

# SECTION 3.0200

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## **3.0201 PURPOSE**

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This section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to land use districts. The decision to allow or prohibit the use categories in the various districts may be found in the land use tables in **Article 4**.

## HOW TO USE THE CLASSIFICATION SYSTEM

### 3.0203 GENERAL

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Uses are assigned to the category whose description most closely describes the nature of the primary use. These descriptions are based upon characteristics of a use, example uses, accessory uses, and exceptions to the use.

**Characteristics.** Characteristics describe the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors.

**Example uses.** Example uses include some examples of uses that are in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “Wholesale Liquidation” but that sells mostly to consumers would be included in the Business and Retail Service and Trade category rather than the Wholesale Trade category. This is because the actual activity on the site matches the description of the Business and Retail Service and Trade category.

**Accessory uses.** Accessory uses are allowed by right in conjunction within the use category unless stated otherwise. They are subject to the same regulations as the primary use unless stated otherwise. Common accessory uses are listed as examples with the categories.

**Exceptions.** Exceptions are uses that are similar to the other example uses in the use category but are not considered part of the use category. These uses may be primary uses in other categories, accessory uses in other categories, or not regulated by the Code.

### 3.0204 CLASSIFYING A USE

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The following items are considered in determining what use category a use is in, and whether the activities constitute primary uses or accessory uses:

- A. The description of the activity(ies) in relationship to the characteristics of each use category;
- B. The relative amount of site or floor space and equipment devoted to the activity;
- C. Relative amounts of sales from each activity;
- D. The customer type for each activity, including frequency and number of customers;
- E. The relative number of employees in each activity;
- F. Hours of operation;
- G. Building and site arrangement;
- H. Vehicles used with the activity;
- I. The relative number of vehicle trips generated by the activity;
- J. Signs;
- K. How the use advertises itself; and
- L. Whether the activity would be likely to be found independent of the other activities on the site.

### **3.0205 MULTIPLE PRIMARY USES**

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When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a café would be classified in the Business and Retail Service and Trade category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

### **3.0206 DETERMINATION OF SIMILAR USE**

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The purpose of the Determination of Similar Use procedure is to provide a process by which a proposed use is classified. This process is not needed when the comparison is obvious and the decision is nondiscretionary. For example, it is clear that a yarn shop is similar to a gift store, an example of a Business and Service Retail and Trade.

A determination may be relied upon for future determinations where circumstances are similar, but it does not necessarily set precedent for subsequent determinations.

An application for a Determination of Similar Use shall follow the Type II procedure per **Section 11.0400**, including the opportunity for an appeal. It may be applied for separately or concurrent to another development application, such as a Design Review. A determination of similar use is not binding upon the Hearings Officer, Design Commission, Planning Commission or City Council.

**A.** Application. The following shall be provided by the applicant:

- 1.** The applicant may submit an assumed set of hypothetical facts that can be used to inform the application. Any Determination of Similar Use decision that utilizes an assumed set of hypothetical facts will not determine the truth or falsity of such facts and such facts shall not be subject to any substantial evidence in the record determination. Factual determinations will not be made in a Determination of Similar Use. Such factual determinations are left to any later proceedings where a specific application is made for a development permit or application.
- 2.** The applicant shall submit any additional materials as requested by the Manager for the application.

**B.** Criteria for a Determination of Similar Use. The criteria for a Determination of Similar Use are:

- 1.** The Determination is consistent with the context of the Gresham Community Development Plan, Volume 2, including, particularly, the land use district in which the use is proposed.
- 2.** The proposed use is of the same general type and is similar to other allowed uses in a subcategory. This may be determined by looking at the characteristics and example uses within the land use classifications found in **Section 3.0200**.
- 3.** The Determination is consistent with the text of applicable Gresham Community Development Code provisions.
- 4.** The proposed use is consistent with the stated purpose of the land use district in which it is proposed, if available.

**C.** In instances where a development can meet the definition of more than one use (such as a single detached dwelling unit with an accessory dwelling or a duplex), the applicant shall specify at the time of application review which classification the proposal is for.

## RESIDENTIAL CLASSIFICATIONS

### 3.0211 SINGLE DETACHED DWELLING

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- A. Characteristics. A Single Detached Dwelling is characterized by the residential occupancy of a detached dwelling unit located on its own lot.
- B. Example Uses. Stick built houses and manufactured homes.
- C. Accessory Uses. Registered Family Child Care and Certified Family Child Care facilities operated by the resident of the home.

Accessory uses subject to additional regulations include accessory structures, accessory dwellings, ancillary dwellings, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

- D. Exceptions.
  - 1. A single dwelling structure that is used solely for a business.
  - 2. A live-work unit.
  - 3. Manufactured dwelling in a Manufactured Dwelling Park.
  - 4. Middle housing units that have been divided onto individual lots through a Middle Housing Land Division.

### 3.0212 DUPLEX

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- A. Characteristics. A Duplex is characterized by the residential occupancy of two residential units that are on a single lot. Duplex units sharing a parent parcel may be on individual Middle Housing Lots. The units may or may not share a common wall, floor or ceiling.
- B. Example Uses. Two dwelling units in one building, two one-unit buildings on the same lot.
- C. Accessory Uses. Registered Family Child Care and Certified Family Child Care facilities operated by the resident of the home.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

- D. Exceptions.
  - 1. A duplex dwelling structure in which both units are used solely for a business.
  - 2. A live-work unit.

