookkeeping (893); and

(25) Engineering, Accounting, Research, Management, and Related Services (87);

(26) Services, not elsewhere classified (899).

(g) **Other uses:**

(1) Accessory buildings and uses normal and incidental to the uses permitted in this district;

(2) Home occupations; and

(3) Utility distribution and substations.

(4) Community or neighborhood club buildings, including swimming pools and similar recreation facilities, when operated by a nonprofit community club.

(5) Fire protection (9224).

(6) Transit stop shelters.

(7) Residential care (836), except homeless shelters serving more than five persons.

(8) Room and board facilities serving five or fewer persons.

(9) On-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants. (Ord No. 146-84; Ord No. 19-87; Ord No. 48-89; Ord No. 13-90; Ord No. 70-91; Ord No. 71-91; Ord No. 39-92; Ord No. 116-94; Ord No. 57-2000)

**151.030. SPECIAL USES.** (a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the CR district:

- (1) Keeping of a miniature swine.
- (2) Antennas attached to existing or approved structures.
- (3) Freestanding support structures 35 feet or less in height and equipment enclosures.
- (b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC chapter 117 or 118. See SRC 119.010. (Ord No. 67-93; Ord No. 82-96)

**151.035 ADMINISTRATIVE CONDITIONAL USES.** (a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in CN district:

- (1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures. (Ord No. 82-96)

**151.040. CONDITIONAL USES.** The following uses, with conditional use approval as provided in SRC Chapter 117 or 118, as applicable, are permitted in the CN district:

- (a) Crude petroleum and natural gas extraction (131).
- (b) Electric services (491).
- (c) Gas production and distribution (492).
- (d) Water supply (494).
- (e) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
- (f) Freestanding support structures greater than 70 feet in height and equipment enclosures. (Ord No. 116-94; Ord No. 82-96)

**151.050. PROHIBITED USES.** Within any CN district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020 to 151.040, except as provided in SRC 113.090(c).

## **DEVELOPMENT STANDARDS**

**151.060. HEIGHT.** Within a CN district buildings and structures erected, altered, or enlarged shall not exceed 35 feet in height.

**151.070. LOT AREA AND DIMENSIONS.** Within a CN district:

- (a) **Lot area.** The minimum lot area requirement is 5,000 square feet.
- (b) **Lot dimensions.** The minimum lot depth requirement is 80 feet. There are no minimum lot width requirements.
- (c) See SRC 130.260 for street frontage requirements.

**151.080. YARDS ADJACENT TO STREETS.** Within a CN district:

(a) **Dwellings.** Each lot having a dwelling but no commercial use shall have a minimum required yard 12 feet in depth along the full extent of each lot line adjacent to a street; provided, however, in no event shall any dwelling be located less than 20 feet from the right-of-way of a designated arterial or collector street. Within 20 feet from the street right-of-way no more than two adjacent lots shall have the same setback line from the right-of-way for the dwelling unit. The setbacks for dwelling units shall vary at least four feet in depth between adjacent lots.

(b) **All other uses.** All lots not subject to subsection (a) of this section shall have a minimum required yard 12 feet in depth along the full extent of each lot line adjacent to a street. Setback requirements shall not apply to transit stop shelters.

(c) Setbacks for accessory structures shall be as provided in SRC chapter 131.

(d) Setbacks for all accessory structures other than those noted in subsection (b) of this section shall be the same as for main buildings under this section. (Ord No. 65-86; Ord No. 114-86)

**151.090. INTERIOR SIDE YARDS.** Within a CN district:

(a) All side yards shall be provided as required in SRC 132.220.

(b) Yards adjacent to a residentially zoned or used lot shall be screened at the property line by a sight obscuring fence, wall, or hedge.

(c) Setbacks for accessory structures for dwelling units shall be as provided in SRC chapter 131.

(d) Setbacks for all accessory structures other than those noted in subsection (b) of this section shall be the same as for main buildings under this section.

