

CHAPTER 39 - USE CATEGORIES

TDC 39.115 - Use Definitions.

[...]

Battery Electric Vehicle Showroom. Means an establishment engaged in the sale or lease of new vehicles designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack. Showrooms do not include exterior vehicle storage or activities related to vehicle repair and servicing.

Health or Fitness Facility. A facility designed to accommodate indoor or outdoor activities such as racquetball courts, pickleball courts, tennis courts, gymnasiums, weight lifting rooms and other exercise areas, swimming pools and similar uses.

[...]

TDC 39.320. - Durable Goods Sales.

- (1) *Characteristics.* Durable Goods Sales are the sale, rental, or lease of new and used goods having extended utility. Durable Goods Sales may require extensive indoor and/or outdoor display areas.
- (2) *Examples of Uses.*
 - Retail sale of home improvement materials and supplies, including but not limited to: interior/exterior building and construction materials, electrical supplies, plumbing supplies and fixtures, lawn and landscaping equipment, floor coverings, home décor, indoor/outdoor household appliances, paint and painting supplies, and tools and hardware.
 - Retail sale of furniture and large appliances.
 - New and used sales of motorcycles, boats, recreational vehicles, or trailers.
 - Retail nurseries or greenhouses.
 - Battery electric vehicle showroom (as defined in TDC 39.115) and automobile leasing office.
- (3) *Exceptions.*
 - Sales of building and landscaping materials primarily sold to contractors is classified as Wholesale Sales.
 - Sales, leasing, or rental of industrial, farm, or construction equipment is classified as Wholesale Sales.
 - Sales of bicycles are classified as Retail Sales and Service.
 - Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.350. - Quick Vehicle Servicing.

- (1) *Characteristics.* Quick Vehicle Servicing provides direct services for motor vehicles at a drive-through facility, which may include a mini-mart in certain zones, where the service is performed and where the driver generally waits for the service to be performed.
- (2) *Examples of Uses.*
 - Automobile Service Station (as defined in TDC 39.115).
 - Non-Retail Cardlock Fueling Station (as defined in TDC 39.115).
 - Car washes.

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- Quick lubrication services.
- Department of Environmental Quality vehicle emission test sites.

(3) *Exceptions.*

- Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept are accessory to the primary use.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.365 - Vehicle Repair.

(1) *Characteristics.* Vehicle Repair provides vehicle repair and servicing to passenger vehicles, light and medium trucks, motorcycles, boats, recreational vehicles, and other consumer motor vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

(2) *Examples of Uses.*

- Alignment shop.
- Auto body and/or paint shop.
- Auto detailing.
- Auto upholstery shop.
- Tire sales and mounting.
- Transmission or muffler shop.
- Vehicle repair.

(3) *Exceptions.*

- Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage are classified as Light Manufacturing.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.430. - Vehicle Storage.

(1) *Characteristics.* Vehicle Storage are storage facilities for vehicles including automobiles, boats, buses, recreational vehicles, and trailers.

(2) *Examples of Uses.*

- Vehicle impoundment yards.
- Vehicle fleet storage and maintenance facilities.
- Towing and vehicle storage operations.
- School bus yards.
- Recreational vehicle storage.
- Transit vehicle storage and maintenance yards.

(3) *Exceptions.*

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- Auto wrecking yards are not permitted in any zones.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, ~~are~~ is not permitted in any zones.

CHAPTER 53 CENTRAL COMMERCIAL ZONE (CC)

[...]

TDC 53.200. Use Categories.

- (1) *Use Categories.* Table 53-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CC zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 53-1 and restrictions identified in TDC 53.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 53-1
Use Categories in the CC Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; • Private meeting hall, club or lodge hall, or fraternal organizations; and • Health studio.
Commercial Parking	P	—
Durable Goods Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Furniture store, including antiques and second-hand furniture; and • Appliance store, subject to TDC 53.210(12); and • <u>Retail sales of home improvement materials and supplies, subject to TDC 53.210(3).</u>
Eating and Drinking Establishments	P	Some restrictions in the Central Tualatin Overlay Zone see TDC Chapter 58.
Medical Office	P	—
Office	P	—
Retail Sales and Services	P/C	Conditional use permit required for veterinary clinic. Memorial Planning and Products Center (as defined in TDC 39.115) not permitted. All other uses permitted outright. All uses subject to TDC 53.210(4).
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C	—
Colleges, Universities and Private Career Schools	P/C (L)	Permitted uses limited to business college. All other use are conditional uses.

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Community Services	P	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations and pressure reading stations. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Parks and Open Space	P	—
Public Safety Facilities	P/C (L)	Conditional uses limited to publicly- and privately-operated ambulance facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facilities	P(L)	Permitted uses limited to: <ul style="list-style-type: none"> • Wireless Communication Facility Attached; and • Wireless Communication Facility, located within 300 feet of the centerline of I-5.