### 3.0213 TRIPLEX

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- A. Characteristics. A Triplex is characterized by the residential occupancy of three residential units. Triplex units sharing a parent parcel may be on individual Middle Housing Lots. The dwellings may or may not share a common wall, floor or ceiling.
- B. Example Uses. Three units in one building, a one-unit building and a two-unit building on the same lot, three one-unit buildings on a lot.
- C. Accessory Uses. Registered Family Child Care and Certified Family Child Care facilities operated by the resident of the home.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

- D. Exceptions.
  - 1. A triplex structure in which any units are used solely for a business.
  - 2. Live-work units.
  - 3. A cottage cluster.
  - 4. Multi-family dwellings.

### **3.0214 QUADPLEX**

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- A. Characteristics. A Quadplex is characterized by the residential occupancy of four residential units that are on a single lot. Quadplex units sharing a parent parcel may be on individual Middle Housing Lots. The units may or may not share a common wall, floor, or ceiling.
- B. Example Uses. Four dwelling in one building, four one-unit buildings on the same lot, a one-unit dwelling and a three-unit dwelling on the same lot, two two-unit buildings on the same lot.
- C. Accessory Uses. Registered Family Child Care and Certified Family Child Care facilities operated by the resident of the home.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

- D. Exceptions.
  - 1. A quadplex structure in which any units are used solely for a business.
  - 2. Live-work units.
  - 3. A cottage cluster.
  - 4. Multi-family dwellings.

### **3.0215 TOWNHOUSE**

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- A. Characteristics. Townhouses are dwelling units located on their own lots that share one or more common walls with one or more other units. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. A townhouse does not share common floors/ceilings with another primary dwelling unit. Construction is usually two to three stories.
- B. Example Uses. Rowhouses, common-wall homes.
- C. Accessory Uses. Registered Family Child Care and Certified Family Child Care facilities operated by the resident of the home.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

- D. Exceptions.
  - 1. A live-work unit.
  - 2. Multi-family dwellings.

### **3.0216 COTTAGE CLUSTERS**

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- A. Characteristics.** A grouping of Cottages (homes with small footprints), located on a single lot or parcel arranged around common area. Cottages sharing a parent parcel may be on individual Middle Housing Lots. Small accessory buildings may be part of the development.
- B. Example Uses.** Garden court, cluster housing, cottage housing, bungalow court, cottage court, or pocket neighborhood.
- C. Accessory Uses.** Registered Family Child Care and Certified Family Child Care facilities operated by the resident of the home.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

- D. Exceptions.**
  - 1. A Cottage Cluster in which any units are used solely for a business.
  - 2. Live-work units.
  - 3. Triplexes.
  - 4. Quadplexes.
  - 5. Multi-family dwellings.

### **3.0217 MULTI-FAMILY/SHARED HOUSING FACILITIES**

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- A. Characteristics.** Multiple dwelling units on a single lot usually, though not exclusively in a multi-family structure that share a common wall, floor or ceiling with another dwelling unit within a residential building on a single lot, or as permitted by the district, within a mixed-use building on a single lot. Dwelling units may have unique kitchen and bathing facilities or, in the case of some shared housing facilities, may share these facilities with other units.

Shared housing facilities are subject to the same standards that apply to multi-family housing, unless otherwise specified in this Code.

- B. Example Uses.** Multi-family, including apartments, condominiums, townhouse style multi-family, shared housing facilities, such as dormitories, and any of the following with more than eight (8) bedrooms: dwelling units, single room occupancies, shelters, and transitional housing.
  - C. Accessory Uses.** Registered Family Child Care operated by the resident of a dwelling unit. Certified Child Care Centers. On-site management office. Accessory uses that may be used in common by all residents include solid waste and recycling areas, open spaces, recreational areas, common rooms, and playgrounds.
- Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

- D. Exceptions.**
  - 1. A live-work unit.
  - 2. Triplexes.
  - 3. Quadplexes.

- 4. Townhouses.
- 5. Cottage Clusters.

### **3.0218 ELDERLY HOUSING**

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**A. Characteristics.** Elderly housing provides housing for individuals 55 years old or older, or for two-person households where at least one of the household members is 55 years old or older. Elderly housing shall qualify as housing exempt from the prohibition against discrimination based on familial status as set forth in the Fair Housing Act and the rules and regulations of the US Department of Housing and Urban Development, as set forth in 24 C.F.R. Chapter 1, Part 100, Sections 302-304.

Elderly housing must include a commercial kitchen and provide meal services to residents. Retirement housing that is designed for independent living, where each unit has a full kitchen and bath, or that has a shared kitchen but does not provide meal services, is not considered “elderly housing”. Such uses shall be classified under the type of housing that they occupy, such as multi-family housing or manufactured dwelling park.

**B. Example Uses.** Assisted living housing, congregate housing, continuing care retirement communities, immediate care facilities, and skilled nursing facilities.

**C. Accessory Uses.** On-site management office. Accessory uses that may be used in common by all residents include dining and food preparation facilities, solid waste and recycling areas, open spaces, recreational areas, common rooms, personal care services and minor medical services for residents.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

**D. Exceptions.**

- 1. Residential Home.
- 2. Residential Facility.
- 3. Single Room Occupancy.

### **3.0219 MANUFACTURED DWELLING PARK**

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**A. Characteristics.** Manufactured Dwelling Parks are places where four or more manufactured dwellings or prefabricated structures, as defined in ORS 455.010, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person.

**B. Example Uses.** Manufactured dwelling park.

**C. Accessory Uses.** Registered childcare facilities and on-site management office. Accessory uses that may be used in common by all residents include solid waste and recycling areas, open spaces, recreational areas, common rooms, and playgrounds.

Accessory uses subject to additional regulations include accessory structures, home occupations, and receive-only antennas and amateur radio and citizen band antennas.

