

Chapter 2.2 – Commercial (C) District

Sections:

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2.2.100 Purpose

The primary purpose of the Commercial District is to create standards that allow for a variety of commercial uses in the Commercial areas of the City of Boardman. This Chapter also creates three Sub Districts---Tourist Commercial, City Center and Service Center. The Tourist Commercial Sub District provides additional standards for the areas of the City adjacent to Interstate 84. The Service Center Sub District provides standards for commercial and light industrial uses located west of the City. The City Center Sub District provides additional standards to create a concentrated and centralized commercial center to serve as the “heart” of the community. The City Center Sub District is created as an optional Sub District that may apply to certain geographic areas within the Commercial District. This geographic area has been designated to form the “center” of Boardman’s commercial activities. This chapter provides standards for the orderly creation and expansion of the Commercial District by adherence to the following principles:

- Effective and efficient use of land and urban services;
- Direct commercial and retail development to a concentrated and localized area;
- Provide a mix of uses which provides a destination within the community and encourages walking over driving;
- Create connection with the balance of the community by directing connected transportation routes to commercial areas of the city;
- Provide for additional service employment opportunities.

2.2.110 Permitted Land Uses

- A. **Permitted Uses.** The land uses listed in Table 2.2.110.A are permitted in the Commercial District, subject to the provisions contained within this Chapter. Only land uses specifically listed in Table 2.2.110.A and those approved as “similar” uses are permitted. Land uses identified with a “CU” in the table will require a Conditional Use Permit approval prior to development or change in use, in accordance with Chapter 4.4 of this code

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures set in Chapter 4.8 – Interpretations.

Table 2.2.110.A Land Uses and Building Types Permitted in the Commercial District		
1. Residential* (CU) <i>Single-family</i> a. Single-family attached townhomes b. Two and Three family housing (duplex and triplex townhomes) c. Multi-family housing d. Residential care homes and facilities 2. Home occupations (CU) 3. Bed & breakfast inns (CU)	4. Public and Institutional *: a. Churches and other places of worship b. Clubs, lodges, similar uses c. Government offices and facilities (administration, public safety, utilities, and similar uses) d. Libraries, museums, community centers, concert halls and similar uses e. Public parking lots and garages f. Private utilities (office/administration) g. Public parks and recreational facilities h. Schools (public and private) (CU) i. Transportation Facilities and Improvements. 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	5. Accessory Uses and Structures* 6. Commercial: a. Auto-dependent and auto-oriented uses and facilities (Prohibited in City Center Sub District)* b. Entertainment (e.g., theaters, clubs, amusement uses) c. Hotels/motels d. Hospitals, medical and dental offices, clinics and laboratories e. Mixed use development (housing with other permitted use)* f. Office uses (i.e., those not otherwise listed) g. Family daycare (12 or fewer children) h. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses) i. Repair services (must be enclosed within building if located in City Center) j. Retail trade and services, except auto-dependent and auto-oriented uses k. Telecommunications equipment (including wireless) (CU) (Prohibited in City Center). l. Uses similar to those listed above (subject to CU requirements, if applicable) 7. Light Manufacture* (see 2.2.170 C)

Uses marked with an asterisk (*) are subject to the standards in Section 2.2.170 - Special Standards for Certain Uses. Uses marked with two asterisks (**) are subject to the standards in Section 4.4.400.D. Temporary uses are subject to the standards in Chapter 4.9. CUs are subject to Conditional Use permit standards in Chapter 4.4

2.2.120 Building Setbacks

In the Commercial District, buildings are placed to encourage pedestrian traffic. The setback standards are to encourage public spaces between sidewalks and buildings. The standards are also to encourage the formation of solid blocks of commercial and retail use to encourage a walkable commercial area.

Building setbacks are measured from the respective property line to the nearest vertical wall or foundation line, whichever is closer, of any building or structure. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed, apply to primary structures and accessory structures. The standards may be modified only by approval of a Variance, in accordance with Chapter 5.1.

A. Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required except to provide for vision clearance standards set in Chapter 3.1.
2. Maximum Setback. There is no required maximum setback except in the City Center Sub District, which has a 5-foot maximum setback. This standard is met for City Center Sub District development when 50 percent of the front building elevation is placed no more than 5 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also, Pedestrian Amenities Standards in Section 2.2.160, and Design Standards in Section 2.2.150 for related building entrance standards.)

