ORDINANCE NO. 16-1008

AN ORDINANCE OF THE CITY OF OREGON CITY ADOPTING TIME, PLACE AND MANNER REGULATIONS FOR MARIJUANA BUSINESSES INCLUDING MEDICAL MARIJUANA PROCESSORS AND DISPENSARIES AS WELL AS RECREATIONAL MARIJUANA PROCESSORS, DISPENSARIES, PRODUCERS, WHOLESALERS, AND RETAILERS

WHEREAS, the City has worked extensively with residents, businesses, agencies and public advisory groups to develop reasonable time, place and manner regulations for marijuana businesses; and

WHEREAS, the proposed code amendments provide a reasonable regulatory framework for the location and operation of marijuana production, processing, warehousing, laboratories, and retailers as authorized in accordance with state law; and

WHEREAS, the proposed regulations will preserve the character and safety of Oregon City's established residential neighborhoods, schools, licensed childcare and daycare facilities and city parks by establishment of minimum separation distances from such areas; and

WHEREAS, the proposed regulations are consistent with Statewide Planning Goals, the Goals and Polices of the Oregon City Comprehensive Plan, and Municipal Code; and

WHEREAS, notice was provided in accordance with the requirements for a legislative action; and

WHEREAS, the Planning Commission and the City Commission both held publicly noticed work sessions and public hearings on the proposed amendments; and

WHEREAS, the Planning Commission and City Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the amendments; and

WHEREAS, the proposed regulations will take effect only when such businesses are allowed to operate in Oregon City.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The Oregon City Municipal Code amendments, as provided in Exhibit 1, are hereby adopted based on the findings contained in the Staff Report.

Section 2. This Ordinance shall take effect on December 31, 2016, on the condition that the voters reject Ballot Measure 3-508, lifting the existing ban on marijuana businesses imposed by Ordinance No. 15-1017, during the November 8, 2016 Election.

Read for the first time at a regular meeting of the City Commission held on the 21st day of September 2016, and the City Commission finally enacted the foregoing Ordinance this 19th day of October 2016.

DAN HOLLADAY, Mayor

Attested to this 19th day of October 2016,

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

City Attorney

Attachments:
Exhibit 1 – Municipal Code Amendments

Chapter 17.54 - SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

NEW SECTION

17.54.110 –Marijuana Businesses

For the purpose of zoning regulation pursuant to this section, recreational and medical marijuana facilities are considered the same by Oregon City.

A. Applicability

These standards apply to all marijuana businesses in Oregon City. ~~This section shall not apply to the following:~~

~~1. PpersonalPersonal cultivation and use of recreational and/or medical marijuana as permitted under State Law, provided all cultivation activities are conducted indoors.~~
~~2. Personal cultivation and use of medical marijuana under the Oregon Medical Marijuana Program (OMMP), provided all activities including production are conducted indoors and subject to compliance with all Standards of Operation herein.~~.

B. Restrictions on Location - Zoning

1. Please refer to individual zone districts elsewhere in this title to determine whether marijuana businesses including production, laboratories, processing, wholesale, and retail use are permitted, prohibited or otherwise regulated.
2. Marijuana businesses are prohibited abutting any "R" residentially zoned area, except that this provision shall not apply where the subject property abuts a road that has a freeway, expressway, major arterial, minor arterial, or collector functional classification as shown on Figure 8, Multi-Modal Street System, of the Oregon City Transportation System Plan and;
3. Home Occupation. A marijuana business may not be operated as a home occupation and;
4. The sale or distribution of marijuana is prohibited for mobile vendors and at all special events and outdoor markets.

C. Restrictions on Location: Marijuana Dispensary or Retailer. A marijuana retailer shall not locate:

1. Within 250 feet of any public parks, licensed child care and day care facilities, and public transit centers.
2. Within 1000 feet of a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), ~~a public, private or parochial elementary and secondary school~~ or the property located at Clackamas County Map 3-2E-09C, Tax Lot 800.

~~2.~~3. Within 1000 feet of another marijuana retailer.

~~3.~~4. If a new protected property or use described in ~~(6) and (7)~~this section should be established within the aforementioned separation distance of an existing legally established marijuana dispensary or retailer, the existing marijuana dispensary or retailer may remain in place and the separation requirement shall not be applied.

~~4.~~5. The spacing distance specified in this section~~(7) and (8)~~ is a straight line measurement from the closest points between property lines of the affected properties.

D. Standards of Operation

1. Compliance with Other Laws. All marijuana businesses shall comply with all applicable laws and regulations, including, but not limited to, the development, land use, zoning, building and fire codes.
2. Registration and Compliance with State Law. The marijuana business's state license or authority shall be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the marijuana business shall comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.
3. No portion of any marijuana business shall be conducted outside, including but not limited to outdoor storage, production, processing, wholesaling, laboratories and retail sale, except for temporary ingress and egress of vehicles, persons and materials associated with the permitted use.~~.~~
4. Hours of Operation. Operating hours for a marijuana business shall be in accordance with the applicable license issued by the OLCC or OHA.
5. Odors. A marijuana business shall use an air filtration and ventilation system that is certified by an Oregon Licensed mechanical engineer to ensure that all odors associated with the marijuana is confined to the licensed premises to the extent practicable. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
6. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
7. Secure Disposal. The facility must provide for secure disposal of marijuana remnants or by-products; marijuana remnants or by-products shall not be placed within the marijuana business's exterior refuse containers.
8. Drive-Through, Walk-Up. A marijuana business may not have a walk-up window or a drive-through.
9. The facility shall maintain compliance with all applicable security requirements of the OLCC including alarm systems, video surveillance, and a restriction on public access to certain facilities or areas within facilities.