TDC 53.210. Additional Limitations on Uses.

[...]

- (3) Retail Sales of Home Improvement Materials and Supplies. The retail sales of home improvement materials and supplies must not be greater than 65,000 square feet of gross floor area per building or tenant. Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)–(c), below:
- (a) ~~Outside storage or sales requires a conditional use permit.~~
 - (b) ~~Outdoor sales, as defined in TDC 31.060 and as provided for in TDC 34.011, are permitted as a temporary use.~~
 - (c) ~~Portable collection facilities as an accessory use require a conditional use permit, and are subject to the following standards:~~
 - (i) ~~The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;~~
 - (ii) ~~If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;~~
 - (iii) ~~Items must not be stored outside the facility, except for temporary storage of oversized goods;~~
 - (iv) ~~Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and~~
 - (v) ~~Adequate receptacle must be provided for items dropped off during times the facility is not attended.~~
- (4) Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)–(b), below.

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- (a) Temporary Uses. Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.
 - (b) Conditional Uses.
 - (i) Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:
 - (A) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
 - (B) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
 - (C) The outdoor area must abut a wall of the store.
 - (D) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
 - (E) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.
 - (ii) Portable collection facilities, as an accessory use, require a conditional use permit and are subject to the following standards:
 - (A) The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;
 - (B) If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;
 - (C) Items must not be stored outside the facility, except for temporary storage of oversized goods;
 - (D) Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and
 - (E) Adequate receptacle must be provided for items dropped off during times the facility is not attended.
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CHAPTER 54 - GENERAL COMMERCIAL ZONE (CG)

TDC 54.100. Purpose.

The purpose of this district is to provide areas in the City that are suitable for the widest range of commercial uses and retail businesses. This district is particularly suitable for automobile-related businesses and businesses needing direct freeway access.

TDC 54.200. Use Categories.

- (1) *Use Categories.* Table 54-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 54-1 and restrictions identified in TDC 54.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 54-1
Use Categories in the CG District**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home, subject to ORS 329A.440.
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; and • Health studio or fitness facility, outdoor uses limited subject to TDC 54.220(2). Conditional uses limited to: <ul style="list-style-type: none"> • Family recreation center, as defined in TDC 31.060; and • Private meeting hall, club or lodge hall, or fraternal organizations.
Commercial Parking	P	—
Durable Goods Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Furniture store, including antiques and second-hand furniture; • Appliance store, subject to TDC 54.210(2); • Home improvement store, subject to TDC 54.210(3) and TDC 54.220(34); • Auto leasing office, subject to TDC 54.210(4) and TDC 54.220(34); and • Boat, boat motor and boat trailer sales subject to TDC 54.210(5) and TDC 54.220(34). All uses subject to TDC 54.210(1).

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Eating and Drinking Establishments	P	—
Medical Office	P	—
Office	P	—
Other Educational and Vocational Services	P	—
Quick Vehicle Servicing	P (L)	Permitted uses limited to Automobile Service Stations subject to TDC 54.210(6).
Retail Sales and Services	P/C (L)	Conditional use permit required for outdoor pet activity area associated with Pet Day Care, subject to subject to TDC 54.220(34). Pet Day Care without outdoor activity area is permitted outright. Mortuary not permitted. All other retail sales and service uses permitted outright. All uses subject to TDC 54.210(1).
Vehicle Repair	P	—
INDUSTRIAL USE CATEGORIES		
Light Manufacturing	P (L)	Permitted uses limited to: Optical lens grinder; and Testing laboratory.
Vehicle Storage	P (L)	Permitted uses limited to automobile towing company office and dispatch office, subject to TDC 54.220(34).
Warehouse and Freight Movement	P (L)	Permitted uses limited to frozen food locker.
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C (L)	Conditional uses limited to: • Auditoriums, exhibition halls, or rooms for public assembly; • Churches, synagogues, mosques, temples or other places of worship; and • Theaters.
Colleges, Universities, and Private Career Schools	P/C	Permitted uses limited to a private career school. All other uses require conditional use permit.
Community Services	P	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations, pressure reading stations. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Parks and Open Space	P (L)	Golf courses and country clubs prohibited. All other uses permitted outright.
Public Safety Facilities	P/C (L)	Conditional uses limited to: • Fire stations; and • Publicly- and privately-operated ambulance

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		facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facility	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Wireless Communication Facility, if located within 300 feet of the centerline of Interstate 5; and • Wireless Communication Facility Attached. <p>Conditional uses limited to Wireless Communication Facility. Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.</p>

[...]

TDC 54.220. Outdoor Uses.

All uses must be conducted wholly within a completely enclosed building, except as provided by this section.