B. Rear Yard Setbacks.

1. Minimum Setback. The minimum rear yard setback for all structures shall be zero (0) feet for street access lots, and eight (8) feet for alley-access lots (distance from nearest vertical wall or foundation line of any building to rear property line or alley easement) in order to provide space for parallel parking, unless to provide for vision clearance standards set in Chapter 3.1.
2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” will apply except to provide for vision clearance standards set in Chapter 3.1.

C. Side Yard Setbacks.

1. There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes for attached structures, fire walls and related requirements.

2.2.130 Lot Coverage

- A. Lot Coverage.** There is no maximum lot coverage requirement, except that compliance with other sections of the zoning codes may preclude full (100%) lot coverage for some land uses. Lot coverage in the Service Center and Tourist Commercial Sub District is limited to 85%.

2.2.140 Building Height

All buildings in the Commercial District shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings.

- A. Maximum Height.** Buildings shall be no more than four (4) stories or fifty (50) feet in height, whichever is greater. The maximum height may be increased by ten (10) feet when conditionally approved housing is provided above the ground floor. The building height increase for housing shall apply only to that portion of the building that contains housing. Maximum height in the Tourist Commercial and Service Center Sub Districts are limited to four (4) stories or thirty-five (35) feet in height.
- B. Method of Measurement.** Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either 2.2.140(B)(1 or 2), whichever yields a greater building height:
1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade;
 2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in subsection A is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag-poles, and similar features which are not for human occupancy. These features will be no more than 25 feet measured from the highest point of the building.

2.2.150 Design Standards

- A. Purpose and Applicability.** The Commercial District design standards are intended to provide similar and human scale design, while affording flexibility to use a variety of building styles. Conditional Use approval is required for those uses listed as a Conditional Use in Table 2.2.110.A. Residential development shall follow standards for residential development contained in Chapter 2.1. This section applies to all of the following types of buildings:
1. Commercial buildings intended for use as professional, retail or other similar uses and services;
 2. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public; and
 3. Mixed use buildings (buildings containing commercial and residential uses).
- B. Guidelines and Standards.** The purpose of these standards is to provide that all buildings are to contribute to the appeal of the Commercial District and Sub Districts.

1. Design of Buildings and Developments. The standards in the following section shall

apply to buildings and developments listed in Section 2.2.150. Buildings shall be appealing and compatible with balance of the Commercial District and Sub Districts.

- a) Buildings under 20,000 square feet (enclosed ground floor area) shall incorporate at least five(5) of the architectural features as follows:
 - i) Decorative cornice or facade (for a flat roof) or provision of eaves or other similar decorative feature for pitched roofs;
 - ii) Decorative display windows on ground floor;
 - iii) Entrance canopy, breezeway or kiosk;
 - iv) Changes in building color or texture;
 - v) Building articulation on street frontages;
 - vi) Decorative wall or security lighting;
 - vii) Regularly spaced and similarly shaped windows;
 - viii) Decorative window hoods or trim;
 - ix) Changes in building height along street frontages;
 - x) Decorative screening of roof mounted equipment;
- b) Buildings with greater than 20,000 square feet of enclosed ground floor space are considered “large scale buildings”.
 - i.) Measurement for these buildings shall be as follows:
 - a. Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
 - b. Multiple building developments with a combined ground floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public and institutional campuses, and similar developments).
 - ii.) Building and Site design for large scale buildings shall include at least two (2) of the following to provide human scale design:
 - a. Incorporating changes in building direction (i.e., articulation);
 - b. Dividing large masses into varying heights and sizes;
 - c. Include building offsets projections;
 - d. Changes in elevation or horizontal direction;
 - e. Sheltering roofs or terraces;
 - f. Providing a distinct pattern of divisions in surface materials;
 - g. Use of windows, screening trees; small scale lighting (e.g., wall mounted lighting, or up-lighting).
- c) Shipping Containers can be used in Commercial use zones as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.
 - i) As a structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.
 - ii) As a structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures.