~~17.54.115 Personal Cultivation of Marijuana~~

~~If grown outside, all portions of marijuana plants shall be setback a minimum of 10 feet from any property line. The setback shall not apply to the root system, or container in which it is planted.~~

Definitions

Chapter 17.04 - Definitions

(Note – The following definitions will added to Chapter 17.04 and the sections will be renumbered following adoption)

17.04.741.050 **Marijuana Licensee** means a person who holds a business license issued by the city to engage in a marijuana business in accordance with this chapter.

17.04.637 **Licensee representative** means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

17.04.741.010 **Marijuana** means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in state law.

17.04.741.020 **Marijuana business** means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, or selling marijuana or marijuana items, or (2) any business registered with the Oregon Health Authority for the growing, processing, or dispensing of marijuana or marijuana items.

17.04.741.030 **Marijuana items** means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

17.04.741.060 **Marijuana processor (processing)** means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to process marijuana. This includes the manufacture of concentrates, extracts, edibles and or topicals.

17.04.741.070 **Marijuana producer (production)** means an entity licensed by the Oregon Liquor Control Commission or the Oregon Health Authority to manufacture, plant, cultivate, grow or harvest marijuana. This is the only license able to cultivate marijuana.

17.04.741.040 **Marijuana laboratory (laboratories)** means an entity which tests or researches marijuana products for THC levels, pesticides, mold, etc. pursuant to applicable Oregon Administrative Rules.

17.04.741.080 **Marijuana retailer** means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

17.04.741.090 **Marijuana wholesaler** means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to purchase items in this state for resale to a person other than a consumer. This means an entity that buys and sells at wholesale.

17.04.742 **Medical Marijuana dispensary** means an entity registered with the Oregon Liquor Control Commission or Oregon Health Authority to transfer marijuana.

Chapter 17.08 - R-10 SINGLE-FAMILY DWELLING DISTRICT

17.08.010 - Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately ten thousand square feet.

17.08.020 - Permitted uses.

Permitted uses in the R-10 district are:

A. Single-family detached residential units;

B. Parks, playgrounds, playfields and community or neighborhood centers;

C. Home occupations;

D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);

E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

F. Accessory uses, buildings and dwellings;

G. Family day care provider, subject to the provisions of Section 17.54.050;

H. Residential home per ORS 443.400;

I. Cottage housing;

J. Transportation facilities.

17.08.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions;

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.08.035 – Prohibited uses.

Prohibited uses in the R-10 district are:

A. Any use not expressly listed in Sections 17.08.020 or 17.08.030.

B. Marijuana businesses.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10 district are:

A. Minimum lot areas, ten thousand square feet;

B. Minimum lot width, sixty-five feet;

C. Minimum lot depth, eighty feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

E. Minimum required setbacks:

1. Front yard, twenty feet minimum setback,

2. Front porch, fifteen feet minimum setback,

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

4. Interior side yard, ten feet minimum setback for at least one side yard; eight feet minimum setback for the other side yard,

5. Corner side yard, fifteen feet minimum setback,

6. Rear yard, twenty feet minimum setback,

7. Rear porch, fifteen feet minimum setback.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Chapter 17.10 - R-8 SINGLE-FAMILY DWELLING DISTRICT

17.10.010 - Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately eight thousand square feet.

17.10.020 - Permitted uses.

Permitted uses in the R-8 district are:

A. Single-family detached residential units;

B. Parks, playgrounds, playfields and community or neighborhood centers;

C. Home occupations;

D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);

E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

F. Accessory uses, buildings and dwellings;

G. Family day care provider, subject to the provisions of Section 17.54.050;

H. Residential home per ORS 443.400;

I. Cottage housing;

J. Transportation facilities.

17.10.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions.

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.10.035 – Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in 17.10.020 or 17.10.030.

B. Marijuana businesses.

17.10.040 - Dimensional standards.

Dimensional Standards in the R-8 District are:

A. Minimum lot areas, eight thousand square feet;

B. Minimum lot width, sixty feet;

C. Minimum lot depth, seventy-five feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

E. Minimum Required Setbacks:

1. Front yard fifteen feet minimum setback;

2. Front porch, ten feet minimum setback;

3~~2~~. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas;

4~~3~~. Interior side yard, nine feet minimum setback for at least one side yard, seven feet minimum setback for the other side yard;

5~~4~~. Corner side yard, fifteen feet minimum setback;

6~~5~~. Rear yard, twenty feet minimum setback;

7~~6~~. Rear porch, fifteen feet minimum setback.

F. Garage Standards: See Chapter 17.20—Residential Design and Landscaping Standards.

G. Maximum Lot Coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Chapter 17.12 - R-6 SINGLE-FAMILY DWELLING DISTRICT

17.12.010 - Designated.

This residential district is designed for single-family homes on lot sizes of approximately six thousand square feet.