**D. Exceptions.**

1. Manufactured Dwelling Park does not include a lot(s) within a subdivision approved by Gresham that has been developed with a manufactured dwelling.

### **3.0220 RESIDENTIAL FACILITY**

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**A. Characteristics.** Residential Facilities are residential care, residential training or residential treatment facilities that provide residential care alone or in conjunction with treatment or training or a combination thereof, for sixteen or more individuals who need not be related. Staff persons required to meet state licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential facility.

**B. Example Uses.**

1. Residential care facility for physically disabled or socially dependent individuals as described in ORS 443.400(5).
2. Residential training facility for individuals with mental retardation or other developmental disabilities, as described in ORS 443.400(7). This may include residential care.
3. Residential treatment facility for mentally, emotionally, or behaviorally disturbed individuals or alcohol or drug dependent persons as described in ORS 443.400(9). This may include residential care and treatment.

**C. Accessory Uses.** On-site clinic and other services for residents.

Accessory uses subject to additional regulations include accessory structures and receive-only antennas and amateur radio and citizen band antennas.

**D. Exceptions.**

1. Residential Home.
2. Daycare.
3. Shared Housing Facility.

### **3.0221 RESIDENTIAL HOME**

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**A. Characteristics.** A Residential Home is a facility (in one or more buildings on contiguous properties) for fifteen or fewer individuals with mental, emotional or behavioral disturbances, or alcohol or drug dependence, or intellectual disability or other developmental or physical disabilities, residential care, training, and/or treatment. Staff persons required to meet licensing requirements shall not be counted in the number of residents and need not be related to each other or to any resident of the residential home. Residential Homes are subject to the standards that apply to the form of housing in which the Residential Home use is proposed (e.g., single detached dwelling or townhouse).

**B. Example Uses.**

1. A facility for individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence.
2. A facility for individuals with mental retardation or other developmental disabilities.
3. A registered residential facility as described by ORS 443.480.

4. An adult foster home, which is a family home or facility in which residential care is provided in a homelike environment for five or fewer adults who are not related to the provider by blood or marriage, as provided by ORS 443.705(1).

**C. Accessory Uses.** On-site clinic and other services for residents.

Accessory uses subject to additional regulations include accessory structures and receive-only antennas and amateur radio and citizen band antennas.

**D. Exceptions.**

1. Residential Facility
2. Daycare.
3. Shared Housing Facilities.

### **3.0222 AFFORDABLE HOUSING**

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**A. Characteristics.** A residential unit or units that are affordable to households with designated income levels. The income levels are specific to each section pertaining to affordable housing. Each section also includes other eligibility criteria. Affordable housing may take the form of any residential use, including but not limited to townhouses, multi-family, and cottage clusters.

**1. Qualifying Applications. General Terms and Definitions. Section 3.0103.** Housing in which there are five or more new dwelling units in a building, and:

- a. At least 50 percent of the multi-family units being affordable to households with incomes at or below 60 percent of median family income in Multnomah County or the State of Oregon (whichever is greater), and
- b. Is protected by a covenant that restricts the owner and each successive owner of the development or residential unit within the development from selling or renting any unit as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

**2. Affordable Housing and Emergency Shelters Converted from Hotels and Motels. Section 10.0420.** Housing:

- a. In which all units are affordable to households with incomes equal to or less than 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development (ORS 458.610), and
- b. Whose affordability is enforceable by an affordable housing covenant (ORS 456.270 to 456.295), for a duration of no less than 30 years.

**3. Affordable Housing Development. Section 10.1700.**

- a. Housing in which:
  - i. Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development (ORS 458.610); or

- ii. The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development (ORS 458.610); or
  - iii. A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development (ORS 458.610); and
- b. Whose affordability is enforceable by an affordable housing covenant for a duration of no less than 30 years (ORS 456.270 to 456.295).
- 4. Affordable Housing on Commercial Land. Section 10.1730.**
- a. Housing in which:
- i. In residential-only structures, each unit on the property is made available to own or rent to families with incomes of 60 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development (ORS 458.610); or
  - ii. In mixed-use structures with ground floor commercial units, each residential unit on the property is made available to own or rent to families with incomes less than or equal to 120 percent and greater than 80 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development (ORS 458.610); and
- b. Whose affordability is enforceable by an affordable housing covenant (ORS 456.270 to 456.295).
- 5. Affordable Housing Developed by a Religious Corporation. Section 10.1740.** Housing in which:
- a. The property is owned by a nonprofit corporation organized as a religious corporation;
  - b. Each unit on the property is made available to own or rent to families with incomes of 60 percent or less of the median family income for Multnomah County; and
  - c. Whose affordability is enforceable by an affordable housing covenant (ORS 456.270 to 456.295) for a duration of no less than 60 years from the date of the certificate of occupancy.
- 6. Affordable Housing (OAR 660-039-0010).** Housing in which:
- a. Housing units are available for rent, with or without government assistance, by households who meet applicable maximum income limits, not to exceed 80 percent of the area median income, adjusted for family size, as determined based on data from the United States Department of Housing and Urban Development or its successor agency, and in a manner so that no more than 30 percent of the household's gross income will be spend on rent and utilities;
  - b. Housing units available for purchase, with or without government assistance, by households who meet applicable maximum income limits, not to exceed 80 percent of the area median income, adjusted for family size, as determined based on data from the United States Department of Housing and Urban Development or its successor agency, and in a manner so that no more than 30 percent of the household's gross income will be spent on home loan or mortgage payments, amortized interest, property taxes, insurance, and condominium or association fees, if any; or

- c. Spaces in manufactured dwelling parks available for rent, with or without government assistance, by households who meet applicable maximum income limits, not to exceed 100 percent of the area median income, adjusted for family size, as determined based on data from the United States Department of Housing and Urban Development or its successor agency.