2.2.160 Pedestrian Amenities

- A. **Purpose and Applicability.** This section is intended to provide comfortable and inviting pedestrian spaces within the Commercial District and Sub Districts. Pedestrian amenities serve as informal gathering places for socializing and resting and contribute to the enjoyment of the City's Commercial area. This section applies to all of the following types of buildings:
- 1) Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
 - 2) Three or more single family attached townhomes on their own lots (i.e., townhomes subject to Site Design Review);
 - 3) Duplex and tri-plex developments with more than one building (i.e., duplex and tri-plex developments subject to Site Design Review);
 - 4) Multi-family housing;
 - 5) Commercial and mixed-use buildings subject to Site Design review.
- B. **Guidelines and Standards.** Every commercial development listed above shall provide at least one of the following amenities listed below. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.
1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);
 2. A sitting space, dining area, benches or ledges between the building entrance and sidewalk at a minimum of 16 inches height and 30 inches width;
 3. Building canopy, awning, pergola or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space);
 4. Public art which incorporates seating (e.g., fountain, sculpture, etc.) or wall decoration.

2.2.170 Special Standards for Certain Uses

This section supplements the uses and standards contained in Sections 2.2.100 through 2.2.160. Conditional Use approval is required for those uses listed as Conditional Use in Table 2.2.110.A. It is to provide standards for the following land uses in order to control the scale and compatibility of those uses within the Commercial District:

- Bed and Breakfast Inns
- Accessory Uses and Structures
- Light Manufacturing Uses
- Auto Orientated Uses and Development

2.2.170 Special Standards for Certain Uses (continued)**1. Bed and Breakfast Inns**

1. Purpose. The purpose of this section is to provide standards for the development of a bed and breakfast inn.
 2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.
 3. Maximum size. The bed and breakfast structure is limited to a maximum of 3 bedrooms for guests and a maximum of 6 guests per night.
 4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility.
 5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.
 6. Owner-occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
 7. Monitoring. All bed and breakfast inns must maintain a guest logbook. It must include the names and home addresses of guests, guests' license plate numbers if travelling by motor vehicle, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.
- A. **Accessory Uses and Structures.** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Boardman Commercial District include small workshops, greenhouses, studios, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Boardman Commercial District, as identified in Table 2.2.110.A. Accessory structures shall comply with the following standards:
1. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 2.2.110.A.
 2. Setback standards. Accessory structures shall comply with the setback standards in Section 2.2.120.
 3. Design guidelines. Accessory structures shall comply with the Boardman Commercial District design guidelines, as provided in Section 2.2.150, and shall contribute to the visual relatedness of the district.
 4. Restrictions. A structure shall not be placed over or under an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

2.2.170 Special Standards for Certain Uses *(continued)*

5. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
- B. **Light Manufacture.** Light manufacturing uses shall conform to the standards listed in 2.2.170(D), which are intended to protect the pedestrian-friendly character of the Commercial District. “Light manufacture” means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods.
1. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use and does not exceed 60% of the gross floor area.
 2. Location. The light manufacture use shall be enclosed within a building, or shall be located within a rear yard not adjacent to a street and screened from public view.
 3. Other Requirements. Any allowed light manufacture shall be conducted to minimize impacts to surrounding business and services. These shall include the conditions set as follows:
 - a. Deliveries shall not interfere with normal transportation circulation (vehicular, pedestrian, etc.);
 - b. Operations shall not produce solid waste volumes in excess of 200% of the average of surrounding business’ and services;
 - c. Operations shall not qualify as a hazardous waste generator or small quantity generator as defined by state and federal environmental regulations;
 - d. Operations shall not create conditions which would qualify as a nuisance or otherwise not be in compliance under other Boardman Municipal Codes; and
 - e. Shall be compatible with other Commercial area activities and operations.
- C. **Automobile Dependent and Auto-Oriented Uses and Facilities.**
1. “Automobile-dependent use” means that the use serves automobiles and/or other motor vehicles and the use cannot function without them. These uses are prohibited in the City Center Sub District, permitted as a conditional use in the Commercial District and allowed outright in the Service Center and Tourist Commercial Sub Districts because when unrestricted, they detract from the pedestrian-friendly character of the District and can consume large amounts of land compared to other permitted uses.
 2. “Automobile-Orientated Uses” means that automobiles and/or other motor vehicles are an integral part of the use.
 3. Standards: Automobile-dependent and Automobile-oriented uses shall comply with the following standards:

2.2.170 Special Standards for Certain Uses *(continued)*

- a. Parking, Garages, and Driveways. All off-street parking, including surface lots and garages, shall be accessed from alleys or common driveways, placed underground, placed in structures above the ground floor, or in parking areas located behind or to the side of a building. All underground or structured parking garage entrances facing a street shall be recessed behind the front elevation by a minimum of six (6) feet and have minimum queuing areas of thirty (30) feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from a main street) when vehicle access can not be provided from an alley or a common driveway.
- b. Drive-up, drive-in, and drive-through facilities. Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, and similar uses) are permitted only when accessory to a primary commercial “walk-in” use, and shall conform to all of the standards listed below:
 - i The facility receives access from an alley or common driveway, and not a street;
 - ii None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, teller machines, service windows, drop boxes and similar facilities) are located within twenty (20) feet of a street and shall not be oriented to a street corner;
 - iii The facility is subordinate to a primary permitted use. “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building.

D. Variances.

The standards of this section may be modified by a Class B or C variance, as detailed in Chapter 5.

2.2.180 Tourist Commercial Sub District

- A. **Purpose.** The purpose of the Tourist Commercial Sub District is to accommodate development of commercial facilities catering to the traveling public at the I-84 interchange. Retail services shall be limited to that necessary to serve travelers, in order to avoid competition with the Commercial District; Service Center Sub District and City Center Sub District businesses. The base standards of the Commercial District apply, except as modified by the standards of this Sub District.

2.2.180 Tourist Commercial Sub District (continued)

Table 2.2.180 A Land Uses and Building Types Permitted in the Tourist Commercial Sub District		
1. Residential* (CU): <i>Single-family</i> a. Single-family attached townhomes b. Two and Three family housing (duplex and triplex townhomes) c. Multi-family housing d. Residential care homes and facilities 2. Home occupations (CU) 3. Bed & breakfast inns (CU)	4. Public and Institutional *: a. Churches and other places of worship b. Clubs, lodges, similar uses c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses) d. Libraries, museums, community centers, concert halls and similar uses e. Public parking lots and garages f. Private utilities (office/administration) g. Public parks and recreational facilities h. Schools (public and private) (CU) i. Transportation Facilities and Improvements. 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	5. Commercial: a. Auto-oriented and auto dependent uses and facilities, including truck stops* b. Vehicle sales and repair services, including automotive, truck, RV and boat; c. Veterinarian clinics, animal clinics, laboratory; d. Office uses e. Mixed-Use Development (housing and other permitted development) f. Motels Restaurants/Food service g. Medical Marijuana dispensary under Oregon Health Authority license *** (CU) h. Uses similar to those listed above 6. Industrial: a. Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail b. Machinery or heavy equipment sales and service

Uses marked with an asterisk (*) are subject to the standards in Section 2.2.180 - Special Standards for Certain Uses. Temporary uses are subject to the standards in Chapter 4.9. ** Uses marked with two asterisks are subject to the standards in Section 4.4.400.D. *** Uses subject to Section 4.4.400.E.

B. Special Standards [This section reserved for future use.]

2.2.190 City Center Sub District**A. Purpose and Applicability.**

The City Center Sub District provides design standards for detailed, human-scaled design, while affording flexibility to use a variety of architectural styles. The City Center Sub District may be applied by a property owner and the City to a site, which meets the following locational criteria:

- The site shall be located within the Commercial District;
- The site shall be located within a radius of ¼-mile of (but not necessarily adjacent to) Main Street;
- The site shall be adjacent to Kinkade Road, Dillabaugh Boulevard or City Center Drive.

In order for this Sub District to apply, the property owner and the City shall describe how the site meets the above locational criteria. The application for the Sub District to apply is a Type III, quasi-judicial land use application described in Chapter 4. If the Sub District were applied, the following development would adhere to the Sub District standards:

1. Public and institutional buildings, except that the standards shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
2. Commercial and mixed-use buildings subject to Site Design review.