17.12.020 - Permitted uses.

Permitted uses in the R-6 district are:

A. Single-family detached residential units;

B. Parks, playgrounds, playfields and community or neighborhood centers;

C. Home occupations;

D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);

E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

F. Accessory uses, buildings and dwellings;

G. Family day care provider, subject to the provisions of Section 17.54.050;

H. Residential home per ORS 443.400;

I. Cottage housing;

J. Transportation facilities.

17.12.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions.

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.12.035 – Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in 17.12.020 or 17.12.030.

B. Marijuana businesses.

17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

A. Minimum lot areas, six thousand square feet;

B. Minimum lot width, fifty feet;

C. Minimum lot depth, seventy feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

E. Minimum required setbacks:

1. Front yard, ten feet minimum setback,

2. Front porch, five feet minimum setback,

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,

5. Corner side yard, fifteen feet minimum setback,

6. Rear yard, twenty feet minimum setback,

7. Rear porch, fifteen feet minimum setback.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Chapter 17.14 - R-5 SINGLE-FAMILY DWELLING DISTRICT

17.14.010 - Designated.

This residential district is designed for single-family homes on lot sizes of approximately five thousand square feet.

17.14.020 - Permitted uses.

Permitted uses in the R-5 district are:

A. Single-family detached residential units;

B. Parks, playgrounds, playfields and community or neighborhood centers;

C. Home occupations;

D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);

E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

F. Accessory uses, buildings and dwellings;

G. Family day care provider, subject to the provisions of Section 17.54.050;

H. Residential home per ORS 443.400;

I. Cottage housing;

J. Transportation facilities.

17.14.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions;

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.14.035 – Prohibited uses.

Prohibited uses in the R-5 district are:

A. Any use not expressly listed in 17.14.020 or 17.14.030.

B. Marijuana businesses.

17.14.040 - Dimensional standards.

Dimensional standards in the R-5 district are:

A. Minimum lot areas, five thousand square feet;

B. Minimum lot width, thirty-five feet;

C. Minimum lot depth, seventy feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

E. Minimum required setbacks:

1. Front yard, ten feet minimum setback,
2. Front porch, five feet minimum setback,
3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, seven feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, ten feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.

F. Garage standards: See Chapter 17.21—Residential Design Standards.

G. Maximum building coverage: The footprint of all structures two hundred square-feet or greater shall cover a maximum of fifty percent of the lot area.

Chapter 17.16 - R-3.5 DWELLING DISTRICT

17.16.010 - Designated.

This residential district is designed for single-family attached and detached residential units and two-family dwellings on lot sizes of approximately three thousand five hundred square feet per dwelling.

17.16.020 - Permitted uses.

Uses permitted in the R-3.5 district are:

A. Two-family dwellings (duplex);

B. Single-family detached residential units;

C. Single-family attached residential units (Row houses with no more than six dwelling units may be attached in a row);

D. Parks, playgrounds, playfields and community or neighborhood centers;

E. Home occupations;

F. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);

G. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

H. Accessory uses, buildings and dwellings;

I. Family day care provider, subject to the provisions of Section 17.54.050;

J. Residential home per ORS 443.400;

K. Transportation facilities.

17.16.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions;

J. Assisted living facilities; nursing homes and group homes for over fifteen patients;

K. Live/work units.

17.16.035 - Master plans.

The following are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.65.

A. Multi-family residential units.

B. Cottage housing.

17.16.037 – Prohibited uses.

Uses prohibited in the R-3.5 district are:

A. Any use not expressly listed in 17.16.020, 17.16.030 or 17.16.035.

B. Marijuana businesses.

17.16.040 - Dimensional standards.

Dimensional standards in the R-3.5 district are:

A. Minimum Lot Areas.

1. Residential uses, three thousand five hundred square feet per unit.

2. Non-residential uses, zero minimum;

B. Minimum lot width, twenty-five feet;

C. Minimum lot depth, seventy feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

E. Minimum Required Setbacks:

1. Front yard, five feet minimum setback,

2. Front porch, zero feet minimum setback,

3. Interior side yard,

Detached unit, five feet minimum setback

Attached unit, seven feet minimum setback on the side that does not abut a common property line.

4. Corner side yard, ten-foot minimum setback,

5. Rear yard, fifteen-foot minimum setback,

6. Rear porch, ten-foot minimum setback.

7. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet.

F. Garage standards: See Chapter 17.21—Residential Design Standards.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of fifty-five percent of the lot area.

17.16.050 - Single-family attached residential units and duplex units.

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be ten feet in width. A lesser width may be approved by the community development director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.

B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements in Title 16 for partitions, Chapter 17.16 and the State of Oregon One- and Two- Family Dwelling Specialty Code prior to final recordation of the land division replat.

Chapter 17.18 - R-2 MULTI-FAMILY DWELLING DISTRICT

17.18.010 - Designated.

The purpose of this residential district is designed for multi-family residential units on lot sizes of approximately two thousand square feet per dwelling.

17.18.020 - Permitted uses.

