

SECTION 500

COMMERCIAL DISTRICTS

501 NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

[The title of Section 501 changed by Ord. ZDO-224, 5/31/11]

501.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Neighborhood Commercial areas. The intent of these provisions is to provide for convenience commercial needs of residential neighborhoods in locations easily accessible to these neighborhoods with minimal negative impacts.

501.02 AREA OF APPLICATION

Sites may be zoned Neighborhood Commercial District (NC) in areas planned for residential use, subject to Hearings Officer review under the provisions of Section 1300, when either Subsection 501.02(A) or Subsections 501.02(B) and (C) are satisfied:

- A. Preexisting Uses: The site, prior to the adoption of Section 501, was occupied by, and had an historical commitment to, neighborhood commercial uses. Additions of land area to a preexisting site shall be subject to Subsections 501.02(B) and (C).
- B. New Sites/Expansion of Preexisting Sites: New sites and property adjacent to any existing NC site may be tentatively zoned NC when all the following criteria are satisfied:
 - 1. Criteria under Subsections 1203.01(B) through (E) for conditional uses.
 - 2. The new site, or expanded site, is necessary to provide convenience commercial uses which are not currently available within the service area. "Service area," for purposes of this provision, shall be either:
 - a. The readily accessible area within 2,000 feet of the proposed site; or
 - b. A defined area with a minimum of 500 existing or potential dwelling units which are closer to the proposed site, and have as good or better access to the proposed site, than to existing commercial sites considering distance and topographical barriers. Potential dwelling units shall be determined on the basis of existing zoning.
 - 3. The site should be a maximum of one acre in size. To allow clustering of convenience uses, additional area may be added, up to a maximum total area of two acres.

4. The site shall have access to a street of at least a collector classification.
5. The site should not include more than one quadrant of an intersection. If more than one quadrant is proposed, the applicant must show that undo traffic congestion will not result.
6. The site has a Comprehensive Plan designation of Low Density, Medium Density or High Density Residential.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

501.03 PRIMARY USES

The following are primary uses in the Neighborhood Commercial District, provided each is at a scale appropriate to serve the surrounding neighborhood, and does not attract substantial customer traffic from other areas. A mixture of small-scale uses within one building shall be encouraged.

A. Retail Commercial Uses:

1. Apparel stores and dressmaking shops;
2. Bakery shops;
3. Catering establishments;
4. Confectionery stores;
5. Delicatessen shops and restaurants, but not drive-in restaurants or drive-thru service;
6. Drug stores;
7. Fabric and dry goods stores;
8. Florist and gift shops;
9. Grocery and produce stores;
10. Hardware and garden supplies; and
11. Meat and fish markets.

B. Service Commercial Uses:

1. Barber and beauty shops;
2. Clothes pressing, alterations, and tailoring shops;

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3. Daycare facilities and other adult or child care facilities, operated during the daytime, subject to Section 807;
 4. Dry cleaners; laundry agencies; self-service laundromats and dry cleaning facilities;
 5. Exercise and tanning studios;
 6. Offices for doctors, dentists, chiropractors, naturopathic treatment personnel, and other health service personnel; small clinics or community health care programs;
 7. Photo finishing;
 8. Shoe repair;
 9. Veterinarian services and pet supplies;
 10. Video rental stores;
 11. Bed and breakfast residences and inns, subject to Section 832; and
 12. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835;
- C. Retail or service commercial uses that the Planning Director finds to be similar to one or more of those specified above. A request for a determination under Subsection 501.03(C) shall be processed as an Interpretation pursuant to Subsection 1305.03;
- D. Preexisting retail or service commercial uses; and
- E. Mobile vending units, subject to Section 837.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12]

501.04 ACCESSORY USES

The following are accessory uses in the Neighborhood Commercial District:

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;
- C. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite

reuse or removal by the generator or licensed or franchised collector to a user or broker;

- D. Recyclable drop-off sites, subject to Section 819;
- E. Bus shelters, subject to Section 823;
- F. Signs, subject to Section 1010;
- G. Bike racks, pedestrian amenities, and transit amenities;
- H. Solar energy systems;
- I. Rainwater collection systems; and
- J. Electric vehicle charging stations.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

501.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Director may approve the following use, pursuant to Subsection 1305.02:

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835.

[Amended by Ord. ZDO-224, 5/31/11]

501.06 CONDITIONAL USES

- A. The Hearings Officer may approve conditional uses in the Neighborhood Commercial District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use:
 - 1. Shall be needed to serve primarily the convenience commercial needs of the neighborhood, considering accessibility of similar uses;
 - 2. Shall not substantially increase traffic through the neighborhood; and
 - 3. Shall not diminish the amenities of the neighborhood.
- B. Uses allowed subject to Subsection 501.06(A) are any uses identified in Subsection 502.03, which are not identified in Subsection 501.03.