**7. Publicly Supported Housing (ORS 456.250).**

- a. A multi-family rental housing development of five or more units that receives or benefits from government assistance under:
  - 1. Contract for rent assistance from the United States Department of Housing and Urban Development, the United States Department of Agriculture or the Housing and Community Services Department that contains an affordability restriction; or
  - 2. A contract that is for any other type of government assistance or subsidy that includes an affordability restriction and that is identified in rules adopted by the Housing and Community Services Department.
- b. Publicly supported housing does not include a multi-family rental housing development:
  - 1. For which the development or developer receives only a construction excise tax waiver, a system development charge waiver, a fee waiver or a property tax abatement;
  - 2. That is part of an inclusionary housing program as defined by local government and authorized under ORS 197.309;
  - 3. That receives tenant-based federal rent subsidy payments under the Housing Choice Voucher Program authorized by 42 U.S.C 1437f;
  - 4. That receives project-based rental assistance vouchers administered by a housing authority under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f (o)(13)); or
  - 5. That receives tenant vouchers from the United States Department of agriculture under section 542 of the Housing Act of 1949 (42 U.S.C. 1471).

**B. Example Uses.**

- 1. A building with 20 rental units and supportive services for households making 30 percent of area median income or less, which is protected by an affordable housing covenant for 60 years. *Qualifying Applications and Affordable Housing Development.*
- 2. The development of a single-family detached home whose sale and resale terms ensure that homebuyers have incomes of 80 percent or less of area median income for a minimum of 30 years. *Affordable Housing Development.*
- 3. A motel that has been converted into a multi-family unit without expanding the building footprint, and where resident income is 60 percent of median family income or less, and an affordable housing covenant is in place for 60 years. *Affordable Housing and Emergency Shelters Converted from Hotels and Motels.*

- C. Accessory Uses. Resident services that are integral to maintaining housing, including job skills training, life skills training, drug and alcohol treatment, mental health treatment, childcare, service provider offices, meeting rooms, and case management.

- D. Exceptions.
  - 1. Intermittent Lodging
  - 2. Emergency Shelters

## COMMERCIAL CLASSIFICATIONS

### 3.0231 AUTO-DEPENDENT USE

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- A. Characteristics. A retail service that provides direct services for motor vehicles where the customer may or may not wait at the site while the service or repair is being performed.
- B. Example Uses. Service stations, car washes, quick lubrication services, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shops, auto detailing, tire sales and mounting, cardlock stations, DEQ vehicle emission test sites, electric vehicle battery exchange stations and electric vehicle battery charging stations.
- C. Accessory Uses. Vacuum islands, offices, receive-only antennas.
- D. Exceptions.
  - 1. Auto sales lots.
  - 2. Any use identified as an example use that acts as an accessory use to a specific use on the site. For example, a fueling facility for fleet vehicles associated with a post office are considered accessory to the post office, not an Auto-Dependent Use.
  - 3. Fleet charging stations for a single business or industry.

### 3.0232 BUSINESS AND RETAIL SERVICE AND TRADE

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- A. Characteristics. Business Services are engaged in rendering services on a fee or contract basis. There is little to no outdoor storage of materials. Visitors to this use are typically other businesses or clients.  
Retail Service establishments provide services or entertainment to the public. They may also provide product repair for consumer goods.  
Retail Trade establishments are engaged in the selling or renting of goods or merchandise for personal or household consumption. Goods may be made on-site primarily for sale to the general public though some products may be sold to other retailers. These uses generate significant public trips and may be configured with a drive-through.
- B. Example Uses. Business services include data processing; employment services; business equipment sales and rental; professional offices such as accounting, advertising, architecture, consulting, engineering, law, title, surveying, real estate, and government; construction contractors; photocopy and blueprint services; and janitorial services.

Retail services include eating establishments, drinking establishments, hotels, banks, catering, laundromats, hair salons, barber shops, arcades, photo finishing, photocopy services, watch and jewelry repair, veterinarian offices, kennels limited to boarding, pet day care, redemption centers, health clubs, indoor sports parks, fraternal organizations, private lodges, martial arts studios, beauty schools, funeral homes, museums, theaters, and auditoriums. Professional offices may also be considered a retail service. Retail trade includes clothing, grocery, hardware, gift, appliance, computer, and telephone stores.

- C. Accessory Uses. Offices, storage of goods and equipment, manufacture and repackaging of goods for on-site sale (i.e., for a bakery or brewpub), fleet parking, amenities for employees of the building such as a small health club facility and cafeteria, receive-only antennas.
- D. Exceptions.
  - 1. Auto-Dependent Uses.
  - 2. Sales, such as vehicle sales, where the indoor-to-outdoor area ratios exceed thresholds in the underlying land use district are considered Outdoor Commercial.
  - 3. City halls and government courthouses are Civic Uses.
  - 4. Offices that are part of and are located within a firm in another category are considered accessory to the firm's primary activity.
  - 5. Construction contractors where equipment and material storage is outside are considered a Construction Use or Outdoor Commercial Use.

### **3.0233 CLINICS**

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- A. Characteristics. Clinics are out-patient personal health service facilities that provide the diagnosis, counseling, prevention, treatment and/or rehabilitation of health issues for patients.
- B. Example Uses. Doctor office, dentist office, medical testing facility, psychiatric care, group or one-on-one counseling service, physical therapy, naturopathic care, chiropractic office, and urgent care clinic.
- C. Accessory Uses. Medical laboratories, receive-only antennas.
- D. Exceptions.
  - 1. Hospitals and medical offices at a hospital are considered Medical.
  - 2. Veterinarian offices are Business and Retail Service and Trade.