Permitted uses in the R-2 district are:

A. Residential units, multi-family;

B. Parks, playgrounds, playfields and community or neighborhood centers;

C. Home occupations;

D. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

E. Accessory buildings;

F. Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A));

G. Management and associated offices and building necessary for the operations of a multi-family residential development;

H. Residential care facility per ORS 443.400;

I. Transportation facilities;

J. Live/work units, pursuant to Section 17.54.105—Live/work units.

17.18.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Private and/or public educational or training facilities;

G. Public utilities, including sub-stations (such as buildings, plants and other structures);

H. Religious institutions;

I. Assisted living facilities; nursing homes and group homes for over fifteen patients;

J. Live/work units.

17.18.035 - Pre-existing industrial use.

Tax Lot 11200, located on Clackamas County Map #32E16BA has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current use, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

17.18.037 – Prohibited uses.

Prohibited uses in the R-2 district are:

A. Any use not expressly listed in 17.18.020, 17.18.030 or 17.18.035.

B. Marijuana Businesses

17.18.040 - Dimensional standards.

Dimensional standards in the R-2 district are:

A. Minimum lot areas: Two thousand square feet per unit.

B. Minimum lot width, fifty feet;

C. Minimum lot depth, seventy-five feet;

D. Maximum building height, four stories, not to exceed fifty-five feet;

E. Minimum required setbacks:

1. Front yard, five feet minimum setback (May be reduced to zero through Site Plan and Design Review)

2. Side yard, five feet minimum setback,

3. Corner side yard, ten feet minimum setback,

4. Rear yard, ten feet minimum setback,

5. Buffer area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.

6. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet.

F. Design criteria: See Site Plan and Design Review requirements in Chapters 17.62 and 17.52.

Chapter 17.24 - NC NEIGHBORHOOD COMMERCIAL DISTRICT

17.24.010 - Designated.

The Neighborhood Commercial District is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a site plan and design review application pursuant to OCMC 17.62 is required.

17.24.020 - Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District:

A. Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter.

B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet.

C. Live/work units, pursuant to Section 17.54.105—Live/work units.

D. Multi-family, single-family attached or two-family residential, when proposed along with any nonresidential allowed use in the NC district in a single development application and not exceeding fifty percent of the total building square feet in said application.

E. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

17.24.025 - Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in Chapter 17.56:

A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet.

B. Emergency and ambulance services;

C. Drive-thru facilities;

D. Outdoor markets that are operated before six p.m. on weekdays;

E. Public utilities and services such as pump stations and sub-stations;

F. Religious institutions;

G. Public and or private educational or training facilities;

H. Gas stations;

I. Hotels and motels, commercial lodging;

J. Vet clinic or pet hospital.

17.24.035 - Prohibited uses.

The following uses are prohibited in the NC District:

A. Distributing, wholesaling and warehousing;

B. Outdoor storage;

C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;

D. Hospitals;

E. Kennels;

F. Motor vehicle sales and incidental service;

G. Motor vehicle repair and service;

H. Self-service storage facilities;

I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

J. Marijuana production, processing, wholesaling, research, testing, and laboratories.

17.24.040 - Dimensional standards.

Dimensional standards in the NC district are:

A. Maximum building height: Forty feet or three stories, whichever is less.

B. Maximum building footprint: Ten thousand square feet.

C. Minimum required setbacks if not abutting a residential zone: None.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one foot additional yard setback for every one foot of building height over thirty-five feet.

E. Maximum Allowed Setback.

1. Front yard setback: Five feet (may be extended with Site Plan and Design Review, Section 17.62.055).

2. Interior yard setback: None.

3. Corner side yard setback abutting a street: Thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.

4. Rear yard setback: None.

Chapter 17.29 - "MUC"—MIXED-USE CORRIDOR DISTRICT

17.29.010 - Designated.

The Mixed-Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street and Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

17.29.020 - Permitted uses—MUC-1 and MUC-2.

A. Banquet, conference facilities and meeting rooms;

B. Bed and breakfast and other lodging facilities for up to ten guests per night;

C. Child care centers and/or nursery schools;

D. Indoor entertainment centers and arcades;

E. Health and fitness clubs;

F. Medical and dental clinics, outpatient; infirmary services;

G. Museums, libraries and cultural facilities;

H. Offices, including finance, insurance, real estate and government;

I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;

J. Postal services;

K. Parks, playgrounds, play fields and community or neighborhood centers;

L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;

M~~N~~. Residential units, multi-family;

N~~O~~. Restaurants, eating and drinking establishments without a drive through;

O~~P~~. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;

P~~Q~~. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana pursuant to 17.54.110, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;

Q~~R~~. Seasonal sales, subject to OCMC Section 17.54.060;

R~~S~~. Assisted living facilities; nursing homes and group homes for over fifteen patients;

S~~T~~. Studios and galleries, including dance, art, photography, music and other arts;

T~~U~~. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

U~~V~~. Veterinary clinics or pet hospitals, pet day care;

V~~W~~. Home occupations;

W~~X~~. Research and development activities;

X~~Y~~. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

Y~~Z~~. Residential care facility;

Z~~AA~~. Transportation facilities;

AA~~BB~~. Live/work units, pursuant to Section 17.54.105—Live/work units.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

A. Ancillary drive-in or drive-through facilities;

B. Emergency service facilities (police and fire), excluding correctional facilities;

C. Gas stations;

D. Outdoor markets that do not meet the criteria of Section 17.29.020H.;

E. Public utilities and services including sub-stations (such as buildings, plants and other structures);

F. Public and/or private educational or training facilities;

G. Religious institutions;

H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;