- (1) *Permitted Uses.* Off-street parking and loading, outdoor play areas of child day care centers as required by state day care certification standards, Basic Utilities, Wireless Communication Facilities, and nursery or greenhouse uses are permitted outright as outdoor uses.
- (2) *Limited Uses.* Health and Fitness Facility uses that include outdoor activities are limited and subject to additional standards.
 - (a) The subject lot is not within 500 feet of a residential planning district.
 - (b) The outdoor area must:
 - (i) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure; and
 - (ii) Outdoor activities must not occur between the hours of 10:00 pm and 7:00 am.
- (~~23~~) *Temporary Uses.* Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.
- (~~34~~) *Conditional Uses.* ~~Any outdoor storage, display, and sales use requires a conditional use permit.~~ The following specific outdoor uses require a conditional use permit and are subject to additional standards.
 - (a) Outdoor Storage, Display, and Sales.
 - (i) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
 - (ii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
 - (iii) The outdoor area must abut a wall of the store.
 - (iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
 - (v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

[...]

CHAPTER 57 MIXED USE COMMERCIAL ZONE (MUC)

TDC 57.010. Purpose.

The purpose of this district is to provide areas of the City that are suitable for a mix of office, retail commercial, and high-density housing. Retail uses should be located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented toward the street with clearly marked entrances. The use of alternative modes of transportation such as transit, pedestrian, and bicycle activity are to be promoted within the district.

TDC 57.200. Use Categories.

- (1) *Use Categories.* Table 57-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MUC. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 57-1 and restrictions identified in TDC 57.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

**Table 57-1
Use Categories in the MUC**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 57.220
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P	—
Commercial Parking	P	—
Durable Goods Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Retail sale of furniture and large appliances, pursuant to TDC 57.210; and • <u>Battery electric vehicle showroom, subject to TDC 57.210.</u> Conditional uses limited to: <ul style="list-style-type: none"> • Outdoor sales subject to TDC 57.210.
Eating and Drinking Establishments	P	P
Medical Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Other Educational and Vocational Servicing	P	—
Quick Vehicle Servicing	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> • Automobile service station subject to TDC 57.210.

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Retail Sales and Services	P/C (L)	Pet day care without outdoor activity area is permitted outright. Mortuary not permitted. Conditional uses limited to: • Outdoor sales subject to TDC 57.210. All other retail sales and service uses permitted outright.
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C (L)	Conditional uses limited to: • Religious institutions or major event entertainment.
Colleges, Universities, and Private Career Schools	C	—
Community Services	P	—
Medical Centers	C	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES CATEGORIES		
Basic Utilities	P (L)	Permitted uses limited to: • Sewer and water pump stations; • Pressure reading stations.
Greenways and Natural Areas	P	P
Parks and Open Space	P (L)	Golf courses and country clubs prohibited. All other uses permitted outright.
Public Safety Facilities	P/C (L)	Conditional uses limited to: • Fire stations; and publicly- and privately-operated ambulance facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facility	P (L)	Permitted uses limited to: • Wireless communication facility attached.

TDC 57.210. Additional Limitations on Uses.

- (1) *Durable Goods Sales.* Uses are limited to the retail sale of furniture and large appliances and battery electric vehicle showroom subject to the following standards:
- (a) Retail sale of furniture and large appliances. ~~The building footprint is less than 60,000 square feet of gross floor area.~~
- (i) The building footprint is less than 60,000 square feet of gross floor area.
- (ii) Incidental repair of appliances is permitted as an accessory use.
- (b) Battery Electric Vehicle Showroom. ~~Incidental repair of appliances is permitted as an accessory use.~~
- (i) The gross floor area must not exceed 10,000 square feet and the showroom must not exceed 7,500 square feet;
- (ii) Must contain all sales inventory, materials, equipment, and up to four vehicles for test drives inside a building.

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CHAPTER 80 – CANNABIS FACILITIES

[...]

TDC 80.070. Cannabis Facility Operating Restrictions.

- (1) Retail sales and medical dispensary Cannabis facilities are restricted to the following operating hours:
 - (a) The hours of operation that a retail sales Cannabis facility may be open to the public is between ~~7~~10:00 a.m. and ~~10~~8:00 p.m. of the same day.
 - (b) The hours of operation that a medical dispensary Cannabis facility may be open to registry identification cardholders is between ~~7~~10:00 a.m. and ~~10~~8:00 p.m. of the same day.
- (2) All Cannabis facilities must comply with the following operating restrictions:
 - (a) Comply with the restrictions on edible Cannabis as provided in TDC 80.100;
 - (b) All Cannabis odors and other objectionable odors must be confined to levels undetectable at the property line;
 - (c) Primary entrances must be located on street-facing facades and clearly visible from a public or private street; and
 - (d) Outdoor storage of merchandise, plants, or other materials is prohibited.

[...]