### **3.0234 COMMERCIAL PARKING**

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- A. Characteristics. Any parking lot or structure used for the sole purpose of paid parking not associated with any other use.
- B. Example Uses. Short- and long-term fee parking facilities; commercial shuttle parking.
- C. Accessory Uses. Attendant kiosk, receive-only antennas.
- D. Exceptions.
  - 1. Parking facilities that are accessory to a use, including those which charge the public to park for occasional events nearby.
  - 2. Public transit park-and-ride facilities are classified as Community Services.

### **3.0235 DAYCARE FACILITIES**

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- A.** Characteristics. A commercial enterprise which includes day and/or evening care of three or more children, typically for a fee. Daycare facilities may include the daytime care of teenagers or adults who need assistance or supervision; this type of adult day care may provide activities and social venues for participants.
- B.** Example Uses. Commercial child care facilities, preschools, Head Start programs, nursery schools, adult daycare programs, and residential child care facilities that do not meet the thresholds to be considered an accessory use to a Residential Use.
- C.** Accessory Uses. Indoor and outdoor activity areas, offices, cafeteria and cooking facilities to serve the daycare attendees and staff, receive-only antennas.
- D.** Exceptions.
  - 1. Registered and certified family child care homes are accessory to an existing residential use.
  - 2. Care provided by babysitters, parents, guardians, or relatives. These uses are not regulated by the Development Code.
  - 3. Public and private educational facilities are Schools.
  - 4. Residential Facilities.
  - 5. Residential Homes.
  - 6. Senior centers are Community Services.

### **3.0236 LIVE-WORK**

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- A.** Characteristics. A Live-Work unit is a structure that combines limited Business and Retail Service and Trade use with a Residential use. The commercial space may be used by anyone residing at the unit and by no more than two non-resident employees.
- B.** Example Uses. Live-Work unit.
- C.** Accessory Uses. Registered childcare facilities, offices, storage of goods and equipment, and manufacture and repackaging of goods for on-site sale.

Accessory uses subject to additional regulations include accessory structures and receive-only antennas and amateur radio and citizen band antennas.
- D.** Exceptions.
  - 1. Home occupations are not a Live-Work use, but rather an accessory to an existing residential use.

### **3.0237 MAJOR EVENT ENTERTAINMENT**

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- A.** Characteristics. Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature and occur throughout the year. Major Event Entertainment also includes uses characterized by large-scale participatory recreational venues which draw large numbers of people on an ongoing basis. Activities include entertainment, rides and games.
- B.** Example Uses. Stadiums, racetracks, coliseums, sports arenas, theme parks, and convention centers.

- C. Accessory Uses. Lodging, restaurants, bars, concessions, spectator medical treatment, maintenance facilities, receive-only antennas.
- D. Exceptions.
  - 1. Banquet halls that are accessory to a hotel or restaurant are considered Business and Retail Service and Trade.
  - 2. Convention centers under 30,000 square feet of total public event area are considered Business and Retail Service and Trade.
  - 3. Theaters and auditoriums are considered Business and Retail Service and Trade.
  - 4. Events at Parks are considered customary for Parks, Open Spaces, Paths, and Trails.

### **3.0238 MINI-STORAGE FACILITIES**

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- A. Characteristics. Mini-Storage Facilities are structures containing separate storage spaces of varying sizes rented and accessed on an individual basis. The spaces are used only for dead storage of goods and materials.
- B. Example Uses. Facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
- C. Accessory Uses. Security and leasing offices, receive-only antennas.
- D. Exceptions.
  - 1. Storage facilities that are accessory to another use such as Multi-family are considered accessory to that use.
  - 2. Storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred are considered Warehousing/Storage.

### **3.0239 OUTDOOR COMMERCIAL**

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- A. Characteristics. Outdoor Commercial uses provide goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Specific standards on outdoor-to-indoor area ratios may be found in the underlying land use district standards.
- B. Example Uses. Automobile sales, landscape nurseries, lumber yards, household moving supply company, construction contractors, and equipment rental businesses.
- C. Accessory Uses. Offices, receive-only antennas.
- D. Exceptions.
  - 1. Outdoor equipment storage is Warehousing/Storage.

## **INDUSTRIAL CLASSIFICATIONS**

### **3.0251 CONSTRUCTION**

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- A.** Characteristics. Construction is characterized by businesses whose primary activity is performing specific building or other construction-related work. These uses may have outdoor storage of their professional equipment.
- B.** Example Uses. Residential and non-residential building construction company or contractor, utility/civil engineering construction; architectural services; surveying services; specialty trade contractors; and moving companies.
- C.** Accessory Uses. On-site material storage and incidental retail; receive-only antennas.
- D.** Exceptions.

### **3.0252 EXCLUSIVE HEAVY INDUSTRIAL**

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- A.** Characteristics. Exclusive Heavy Industrial uses typically work with aggregate, stone, concrete or asphalt. These operations extract mineral resources from the ground for off-site use. These industries typically have commonly recognized offensive conditions and adverse impacts.
- B.** Example Uses. Rock crushing, aggregate storage and distribution, and concrete and/or asphalt batch plants.
- C.** Accessory Uses. Sorting, storage, and transfer facilities, receive-only antennas.
- D.** Exceptions.