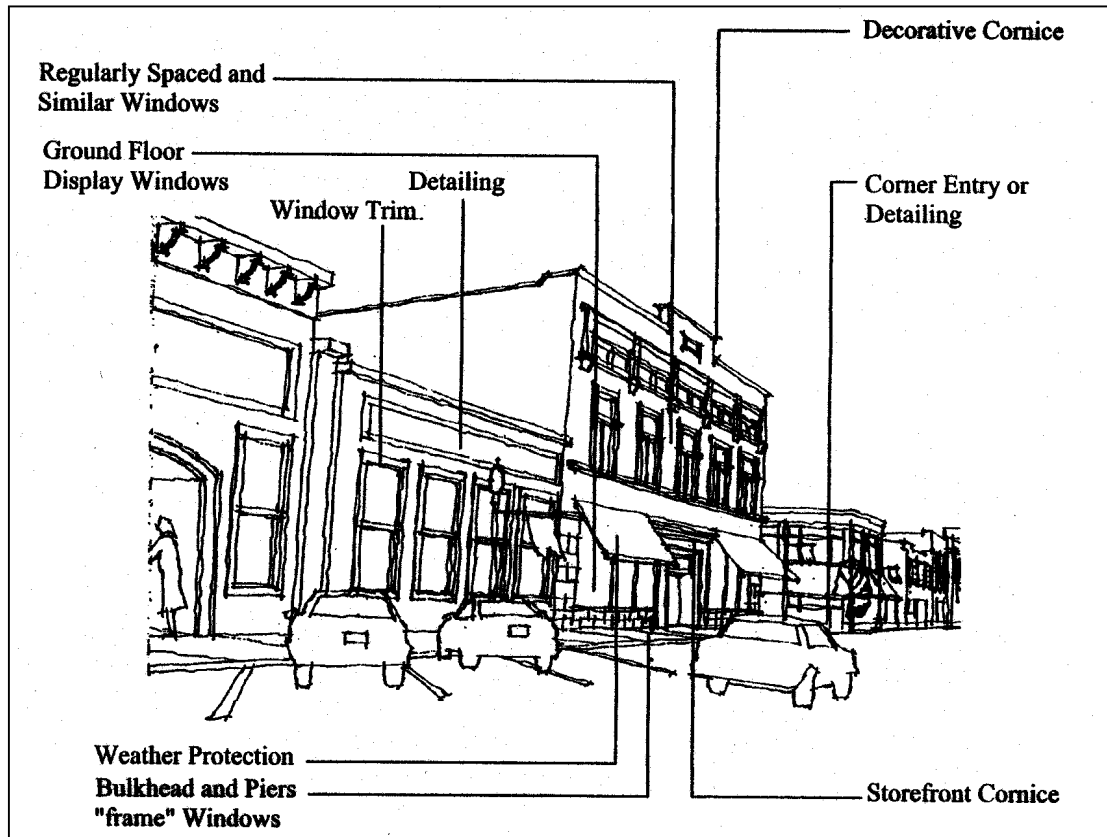
B. Design Standards.

All of the following standards in the following section shall be met.

C. Detailed Storefront Design.

All buildings shall contribute to the storefront character and visual relatedness of downtown buildings. This criterion is met by providing all of the following design features listed in 1-4, below, along front building elevations (i.e., facing a street).

1. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
2. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
3. Large display windows on the ground floor (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground floor from second story, as shown above).
4. Decorative cornice at top of building (flat roof) or eaves provided with pitched roof.

2.2.190 City Center Sub District. (continued)
Figure 2.2.190C – City Center Building Design Elements (Typical)


Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required design style.

2.2.190 City Center Sub District *(continued)*

E. Building Orientation. This section is intended to promote the walkable, storefront character of the City Center by placing buildings close to the street. Placing buildings close to the street slows traffic down and provides more “eyes on the street”, increasing the safety of public spaces. The standards, as listed on the following page and illustrated above, complement the maximum front yard setback standards in Section 2.2.120.

1. Applicability. This Section applies to new land divisions and all of the following types of development within the City Center Sub District:
 - a. Commercial and mixed-use buildings subject to site design review. (Chapter 4.2).
 - b. Public and institutional buildings subject to site design review. (Chapter 4.2) except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses).
 - c. Residential buildings subject to Site Design review shall comply with the Residential District design guidelines, as listed in Section 2.1.180, in addition to this section. Where conflicts occur, the more restrictive standard shall apply.

Compliance with all of the provisions of Sections 2.2.190.E.2-4, below, shall be required.

2. Building Orientation Standard. All of the developments listed in Section 2.2.190.E shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:
 - a. The minimum and maximum setback standards in Section 2.2.120 are met.
 - b. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
 - c. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street that is used to comply with subsection ‘2’, above. On corner lots, buildings and their entrances shall be oriented to the street corner, as shown above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.
3. Active Ground Floor Standard. The streetside portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward the passerby. Display windows for viewing the activity inside the building shall be provided.
4. Continuous Building Frontage. Buildings should be built to the property lines on either side so as to create a continuous line of storefronts. Access may be provided to the rear parking areas of the shops, offices etc. by an internal walkway.