I. Hotels and motels, commercial lodging;

J. Hospitals;

K. Parking structures and lots not in conjunction with a primary use;

L. Passenger terminals (water, auto, bus, train).

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

A. Distributing, wholesaling and warehousing;

B. Outdoor storage;

C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;

D. Correctional facilities;

E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);

F. Kennels;

G. Motor vehicle and recreational vehicle sales and incidental service;

H. Motor vehicle and recreational vehicle repair/service;

I. Self-service storage facilities.

J. Marijuana production, processing, wholesaling, research, testing, and laboratories, pursuant to 17.54.110.

17.29.050 - Dimensional standards—MUC-1.

A. Minimum lot areas: None.

B. Maximum building height: Forty feet or three stories, whichever is less.

C. Minimum required setbacks if not abutting a residential zone: None.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.

E. Maximum allowed setbacks.

1. Front yard: Five feet (may be extended with Site Plan and Design Review (Section 17.62.055).

2. Interior side yard: None.

3. Corner side setback abutting street: Thirty feet provided the Site Plan and Design Review requirements of Section 17.62.055 are met.

4. Rear yard: None.

F. Maximum lot coverage of the building and parking lot: Eighty percent.

G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

17.29.060 - Dimensional standards—MUC-2.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.25.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

D. Maximum building height: Sixty feet.

E. Minimum required setbacks if not abutting a residential zone: None.

F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.

G. Maximum Allowed Setbacks.

1. Front yard: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
2. Interior side yard: None.
3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
4. Rear yard: None.

H. Maximum site coverage of building and parking lot: Ninety percent.

I. Minimum landscaping requirement (including parking lot): Ten percent.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. Standards.

1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Chapter 17.31 - "MUE"—MIXED-USE EMPLOYMENT DISTRICT

17.31.10 - Designated.

The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes or similar as defined by the community development director. Some commercial uses are allowed, within limits. The county offices and Willamette Falls Hospital are examples of such employment-intensive uses.

17.31.020 - Permitted uses.

Permitted uses in the MUE district are defined as:

A. Banquet, conference facilities and meeting rooms;

B. Child care centers, nursery schools;

C. Medical and dental clinics, outpatient; infirmary services;

D. Distributing, wholesaling and warehousing;

E. Health and fitness clubs;

F. Hospitals;

G~~H~~. Emergency service facilities (police and fire), excluding correctional facilities;

H~~I~~. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;

I~~J~~. Offices;

J~~K~~. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;

K~~L~~. Postal services;

L~~M~~. Parks, play fields and community or neighborhood centers;

M~~N~~. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;

N~~O~~. Passenger terminals (water, auto, bus, train);

O~~P~~. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers;

P~~Q~~. Transportation facilities.

Q~~R~~. Marijuana processors, processing sites, wholesaling and laboratories, pursuant to 17.54.110 – Marijuana businesses.

17.31.030 - Limited uses.

The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.

A. Retail services, including but not limited to personal, professional, educational and financial services, marijuana pursuant to 17.54.110, laundry and dry cleaning;

B. Restaurants, eating and drinking establishments;

C. Retail shops, provided the maximum footprint for a stand alone building with a single store does not exceed sixty thousand square feet;

D. Public and/or private educational or training facilities;

E. Custom or specialized vehicle alterations or repair wholly within a building.

~~F. Marijuana retail, pursuant to Section 17.54.110 - Marijuana businesses.~~

17.31.040 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Correctional, detention and work release facilities;

B. Drive-in or drive-through facilities;

C. Hotels, motels and commercial lodging;

D. Outdoor markets that do not meet the criteria of Section 17.31.020.L~~M~~;

E. Public utilities and services such as pump stations and sub-stations;

F. Religious institutions;

G. Veterinary or pet hospital, dog day care.

17.31.050 - Prohibited uses.

The following uses are prohibited in the MUE district:

A. Outdoor sales or storage;

B. Kennels;

C. Gas/Convenience stations;

D. Motor vehicle parts stores;

E. Motor vehicle sales and incidental service;

F. Heavy equipment service, repair, sales, storage or rental[2] (including but not limited to construction equipment and machinery and farming equipment);

G. Recreation vehicle, travel trailer, motorcycle, truck, manufactured home, leasing, rental or storage;

H. Self-storage facilities.

I. Marijuana production.

17.31.060 - Dimensional standards.

A. Minimum lot areas: None.

B. Minimum Floor Area Ratio: 0.25.

C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty feet.

   1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.

E. Maximum allowed setbacks: No maximum limit provided the Site Plan and Design Review requirements of Section 17.62.055 are met. Development of a campus with an approved Master Plan in the MUE zone is exempt from Section 17.62.055D.1 of Site Plan and Design Review. All other standards are applicable.

F. Maximum site coverage of the building and parking lot: Eighty percent.

G. Minimum landscape requirement (including the parking lot): Twenty Percent.

The design and development of the landscaping in this district shall:

   1. Enhance the appearance of the site internally and from a distance;
   2. Include street trees and street side landscaping;
   3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
   4. Include, as appropriate, a bikeway walkway or jogging trail;
   5. Provide buffering or transitions between uses;
   6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
   7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

17.31.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. Standards.