### **3.0253 INDUSTRIAL OFFICE**

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- A.** Characteristics. Industrial Offices typically service other industrial uses and do not generate a significant number of daily public customer visits. The use is typically in an office-type building that is accessory to an industrial use.
- B.** Example Uses. Laboratories and testing facilities; industry-related health services; industrial support services such as document preparation; corporate offices; company business offices; and call centers. Uses may include establishments which administer, oversee, and manage companies, and those which manage financial assets and securities.
- C.** Accessory Uses. Equipment storage and amenities for employees of the building such as a small health club facility and cafeteria; receive-only antennas.
- D.** Exceptions.

### **3.0254 INFORMATION SERVICES**

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- A.** Characteristics. Information Services are establishments engaged in the producing and distributing of information and cultural products. They may provide a means to process, transmit or distribute these products as well as data or communications. Information Services primarily service other industrial uses and generate few general public customer visits per day.

- B. Example Uses. Book, periodical, and software publishing industries; computer system design; internet web search services; internet service providers; video and motion picture industries; computer data storage services; optical scanning and imaging services; process of financial transactions such as credit card transactions and payroll processing services.
- C. Accessory Uses. Amenities for employees of the building such as a small health club facility and cafeteria; receive-only antennas.
- D. Exceptions.

### **3.0255 MANUFACTURING**

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- A. Characteristics. Manufacturing businesses are engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products including the assembly of components parts. Products are generally not displayed or sold on site, but if so, they are a subordinate part of the operation. Relatively few customers come to the manufacturing site.
- B. Example Uses. Renewable energy development; biosciences; food and beverage processing; software and electronics production; fabrication of products made from metal, manufactured glass, rubber, plastic or resin; conversion of paper and cardboard products; and microchip fabrication.
- C. Accessory Uses. Offices, warehouses, storage yards, rail spur lines, docks, repair facilities, fleet parking, amenities for employees of the building such as a small health club facility and cafeteria, receive-only antennas.
- D. Exceptions.
  1. Manufacture and production of goods from composting organic material is classified as Waste Management.
  2. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Business and Retail Service and Trade.

### **3.0256 MISCELLANEOUS INDUSTRIAL**

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- A. Characteristics. This use includes firms involved in large scale repair and servicing of industrial, business or consumer electronic equipment, machinery or related equipment, products, or byproducts. Few customers, particularly not general public daily customers, come to the site.
- B. Example Uses. Welding shops; machine shops; tool, electric motor, industrial instruments repair; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; exterminators including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large scale laundry, drycleaning and carpet cleaning plants.
- C. Accessory Uses. Offices, warehouses, fleet parking, storage yards, amenities for employees of the building such as a small health club facility and cafeteria, receive-only antennas.
- D. Exceptions.

### **3.0257 TRADE SCHOOLS**

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- A.** Characteristics. This use is an establishment whose primary purpose is to provide training to meet industrial needs and often leads to job-specific certification. These schools typically operate on a for-profit basis and the schools' programming is focused on a particular industrial profession rather than providing a complete educational curriculum.
- B.** Example Uses. Electronic equipment repair training; truck driving school; welding; operation and repair of industrial machinery; and other industrial skills training.
- C.** Accessory Uses. Offices, food service, laboratories, meeting areas, maintenance facilities, incidental retail trade (i.e., bookstore), receive-only antennas.
- D.** Exceptions.
  - 1.** Universities and colleges are considered Schools.
  - 2.** Schools for martial arts or dancing are considered Business and Retail Service and Trade.
  - 3.** Trade schools for non-industrial professions such as a beauty school are considered Business and Retail Service and Trade.

### **3.0258 TRANSPORTATION/DISTRIBUTION**

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- A.** Characteristics. These uses provide for transportation of cargo using motor vehicles or rail spurs. Goods are generally distributed to other firms or the final customer and are often associated with warehousing and storage facilities.
- B.** Example Uses. Parcel services and distribution centers.
- C.** Accessory Uses. Loading docks, temporary outdoor storage, fleet parking, will call window, offices, and maintenance areas; receive-only antennas.
- D.** Exceptions.
  - 1.** Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste Management.

### **3.0259 WAREHOUSING/STORAGE**

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- A.** Characteristics. These industries are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation for delivery to a final customer. This use may provide a range of logistical services including labeling, packaging, price marking, ticketing, and transportation arrangement.
- B.** Example Uses. Cold storage facilities, retail store warehouses.
- C.** Accessory Uses. Offices and maintenance areas, recycling drop box, receive-only antennas.
- D.** Exceptions.
  - 1.** Mini-Storage Facilities.

### **3.0260 WASTE MANAGEMENT**

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- A.** Characteristics. This includes businesses that provide garbage and recycling hauling, sorting, and transferring. These uses receive solid or liquid waste from others for disposal on the site or for transfer to another location.
- B.** Example Uses. Recycling facilities, drop box transfer stations, recycling collection sites, recyclable and recyclables recovery facilities.  
Example uses subject to a Special Use Review include solid waste transfer station, composting facilities, and landfills.
- C.** Accessory Uses. Fleet parking and maintenance, energy generation through recovery, offices, and materials recycling; receive-only antennas.
- D.** Exceptions.

### **3.0261 WHOLESALE TRADE**

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- A.** Characteristics. This use comprises establishments engaged in selling, renting, and/or distributing merchandise to: retailers; industrial, commercial, or professional business users; or other wholesalers generally without transformation and rendering services incidental to the sale of the merchandise. Wholesale Trade normally operates from a warehouse or office and is not intended for general public walk-in traffic.
- B.** Example Uses. Wholesale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures.
- C.** Accessory Uses. Offices, product repair, warehouses, minor fabrication services, and repackaging of goods, receive-only antennas.
- D.** Exceptions.
  - 1.** Businesses that sell or rent primarily to the general public are Business and Retail Service and Trade.
  - 2.** Businesses that are primarily storing goods with little on-site business activity are considered Warehousing Storage.