(e) Loading is prohibited within any required side yard. (Ord No. 65-86; Ord No. 89-92)

**151.100. INTERIOR REAR YARDS.** Within a CN district:

(a) All rear yards shall be provided as required in SRC 132.220.

(b) Yards adjacent to a residentially zoned or used lot shall be screened at the property line by a sight obscuring fence, wall, or hedge.

(c) Setbacks for accessory structures for dwelling units shall be as provided in SRC chapter 131.

(d) Setbacks for all accessory structures other than those noted in subsection (b) of this section shall be the same as for main buildings under this section.

(e) Loading is prohibited within the required rear yard.

(f) Parking areas may be located within five feet of the rear property line. (Ord No. 65-86; Ord No. 89-92)

**151.110. LOT COVERAGE.** Within a CN district:

(a) Total building coverage shall not exceed 50 percent of the lot area.

(b) Buildings used exclusively for residential purposes shall not cover more than 30 percent of the lot area.

**151.120. OPEN STORAGE.** Within a CN district outdoor storage of materials and equipment is prohibited.

151.130. Repealed. (Ord No. 19-87)

**151.140. LANDSCAPING.** Within a CN district:

(a) All required yards adjacent to a street and all required bufferyards and vehicular use areas shall be landscaped and screened as required in SRC Chapter 132. (Ord No. 65-86; Ord No. 89-92)

**151.150. HOURS OF OPERATION.** Businesses within the CN zone shall not be open for business earlier than 6:00 a.m. and shall close not later than 12:00 midnight. EXCEPTION: Grocery stores (5411) and eating places (5812). (Ord No. 19-87)

**151.160 through 151.** Reserved for Expansion.

**151.200. ZONE CHANGE STANDARDS.** No property shall be zoned CN unless the aggregate of all contiguous properties thus classified after the proposed zone change will meet each of the following requirements:

(a) Not less than one-fourth of the total street frontage of the aggregate area will be on a designated collector or arterial street;

(b) Not more than two driveways serving lots in the aggregate area will have direct access onto streets not designated as arterial or collector streets;

(c) The aggregate street frontage of all lots will be not more than 800 feet. That portion abutting a street which has restricted access shall not be included in the aggregate street frontage.

(d) The aggregate area will be not more than the following:

(1) Not more than 1-1/2 acres shall be rezoned to a CN zone that abuts on a collector street;

(2) Not more than 3 acres shall be rezoned to a CN zone that abuts on an arterial street.

(e) The boundaries of the aggregate area will be separated from all other commercial districts, including other CN districts, by not less than the greater of the following distances:

(1) 1,000 feet; or

(2) 2,640 feet measured along the shortest street travel distance;

(f) If two or more contiguous lots will be zoned CN, no lot shall have less than 50 feet of property line contiguous with another lot zoned CN. (Ord No. 19-87)

**151.210. SITE PLAN REQUIRED.** A site plan approved by the planning commission shall be required and shall be binding on the property. Upon reclassification, the property having an approved site plan under these provisions shall be plainly marked as "subject to approved site plan" on the official zoning map. Any approved site plan may be amended or a variance therefrom obtained, or it may be released from the restrictions of such site plan by resolution of the council on recommendation from the planning commission. No further changes shall be made constituting a departure from the approved site plan except by amendment or

variance as herein provided unless the same has been released from the site plan. (Ord No. 19-87; Ord No. 51-96)

**151.220. SITE PLAN COMPOSITION.** Site plans shall include the size and location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces and landscaping. (Ord No. 19-87)

**151.230. CONSISTENCY WITH COMPREHENSIVE PLAN.** Only upon amendment of the comprehensive plan map designation to commercial may the CN zone be provided in residential areas. (Ord No. 19-87)

**151.240. through 151.890.** Reserved for Expansion.

**151.900. REFERENCE TO ADDITIONAL STANDARDS.** Additional or alternative use and development standards may be found in the following chapters:

Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141