   1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
   2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be

included in the calculations of floor area ratio to determine conformance with minimum FARs.

3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Chapter 17.32 - C GENERAL COMMERCIAL DISTRICT

17.32.010 - Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.

17.32.020 - Permitted uses.

A. Any use permitted in the MUC - Mixed Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040;

B. Hotels and motels;

C. Drive-in or drove through facilities;

D. Passenger terminals (water, auto, bus, train);

E. Gas stations;

F. Outdoor markets that do not meet Section 17.29.020.H;

G. Motor vehicle and recreational vehicle sales and/or incidental service;

H. Motor vehicle and recreational vehicle repair and/or service;

I. Custom or specialized vehicle alterations or repair wholly within a building.

17.32.030 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in Chapter 17.56:

A. Religious institutions;

B. Hospitals;

C. Self service storage facilities;

D. Public utilities, including sub-stations (such as buildings, plants and other structures);

E. Public and/or private educational or training facilities;

F. Parking structures and lots not in conjunction with a primary use;

G. Emergency service facilities (police and fire), excluding correctional facilities.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

A. Distribution, wholesaling and warehousing.

B. Outdoor sales or storage (Except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building).

C. General manufacturing or fabrication.

D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

E. Marijuana production, processing, wholesaling, research, testing, and laboratories.

17.32.050 - Dimensional standards.

A. Minimum lot area: None.

B. Maximum building height: Sixty feet.

C. Minimum required setbacks if not abutting a residential zone: None.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.

E. Maximum Allowed Setbacks.

1. Front yard setback: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).

2. Interior side yard setback: None.

3. Corner side yard setback abutting street: None

4. Rear yard setback: None.

F. Maximum site coverage of building and parking lot: Eighty-five percent

G. Minimum landscaping requirement (including parking lot): Fifteen percent.

Chapter 17.34 - "MUD"—MIXED-USE DOWNTOWN DISTRICT

17.34.010 - Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections 17.34.020, 17.34.030 or 17.34.040;

B. Hotel and motel, commercial lodging;

C. Marinas;

D. Religious institutions;

E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);

F. Live/work units.

17.34.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Ancillary drive-in or drive-through facilities;

B. Emergency services;

C. Hospitals;

D. Outdoor markets that do not meet the criteria of Section 17.34.020;

E. Parks, playgrounds, play fields and community or neighborhood centers;

F. Parking structures and lots not in conjunction with a primary use;

G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;

H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;

I. Public utilities and services such as pump stations and sub-stations;

J. Distributing, wholesaling and warehousing;

K. Gas stations;

L. Public and or private educational or training facilities;

M. Stadiums and arenas;

N. Passenger terminals (water, auto, bus, train);

O. Recycling center and/or solid waste facility.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

A. Kennels;

B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030;

C. Self-service storage;

D. Single-Family and two-family residential units;

E. Motor vehicle and recreational vehicle repair/service;

F. Motor vehicle and recreational vehicle sales and incidental service;

G. Heavy equipment service, repair, sales, storage or rental[2] (including but not limited to construction equipment and machinery and farming equipment);

H. Marijuana production, processing, wholesaling, research, testing, and laboratories, pursuant to Section 17.54.110.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.30.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

D. Maximum building height: Seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:

1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
2. Property within five hundred feet of the End of the Oregon Trail Center property; and
3. Property within one hundred feet of single-family detached or detached units.

E. Minimum required setbacks, if not abutting a residential zone: None.

F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.

G. Maximum Allowed Setbacks.

1. Front yard: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
2. Interior side yard: No maximum.
3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
4. Rear yard: No maximum.
5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

H. Maximum site coverage including the building and parking lot: Ninety percent.

I. Minimum landscape requirement (including parking lot): Ten percent.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.5.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

D. Maximum building height: Fifty-eight feet.

E. Minimum required setbacks, if not abutting a residential zone: None.

F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.

G. Maximum Allowed Setbacks.

1. Front yard setback: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
2. Interior side yard setback: No maximum.

3. Corner side yard setback abutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.

4. Rear yard setback: No maximum.

5. Rear yard setback abutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.

H. Maximum site coverage of the building and parking lot: One hundred percent.

I. Minimum Landscape Requirement. Development within the downtown design district overlay is exempt from required landscaping standards in Section 17.62.050A.1. However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the standards of Chapter 12.08 and Chapter 17.52.

17.34.080 - Explanation of certain standards.

A. Floor Area Ratio (FAR).

1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

2. Standards.

a. The minimum floor area ratios contained in sections 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.

b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Building height.

1. Purpose.

a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.

b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

Chapter 17.35 - WILLAMETTE FALLS DOWNTOWN DISTRICT

17.35.010 - Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this subdistrict require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:

A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses).

B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet.

C. Research and development activities.

D. Offices, including finance, insurance, real estate, software, engineering, design, and government.

E. Restaurants, eating and drinking establishments without a drive through, and mobile food carts.

F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers.