## **INSTITUTIONAL CLASSIFICATIONS**

### **3.0271 CIVIC USES**

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- A.** Characteristics. Civic Uses are unique government uses that serve the general public, provide a government service on the site or have employees at the site on a regular basis, and because of their social or technical need, may be located in most areas within the city.
- B.** Example Uses. Fire stations, police stations, city hall, municipal maintenance and support facilities, court buildings, post office, and library.

C. Accessory Uses. Offices, meeting areas, fleet parking, community gardens, amenities for employees of the building such as a small health club facility and cafeteria, receive-only antennas.

Accessory uses subject to a Special Use Review include Heliports.

D. Exceptions.

### **3.0272 COMMUNITY SERVICES**

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A. Characteristics. Community Service Uses primarily serve the general public and, because of their social need, may be located in most areas within the city. Community Service Uses are usually, but not limited to, public or nonprofit enterprises. They provide a service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community Services are generally open to the general public to attend at any time. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature.

B. Example Uses. Adult or senior center, community centers, community food service, non-profit hot meals service, drug and alcohol treatment facilities, equipment storage facility for transit, park and ride transit facility, houseboats, moorages, marinas, cemeteries and mausoleums.

C. Accessory Uses. Offices, meeting areas, food preparation area, health and therapy areas, daycare, community gardens, athletic facilities, receive-only antennas.

D. Exceptions.

1. Private lodges, clubs, and membership athletic or health clubs are considered Business and Retail Service and Trade.
2. Museums are considered a Business and Retail Service and Trade.

### **3.0273 MEDICAL**

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A. Characteristics. Medical uses provide medical and surgical care to patients on an inpatient, outpatient, and emergency basis. Typically, a medical center is contained on several blocks, often in a campus setting.

B. Example Uses. Hospitals and medical centers that include hospitals.

C. Accessory Uses. Administrative offices, food service, medical office buildings, clinics, laboratories, teaching facilities, conference facilities, incidental retail trade, maintenance facilities, community gardens, amenities for employees of the building such as a small health club facility, receive-only antennas.

Accessory uses subject to a Special Use Review include Heliports.

D. Exceptions.

1. Clinics that provide care where patients are generally not kept overnight and are not located at a hospital. These are considered Clinics.
2. Urgent medical care clinics are considered Clinics.
3. Uses that provide exclusive care and treatment or training for psychiatric, alcohol or drug problems, where patients are residents of the program, are considered a Residential Facility or Residential Home, depending on the number of persons at the facility.

### **3.0274 PARKS, OPEN SPACES, PATHS, AND TRAILS**

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- A.** Characteristics. Parks, Open Spaces, Paths, and Trails are uses of land focusing on large natural areas consisting mostly of vegetative landscaping, outdoor recreation, or public squares. Areas provide open space and recreational opportunities for all city residents and for community events. Parks may be programmed for different activities such as: playgrounds, skate parks, off-leash dog areas, paths and trails, and ball fields, and be host to periodic events such as concerts, soccer games, and art shows.
- B.** Example Uses. Public neighborhood, community and regional parks; public paths and trails, trail access points, and trailheads; open space; public urban plazas; private parks; and golf courses.
- C.** Accessory Uses. Club houses, maintenance facilities, concessions, information kiosks, shelters, restrooms, community gardens, picnic tables, receive-only antennas.
- D.** Exceptions.
  - 1. Open spaces, paths and trails, and playgrounds in a subdivision.
  - 2. Public paths and public trails identified in the City of Gresham Transportation System Plan as transportation facilities.

### **3.0275 RELIGIOUS INSTITUTIONS**

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- A.** Characteristics. Religious institutions provide meeting areas for religious activities.
- B.** Example Uses. Churches, temples, synagogues, and mosques.
- C.** Accessory Uses. Sunday school facilities, daycare facilities to be used during service hours only, retail limited to institutional functions, community gardens, offices, receive-only antennas, a dwelling unit for an employee of the institution (e.g., church rectories).
- D.** Exceptions.
  - 1. Religious schools that provide K-12 education are considered Schools.
  - 2. All types of Daycare uses outside of service hours are considered Daycare.

### **3.0276 SCHOOLS**

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- A.** Characteristics. Primary and secondary schools provide state-mandated education. Higher education schools provide degree programs and are certified by the State Board of Higher Education or by a recognized accrediting agency.
- B.** Example Uses. Elementary school (typically K-5 grade), middle school (typically 6-8 grade), high school (typically 9-12 grade), community colleges, and universities. Schools may be public or private.
- C.** Accessory Uses. Daycare, cafeterias, recreational and sport facilities, athletic fields, auditoriums, offices, student housing, laboratories, meeting areas, maintenance facilities, portable classrooms, community gardens, support commercial (bookstore, school supplies), receive-only antennas. Schools may provide some programming in trades.
- D.** Exceptions.
  - 1. Commercial schools, such as a beauty school, are treated as a Business and Retail Service and Trade.
  - 2. Trade schools, such as an electrician technical school, are treated as a Trade School.

## RENEWABLE ENERGY

### 3.0281 SOLAR ENERGY SYSTEMS

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- A. Characteristics. A solar energy system is characterized by equipment and devices that convert, store or transfer energy from the sun into usable forms of energy. The system may be installed on roofs, on the ground, or integrated in building materials.
- B. Example Uses. Solar electric (photovoltaic) panels and systems, solar thermal (heating) collector panels or systems, solar water heating systems and integrated solar panels or cells.
- C. Accessory Uses. Electrical cabinet containing wires, electrical inverters, batteries, water storage tanks, water heaters, motors, transmission equipment, receive-only antennas.
- D. Exception.
  - 1. A solar energy system that exceeds the threshold in **Section 10.0900** of a large-scale system which is considered an electrical generating facility.