[Amended by Ord. ZDO-224, 5/31/11]

501.07 PROHIBITED AND PREEXISTING USES

- A. Prohibited Uses: The following are prohibited uses in the Neighborhood Commercial District:
 - 1. Uses of structures and land not specifically allowed; and
 - 2. Dwellings, except when incidental to a primary use.
- B. Preexisting Uses:
 - 1. Except for dwellings, preexisting uses not otherwise allowed shall be considered nonconforming uses and shall be subject to Section 1206.
 - 2. Preexisting dwellings may be allowed to remodel or expand and shall not be subject to Section 1206.

[Amended by Ord. ZDO-224, 5/31/11]

501.08 SUBMITTAL REQUIREMENTS

- A. Information showing the request satisfies the criteria listed in Subsections 1203.01(B) through (E);
- B. A vicinity map, drawn to scale, showing the following:
 - 1. Uses and location of improvements on adjacent properties and properties across any private or public road;
 - 2. Location of all commercial uses within 2000 feet, identifying the uses; and
 - 3. Location of pedestrian and bicycle facilities;
- C. Site plan, drawn to scale, showing the following:
 - 1. Property dimensions and area of property;
 - 2. Roads adjacent to property identifying them by name and showing their width;
 - 3. Access to property;
 - 4. Location and size of existing and proposed improvements showing distance from property lines and distance between improvements;
 - 5. Location of existing and proposed parking; and

6. Location of existing and proposed pedestrian and bicycle facilities, including pedestrian rest and gathering areas; and

D. Building profiles.

[Amended by Ord. ZDO-224, 5/31/11]

501.09 DIMENSIONAL STANDARDS

A. Purpose: The dimensional standards are intended to:

1. Provide for the protection of adjacent properties and the surrounding neighborhood;
2. Establish the maximum limits of the development; and
3. Ensure that building scale is in character with the surrounding neighborhood.

B. Dimensional Standards:

1. Street Frontage: Street frontage requirements shall be the same as the requirements of the zoning district that existed on the property immediately prior to its designation as Neighborhood Commercial District.
2. Maximum Front Yard Setback: 20 feet for buildings at or near a transit stop along a major transit street, as set forth more specifically in Section 1005.
3. Minimum Lot Size:
 - a. Low Density Residential Areas: The minimum lot size allowed by the zoning designation of the property immediately prior to its designation as Neighborhood Commercial.
 - b. Medium and High Density Residential Areas: 7,260 square feet.
4. Maximum Lot Size: One acre, except as approved under Subsection 501.02(B)(3).
5. Maximum Lot Coverage: 50 percent.
6. Maximum Building Height: 35 feet.
7. Minimum Landscaping Area: 15 percent of the lot.

8. **Maximum Floor Area Per Use:** Individual uses shall not exceed 5,000 square feet of gross floor area.

- C. **Variances:** The requirements of Subsection 501.09(B) may be modified pursuant to Section 1102 when such modification is consistent with Section 1205. A proposed reduction that exceeds 20 percent of the requirement shall be processed as a separate variance application pursuant to Section 1205.

[Amended by Ord. ZDO-224, 5/31/11]

501.10 DEVELOPMENT STANDARDS

- A. **Compliance with Approved Plans:** Sites shall be developed in accordance with the site and development plan approved for the property at the time the zone change to Neighborhood Commercial was granted.
- B. **General:** Development is subject to the applicable provisions of Sections 1000 and 1100.
- C. **Community and Design Plans:** Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.
- D. **Signs:** Only projecting, building, or low freestanding or ground-mounted signs, graphics, or symbols shall be used.
- E. **Access and On-Site Circulation:** The location, design, and development of access and onsite circulation shall comply with the following:
1. Joint street access for adjacent commercial developments shall be required.
 2. Circulation facilities, architectural features, signing, and landscaping shall be designed to achieve pedestrian scale.
 3. Landscaping, crosswalks, street lighting or signaling, or similar improvements may be required to create safe and inviting places to cross streets.
 4. Onsite sidewalks and pedestrian spaces shall be separated from automobile and truck circulation, parking, and loading whenever possible.
- F. **Storage:** All primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.
- G. **Manufactured Dwelling Parks:** Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

501.11 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval Period: Approval of a zone change to Neighborhood Commercial District (NC) is valid for two years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two-year period, the approval shall be implemented, or the approval will become void and the zoning of the property will revert to its designation immediately prior to the zone change approval. "Implemented" means either:
1. A building permit for a structure to house a use allowed in the NC zoning district has been approved and has not expired; or
 2. An existing building on the site has been occupied by a use allowed in the NC zoning district, and site improvements have been approved and installed as necessary to satisfy the development standards of this Ordinance.
- B. Time Extension: If the approval of a zone change to NC is not implemented within the initial approval period established by Subsection 501.11(A), a two-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.

[Amended by Ord. ZDO-230, 9/26/11]