2.2.190 City Center Sub District. (continued)

- E. **Residential Uses.** Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the following standards which are intended to require mixed-use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with the balance of the City Center Sub District; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses that existed prior to the effective date of this code are exempt from this section.
1. **Mixed-Use Development.** Residential uses may be permitted when part of a mixed-use development (residential with commercial or public/institutional use). Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed, subject to the standards in 2.2.190(A)(2-6).
 2. **Limitation on street-level housing.** Ground floor street frontage will be limited to upper floor residential access only. This standard is intended to reserve commercial space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories.
 3. **Density.** There is no minimum or maximum residential density standard. Density shall be controlled by building design, fire/life/safety design, the applicable lot coverage, floor area, building height standards and off-street parking requirements.
 4. **Parking, Garages, and Driveways.** All off-street vehicle parking, including surface lots and garages, shall be oriented for reasonable access. Parking may be placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of six (6) feet and have minimum queuing areas of thirty (30) feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from a main street).
 5. **Creation of Alleys.** When a subdivision (e.g., four or more townhome lots) is proposed, a public or private alley may be created for the purpose of vehicle access. Alleys are not required when existing development patterns make construction of an alley impractical. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with Chapter 3.1 – Access and Circulation.
 6. **Common Areas.** All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

2.2.190 City Center Sub District. (continued)

- F. **Sidewalk Displays.** Sidewalk display of merchandise and vendors shall be limited to stationary, crafts, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to the public. A minimum clearance of five (5) feet shall be maintained. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, or similar items are prohibited.

2.2.200 Service Center Sub District

- A. **Purpose.** The Service Center Sub District is designed to accommodate heavy commercial uses and light industrial uses along portions of the I-84 corridor. The base standards of the Commercial District apply, except as modified by the standards of this Sub District.
- B. **Uses Permitted.** The land uses listed in Table 2.2.200B are permitted in the Service Center Sub District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.2.200B and land uses that are approved as “similar” to those in Table 2.2.200B, may be permitted. The land uses identified with a “CU” in Table 2.2.200B require Conditional use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

2.2.200 Service Center Sub District (continued)

Table 2.2.200B Land Uses and Building Types Permitted in the Service Center Sub District		
1. Residential: a. One caretaker unit shall be permitted for each development, subject to the standard in Section 2.2.200D. b. RV Parks (CU) 2. Public and Institutional: a. Government facilities (e.g. public safety, utilities, school district bus facilities, public works yards, transit and transportation and similar facilities) where the public is generally not received. b. Private utilities (e.g. natural gas, electricity, telephone, cable and similar facilities) c. Water supply and treatment facility (CU) d. Sewage disposal and treatment facility (CU)	e. Transportation Facilities and Improvements. 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 3. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	4. Commercial: a. Retail store, office or service establishment b. Commercial / industrial full service trucking and automotive facilities, to include automobile service stations and vehicle refueling. c. Commercial residential use, to include tourist or travelers' accommodations. d. Commercial amusement or recreation establishment. Medical Marijuana dispensary, Medical Marijuana Grow Facility (not on same parcel) *** (CU) 5. Industrial: a. Manufacturing or warehousing. 5. Agricultural: a. Farming excluding commercial livestock feedlot, livestock sales yard hog farms and mink farms. b. Agriculturally-oriented commercial use.(CU) c. Medical Marijuana Grow Facility *** (CU) 6. Services: a. Kennel or animal hospital. 5. Wireless Communication Equipment - subject to the standards in Chapter 3.6.200.

Uses marked with an asterisk (*) are subject to the standards in Section 2.2.180 - Special Standards for Certain Uses. Temporary uses are subject to the standards in Chapter 4.9. ** Uses marked with two asterisks are subject to the standards in Section 4.4.400.D. *** Uses subject to Section 4.4.400.E.