G. Museums, libraries, and interpretive/education facilities.

H. Outdoor markets, such as produce stands, craft markets and farmers markets.

I. Indoor entertainment centers and arcades.

J. Studios and galleries, including dance, art, film and film production, photography, and music.

K. Hotel and motel, commercial lodging.

L. Conference facilities and meeting rooms.

M. Public and/or private educational or training facilities.

N. Child care centers and/or nursery schools.

O. Health and fitness clubs.

P. Medical and dental clinics, outpatient; infirmary services.

Q. Repair shops, except automotive or heavy equipment repair.

R. Residential units—Multi-family.

S. Services, including personal, professional, educational and financial services; laundry and dry cleaning.

T. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060.

U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.

V. Veterinary clinics or pet hospitals, pet day care.

W. Home occupations.

X. Religious institutions.

Y. Live/work units, including an individual residential unit in association with a permitted use.

Z. Water-dependent uses, such as boat docks.

AA. Passenger terminals (water, auto, bus, train).

BB. Existing parking and loading areas, as an interim use, to support open space/recreational uses.

17.35.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

A. Emergency services.

B. Hospitals.

C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients.

D. Parking structures and lots not in conjunction with a primary use.

E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet.

F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers.

G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, that exceed sixty thousand square feet.

H. Public utilities and services such as pump stations and sub-stations.

I. Stadiums and arenas.

17.35.040 - Prohibited uses.

The following uses are prohibited in the WFD district:

A. Kennels.

B. Outdoor sales or storage that is not accessory to a retail use allowed in Section 17.35.020 or 17.35.030.

C. Self-service storage.

D. Distributing, wholesaling and warehousing not in association with a permitted use.

E. Single-family and two-family residential units.

F. Motor vehicle and recreational vehicle repair/service.

G. Motor vehicle and recreational vehicle sales and incidental service.

H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

~~I~~J. Marijuana production, processing, wholesaling, research, testing, and laboratories.

17.35.050 - Temporary uses.

A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a type II land use action.

B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:

1. Outdoor storage or warehousing not accessory to a use allowed in Section 17.35.020 or 17.35.030.

2. Movie and television filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district.

C. General Regulations for Temporary Uses.

1. The temporary use permit is good for one year and can be renewed for a total of three years.

2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district.

3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

17.35.060 - Willamette Falls Downtown District dimensional standards.

A. Minimum lot area: None.

B. Minimum floor area ratio (as defined in Section 17.34.080): 1.0.

C. Minimum building height: Two entire stories and twenty-five feet, except for:

   1. Accessory structures or buildings under one thousand square feet; and

   2. Buildings to serve open space or public assembly uses.

D. Maximum building height: Eighty feet.

E. Minimum required setbacks: None.

F. Maximum allowed setbacks: Ten feet, provided site plan and design review requirements are met.

G. Maximum site coverage: One hundred percent.

H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per Chapter 17.52.

I. Street standards: Per Section 12.04, except where modified by a master plan.

J. Parking: Per Chapter 17.52, Off-Street Parking and Loading. The Willamette Falls Downtown District is within the Downtown Parking Overlay District.

Chapter 17.36 - "GI"—GENERAL INDUSTRIAL DISTRICT

17.36.010 - Designated.

The general industrial district is designed to allow uses relating to manufacturing, processing, production, storage, fabrication and distribution of goods or similar as defined by the community development director. The uses permitted in the general industrial district are intended to protect existing industrial and employment lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the industrial areas.

17.36.020 - Permitted uses.

In the GI district, the following uses are permitted if enclosed within a building:

A. Manufacturing and/or fabrication;

B. Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety;

C. Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);

D. Veterinary or pet hospital, kennel;

E. Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited);

F. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or marijuana pursuant to 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;

G. Emergency service facilities (police and fire), excluding correctional facilities;

H. Outdoor sales and storage;

I. Recycling center and solid waste facility;

J. Wrecking yards;

K. Public utilities, including sub-stations (such as buildings, plants and other structures);

L. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

M. Kennels;

N. Storage facilities;

O. Transportation facilities.

P. Marijuana production, processing, wholesaling, and laboratories pursuant to 17.54.110.

17.36.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:

A. Any use in which more than half of the business is conducted outdoors.

B. Hospitals.

17.36.040 - Dimensional standards.

Dimensional standards in the GI district are:

A. Minimum lot area, minimum not required;

B. Maximum building height, three stories, not to exceed forty feet;

C. Minimum required setbacks:

1. Front yard, ten feet minimum setback;

2. Interior side yard, no minimum setback;

3. Corner side yard, ten feet minimum setback;

4. Rear yard, ten feet minimum setback;

D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.

E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.

Chapter 17.37 - (CI) CAMPUS INDUSTRIAL DISTRICT

17.37.010 - Designated.

The campus industrial district is designed for a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on campus industrial lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within industrial and employment areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.

17.37.020 - Permitted uses.

The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:

A. Experimental or testing laboratories;

B. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;

C. Public and/or private educational or training facilities;

D. Corporate or government headquarters or regional offices with fifty or more employees;

E. Computer component assembly plants;

F. Information and data processing centers;

G. Software and hardware development;

H. Engineering, architectural and surveying services;

I. Non-commercial, educational, scientific and research organizations;

J. Research and development activities;

K. Industrial and professional equipment and supply stores, which may include service and repair of the same;

L. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or retail sales of marijuana pursuant to 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less, and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands.

