

**CHAPTER 626
COMMERCIAL/HIGH DENSITY OVERLAY ZONE**

- 626.001. Purpose
- 626.005. Definitions
- 626.010. Commercial/High Density Overlay Zone Boundary
- 626.015. Uses
- 626.020. Development Standards
- 626.025. Design Review

626.001. Purpose. The purpose of the Commercial/High Density Residential Overlay Zone is to identify allowed uses and to establish development standards that accommodate commercial, office, and small warehouse uses, while promoting high density residential development. (Ord No. 31-13)

626.005. Definitions. Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

(a) Mixed-use development: A combination of uses in two or more of the following Use Categories within a single building, or within separate buildings on the same lot or contiguous lots:

- (1) Household Living;
- (2) Lodging;
- (3) Retail Sales and Service;
- (4) Business and Professional Services;
- (5) Health Services; or
- (6) Civic Services. (Ord No. 31-13)

626.010. Commercial/High Density Residential Overlay Zone Boundary. The boundaries of the Commercial/High Density Residential Overlay Zone are shown in Figure 626-1. (Ord No. 31-13)

626.015. Uses.

(a) Except as otherwise provide in this section, the uses set forth in Table 626-1 shall be the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the Commercial/High Density Residential Overlay Zone.

**TABLE 626-1
USES**

Table 626-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Residential Home, as defined under ORS 197.660.
	N	All other Single Family.
Two Family	N	
Multiple Family	P	
Group Living		
Room and Board	P	Room and Board serving 5 or fewer persons.
	N	All other Room and Board.
Residential Care	P	
Nursing Care	S	Nursing Care, subject to SRC 700.040.
Lodging		
Short-Term Commercial Lodging	P	

Table 626-1: Uses

Use	Status	Limitations & Qualifications
Long-Term Commercial Lodging	P	
Non-Profit Shelters	P	
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	N	The following Retail Sales activities: <ul style="list-style-type: none"> ▪ Lumber and building materials dealers. ▪ Hardware stores. ▪ Lawn and garden supply stores. ▪ Auto supply stores. ▪ Meat and seafood markets, where live animals are sold or processed. ▪ Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	P	All other Retail Sales.
Personal Services	P	
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	Gas stations.
	C	All other Motor Vehicle Services.
Commercial Parking	P	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	P	
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	
Parks and Open Space	P	

Table 626-1: Uses

Use	Status	Limitations & Qualifications
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	P	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care home. ▪ Adult day care home.
	C	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care center. ▪ Adult day care center.
	N	All other Day Care.
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	

Table 626-1: Uses

Use	Status	Limitations & Qualifications
Whole Sales, Storage, and Distribution		
General Wholesaling	N	The following General Wholesaling activities: <ul style="list-style-type: none"> ▪ Automobile, and other motor vehicle, and trailer wholesalers. ▪ Manufactured dwelling wholesalers. ▪ Motor vehicle supplies and parts wholesalers. ▪ Non-consumer electronics and electrical supplies wholesalers. ▪ Heating and cooling equipment and supplies wholesalers. ▪ Industrial and commercial supplies wholesalers. ▪ Toys and sporting goods wholesalers. ▪ Meat, fish, and poultry product wholesalers. ▪ Farm supplies wholesalers. ▪ Paint and varnish wholesalers. ▪ Tobacco product wholesalers.
	P	All other General Wholesaling.
Heavy Wholesaling	N	
Warehousing and Distribution	P	
Self-Service Storage	P	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground	P	Transit stop shelters.
Transportation Facilities	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	

Table 626-1: Uses

Use	Status	Limitations & Qualifications
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Temporary Uses	P	Replacement single family dwelling is permitted, subject to SRC 701.025.
Home Occupations	S	Home Occupations are allowed, subject to SRC 700.020
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant SRC Chapter 230 is allowed, subject to SRC 230.085

(b) Additional Conditional Uses. In addition to the uses set forth in Table 626-1, any permitted, special, or conditional use within the Commercial/High Density Residential Overlay Zone shall be a conditional use within the overlay zone if developed with the following:

(1) Drive-through.

(c) Continued Uses. Uses existing within the Commercial/High Density Residential Overlay Zone that were allowed as permitted, special, or conditional uses on November 30, 1998, but which would otherwise be made non-conforming uses by this Chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.