2.2.200 Service Center Sub District *(continued)***B. Other Yard Requirements.**

1. Buffering. The City may require landscaping, walls or other buffering in setback yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.
2. Neighborhood Access. Construction of pathway(s) within setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

C. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

2.2.200 Service Center Sub District *(continued)*

- C. **Residential Caretakers.** One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:
1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with City engineering requirements.
 2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.
- D. **Wireless communication equipment.** Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter 3.6.200. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Commercial District.

2.2.210 - BPA Transmission Easement Sub District

- A. **Purpose:** The purpose of this sub district is to identify the limitations, opportunities and process to be followed on properties, within the Commercial District, directly affected by the Three Hundred Ninety foot (390') wide Bonneville Power Administration (BPA) Transmission Line Easement. The language contained within this section is to identify flexibility in possible uses of the land under the BPA transmission lines, within the land use agreements stipulated by the BPA for the easement. All uses within the easement shall be approved by agreement with BPA prior to approval for development by the City.
- B. **Building Restrictions:** No permanent structures will be allowed within the easement area. However, buildings may go on the portions of the property outside of the easement as part of the overall development which may include land within the easement.
- C. **Height Restrictions:** No foliage or other item will be allowed to exceed twelve feet (12') in height.
- D. **Utility and Transportation Infrastructure:** Utility and transportation infrastructure shall be allowed within guidelines approved by the BPA in writing. This includes, streets, electrical, water, sewer, telephone, gas, TV, and other essential services infrastructure to provide for any allowed commercial activities.
- E. **Transmission Line Tower Setbacks:** The minimum setback from any transmission line tower shall be fifty feet (50') for all activities. Towers shall be protected from any traffic or other possible disturbance to the structural integrity of the towers.

2.2.210 - BPA Transmission Easement Sub District (continued)

F. Allowable Uses: The uses identified in 2.2.210 (F) (1-13) shall be considered for approval under a Conditional Use Permit process, as identified in Boardman Development Code Chapter 4.4. All submission requirements of Chapter 4.4 will be reviewed and will be forwarded, by the applicant, to the BPA for an approved and signed Land Use Agreement prior to any Conditional Use Hearing by the Planning Commission.

1. Single family townhomes
2. Residential duplexes or triplexes
3. Multi-family apartments
4. Residential Caretaker Unit
5. Parking lot
6. Vehicle storage
7. Vehicle sales lot
8. Vineyard operation, with retail/wholesale component*
9. Garden center/Nursery, with retail/wholesale component*
10. Mobile vendor station lease space
11. Retail sales operations with an outdoor component which are compatible with surrounding neighborhood.
12. Utility infrastructure including water lines, sewer lines, stormwater management, electrical service lines, gas lines, television cable, telephone lines, communications lines, transportation routes, and other necessary infrastructure to service the sub district.
13. Other uses considered compatible by the Boardman Planning Commission through Conditional Use Permitting process.

* = Structures necessary for retail/wholesale offices, storage, etc. must be located outside of BPA easement.

G. Safety Precautions:

1. Vehicular activities where vehicles are stored or parked for periods over two (2) hours shall have grounding mechanisms to prevent static electricity build up to prevent shock hazards.
2. Utility facilities shall be protected from shock hazards associated with static electricity discharge.
3. No combustible materials shall be stored within the easement unless approved in the Land Use Agreement from BPA.

H. Driveways and Parking Areas: Driveways and parking areas may be compacted and maintained gravel if approved by the BPA and Boardman Planning Commission to meet safety requirements in the BPA Land Use Agreement. Driveway approaches and all areas abutting a public street shall be hard surface to prevent gravel encroachment onto the street.

I. Residential Caretakers: One residential caretaker unit may be permitted for each primary commercial use, subject to the following conditions.

1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with City engineering requirements.

2.2.210 - BPA Transmission Easement Sub District (*continued*)

2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter (chapter 2.2) and sub district.
3. Other conditions identified by the Bonneville Power Administration or the Boardman Planning Commission:

J. Yard Requirements:

1. Buffering; The City may require landscaping, walls, or other buffering in setbacks areas to mitigate adverse noise, light, glare and aesthetic impacts to adjacent properties.
2. Neighborhood Access; Construction of pathway(s) within setbacks may be required to provide pedestrian connection to neighborhoods or other districts, in accordance with Chapter 3.1 of this Code and requirements of the Bonneville Power Administration.
3. Building and Fire Codes; All developments shall meet applicable fire, building and Bonneville Power Administration code standards, which may require setback different from those listed above.