M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited;

N. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

O. Transportation facilities.

P. Marijuana processors, processing sites, wholesalers and laboratories pursuant to 17.54.110.

17.37.030 - Conditional uses.

The following conditional uses may be established in a campus industrial district subject to review and action on the specific proposal, pursuant to the criteria and review procedures in Chapters 17.50 and 17.56:

A. Distribution or warehousing.

B. Any other use which, in the opinion of the planning commission, is of similar character of those specified in Sections 17.37.020 and 17.37.030. In addition, the proposed conditional uses:

1. Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;

2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;

3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;

4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

17.37.040 - Dimensional standards.

Dimensional standards in the CI district are:

A. Minimum lot area: No minimum required.

B. Maximum building height: except as otherwise provided in subsection B.1. of this section building height shall not exceed forty-five feet.

1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.

C. Minimum required setbacks:

1. Front yard: Twenty feet minimum setback;

2. Interior side yard: No minimum setback;

3. Corner side yard: Twenty feet minimum setback;

4. Rear yard: Ten feet minimum setback.

D. Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.

E. If the height of the building exceeds forty-five feet, as provided in subsection B.1. of this section for every additional story built above forty-five feet, an additional twenty-five foot buffer shall be provided.

17.37.050 - Development standards.

All development within the CI district is subject to the review procedures and application requirements under Chapter 17.50, and the development standards under Chapter 17.62. Multiple building developments are exempt from the setback requirements of Section 17.62.055. In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:

1. Enhance the appearance of the site internally and from a distance;
2. Include street trees and street side landscaping;
3. Provide an integrated open space and pedestrian system within the development with appropriate connections to surrounding properties;
4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;
5. Provide buffering or transitions between uses;
6. Encourage outdoor eating areas conveniently located for use by employees;
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

B. Parking. No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.

C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.

D. Signs. One ground-mounted sign may be provided for a development. Other signage shall be regulated by Title 15.

E. Outdoor storage and refuse/recycling collection areas.

1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;
2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street.

Chapter 17.39 - [I] INSTITUTIONAL DISTRICT

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

A. Private and/or public educational or training facilities;

B. Parks, playgrounds, playfields and community or neighborhood community centers;

C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;

D. Stadiums and arenas;

E. Banquet, conference facilities and meeting rooms;

F. Government offices;

G. Transportation facilities.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

A. Offices;

B. Retail (not to exceed twenty percent of total gross floor area of all building);

C. Child care centers or nursery schools;

D. Scientific, educational, or medical research facilities and laboratories;

E. Religious institutions.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

A. Any uses listed under Section 17.39.030 that are not accessory to the primary institutional use;

B. Boarding and lodging houses, bed and breakfast inns;

C. Cemeteries, crematories, mausoleums, and columbariums;

D. Correctional facilities;

E. Helipad in conjunction with a permitted use;

F. Parking lots not in conjunction with a primary use;

G. Public utilities, including sub-stations (such as buildings, plants and other structures);

H. Fire stations.

17.39.045 – Prohibited Uses

Prohibited uses in the I – Institutional District are:

A. Any use not expressly listed in Section 17.39.020, 17.39.030 or 17.39.040;

B. Marijuana businesses.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.

B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

17.39.060 - Relationship to master plan.

A. A master plan is required for any development within the I district on a site over ten acres in size that:

1. Is for a new development on a vacant property;

2. Is for the redevelopment of a property previously used an a non-institutional use; or

3. Increases the floor area of the existing development by ten thousand square feet over existing conditions

B. Master plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Section 17.65.70 and will be processed concurrently with the master plan application.

C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications must be in accordance with the requirements of the master plan adjustment process identified in Section 17.65.070.

Chapter 17.26 - HC HISTORIC COMMERCIAL DISTRICT

17.26.010 - Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director.

17.26.020 - Permitted uses.

A. Uses permitted in the MUC-1 Mixed-Use Corridor District.

B. Residential units, single-family detached.

C. Residential units, duplex.

D. Accessory uses, buildings and dwellings.

17.26.030 - Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Conditional uses listed in the MUC Mixed-Use Corridor District.

17.26.035 - Prohibited uses.

A. Single-family attached

B. Marijuana ~~production, processing, wholesaling, research, testing, and laboratories.~~businesses.

17.26.040 - Historic building preservation.

Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district or are in Oregon City's inventory of Historic Buildings) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the planning commission that no economically feasible return can be gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the planning commission may grant an exception to the historic building preservation policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the historic building preservation policy in other structures in the area. The planning commission may condition the grant of any such application to

these ends. The members of the historic review board shall be notified of the application and may request a delay in the decision or the planning commission, of its own volition, may delay a decision on such an application subject to consideration by the historic review board as provided in Chapter 17.40.

17.26.050 - Dimensional standards.

A. Residential unit, single-family detached:

   1. Dimensional standards required for the R-6 Single-Family Dwelling District.

B. All other uses:

   1. Minimum lot area: None.
   2. Maximum building height: Thirty-five feet or three stories, whichever is less.
   3. Minimum required setbacks if not abutting a residential zone: None.
   4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
   5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
   6. Maximum front yard setback: Five feet (May be extended with Site Plan and Design Review Section 17.62.055).
   7. Maximum interior side yard: None.
   8. Maximum rear yard: None.
   9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.