(1) A continued use may be intensified, and buildings or structures housing a continued use may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

(2) A continued use may be extended onto other properties within the Commercial/High Density Residential Overlay Zone. The extension of a continued use onto other properties within the Commercial/High Density Residential Overlay Zone must comply with all applicable standards in the underlying zone.

(3) A continued use may be changed to any use that is allowed in the Commercial/High Density Residential Overlay Zone. Such change of use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the Commercial/High Density Residential Overlay Zone.

(4) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Commercial/High Density Residential Overlay Zone. (Ord No. 31-13)

626.020. Development Standards. Development with the Commercial/High Density Residential Overlay Zone must comply with the development standards applicable in underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) Continued Development. Buildings and structures existing within the Commercial/High Density Residential Overlay Zone that conformed to the development standards existing on

November 30, 1998, but which would otherwise be made non-conforming development by this Chapter, are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(1) Continued development may be enlarged, rebuilt, or the exterior altered, provided such enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

(2) Continued development may be extended onto other properties within the Commercial/High Density Residential Overlay Zone. The extension of continued development onto other properties within the Commercial/High Density Residential Overlay Zone must comply with all applicable standards in the underlying zone.

(3) A determination by the Building Official that a continued development is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued development status conferred by this subsection and the building or structure shall thereafter be deemed non-conforming development.

(b) **Development Density.** Development within the Commercial/High Density Residential Overlay Zone shall conform to the density standards set forth in Table 626-2. Dwelling unit density cannot be varied or adjusted.

**TABLE 626-2
DEVELOPMENT DENSITY**

Table 626-2: Development Density		
Requirements	Standard	Limitations & Qualifications
DEVELOPMENT DENSITY		
Multiple Family	Min. 14 dwelling units per acre	
All Other Uses	Min. 0.6 FAR	Applicable to lots less than 32,000 sq. ft. in size.
	Min. 0.75 FAR	Applicable to lots 32,000 sq. ft. or greater in size.

(c) **Dwelling Units Required.** Development on lots with frontage on Fourth Street NE shall provide residential dwelling units meeting the residential density requirements of Table 626-2 if:

- (1) The lot is greater than 32,000 square feet in size;
- (2) The lot is vacant; or
- (3) A use is expanded by more than 50 percent of the ground floor area.

(d) **Setbacks.** Setbacks within the Commercial/High Density Residential Overlay Zone shall be provided as set forth in Table 626-3.

**TABLE 626-3
SETBACKS**

Table 626-3: Setbacks		
Requirements	Standards	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
INTERIOR FRONT		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
INTERIOR SIDE		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
INTERIOR REAR		
Buildings		
All uses	Min. 5 ft.	
Accessory Structures		
Accessory to all uses	Min. 5 ft.	

(e) **Height.** Buildings and accessory structures within the Commercial/High Density Residential Overlay Zone shall conform to the height standards set forth in Table 626-4.

**TABLE 626-4
HEIGHT**

Table 626-4: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
Multiple Family	No Max.	
All Other Uses	Max. 50 ft	
	No Max.	Applicable to mixed-use developments.
Accessory Structures		
Accessory to Multiple Family	No Max.	
Accessory to All Other Uses	Max. 50 ft.	
	No Max.	Applicable to mixed-use developments.

(f) **Screening.**

(1) Uses shall be screened from abutting residentially zoned lots, and residential uses on abutting lots, by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

(2) Concertina or barbed wire fencing shall be screened from adjacent properties and abutting streets by sight-obscuring landscaping.

(g) **Outdoor storage.** Outdoor storage of materials and equipment is prohibited. (Ord No. 31-13)

626.025. Design Review. Design review under SRC Chapter 225 is required for development within the Commercial/High Density Residential Overlay Zone as follows:

(a) Multiple family development, other than multiple family development within a mixed-use building, shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

(b) Multiple family development within a mixed-use building shall not be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

(c) Residential Care with three or more self-contained dwelling units shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702. (Ord No. 31-13)

**FIGURE 626-1
COMMERCIAL/HIGH DENSITY RESIDENTIAL OVERLAY ZONE**