### 3.0282 WIND ENERGY SYSTEMS

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- A. Characteristics. A wind energy system is characterized by equipment and devices that convert, store or transfer energy from the wind into usable forms of energy such as electricity. The system may be installed on roofs or ground-mounted.
- B. Example Uses. Vertical axis wind turbines (where the main rotor of the shaft is set vertically) and horizontal axis wind turbines (where the main rotor of the shaft is set parallel to the ground).
- C. Accessory Uses. Electrical cabinet or equipment shelters containing wires, motors, transmission equipment and monopoles, receive-only antennas.
- D. Exceptions.
  - 1. A wind energy system that exceeds the threshold in **Section 10.0900** of a large-scale system which is considered an electrical generating facility.
  - 2. Meteorological or wind monitoring towers.

### 3.0283 BIOMASS ENERGY SYSTEMS

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- A. Characteristics. A biomass energy system is characterized by equipment and devices that convert, store or transfer energy from organic biologic materials into usable forms of energy. The system generates energy from controlled combustion of non-hazardous materials.
- B. Example Uses. Wood burning, municipal solid waste or plant material combustion facilities, biogas production facilities such as methane gas, biofuels production facilities such as corn fermentation by bacteria and natural gas, hydrogen or biogas fuel cells.
- C. Accessory Uses. Electrical cabinets, motors, and transmission equipment, receive-only antennas.
- D. Exceptions.
  - 1. Residential pellet stoves and similar wood burning stove conveyances.

2. A biomass energy system that exceeds the threshold in **Section 10.0900** of a large-scale system which is considered an electrical generating facility.
3. Biomass energy systems that utilize hazardous waste materials such as industrial sludge, medical or radioactive waste.

### **3.0284 GEOTHERMAL ENERGY SYSTEMS**

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- A. Characteristics. A geothermal energy system is characterized by equipment and devices that convert, store or transfer energy from the heating and cooling potential stored in the earth into usable forms of energy. These systems are closed-loop with two separate but closed loops in the ground – one which is a primary refrigerant loop in the cabinet to exchange heat with the secondary loop of water/anti-freeze mix underground.
- B. Example Uses. High temperature geothermal hot water or steam facilities and low temperature heat exchange units or heat pumps to provide interior building space or water heating or cooling.
- C. Accessory Uses. Electrical cabinets, motors, transmission equipment, receive-only antennas.
- D. Exceptions.
  1. A geothermal energy system that exceeds the threshold in **Section 10.0900** of a large-scale system which is considered an electrical generating facility.
  2. Open-loop geothermal equipment with two separate but open loops – a secondary loop that pumps natural ground water from a well or water body into a heat exchanger and then after heat exchange re-injects the water into the ground water or water body.
  3. Closed-loop or open-loop geothermal energy systems that are in any well field protection areas in the city.

### **3.0285 MICRO-HYDRO ENERGY SYSTEMS**

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- A. Characteristics. A micro-hydro energy system is characterized by in-pipe equipment and devices that convert, store or transfer energy from moving water into usable forms of energy. These systems are closed-loop with two separate but closed loops in the ground – on which is a primary refrigerant loop in the cabinet to exchange heat with the secondary loop of water/anti-freeze mix underground.
- B. Example Uses. In-pipe water turbines.
- C. Accessory Uses. Electrical cabinets, motors, and transmission equipment, receive-only antennas.
- D. Exceptions.
  1. A micro-hydro energy system that exceeds the threshold in **Section 10.0900** of a large-scale system which is considered an electrical generating facility.
  2. In-stream micro-hydro systems which are located in a creek or stream.

## OTHER CLASSIFICATIONS

### 3.0291 BASIC UTILITIES

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- A. Characteristics. Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. These uses are typically not in the public right-of-way. These uses generally do not have regular employees at the site. Services may be publicly or privately provided.
- B. Example Uses.
  - 1. Minor basic utilities: diversion structures, lift stations, pump stations, wellheads, small water treatment facilities not exceeding 1,000 square feet of building area and not exceeding the maximum building height in the underlying land use district, water storage facilities not occupying more than 1,000 square feet of site area, and not exceeding the maximum building height of the underlying land use district, and transit bus shelters.
  - 2. Major basic utilities: light rail station shelters, substations, stormwater treatment facilities, water storage reservoirs, wastewater treatment plants, electrical generating facilities.
- C. Accessory Uses. Control, monitoring, data or transmission equipment, emergency generators, receive-only antennas.
- D. Exceptions.

### 3.0292 HELIPORT FACILITIES

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- A. Characteristics. Heliport facilities include facilities for the takeoff and/or landing of helicopters, including loading and unloading areas.
- B. Example Uses. Public or private facilities designed for the landing, departure, storage and fueling of flying vehicles. These may be called heliports, helipads, or helistops.
- C. Accessory Uses. Peripheral areas, hangers, parking pads, passenger terminals, refueling facilities, and helicopter repair and service areas, receive-only antennas.
- D. Exceptions.
  - 1. Helicopter landing facilities which are accessory to another use, such as a hospital, are considered accessory uses. They are subject to all the regulations and criteria that apply to Heliports.

### 3.0293 WIRELESS COMMUNICATION FACILITIES

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- A. Characteristics. An unmanned facility located on a structure or tower for the transmission of radio frequency (RF) signals for wireless communication.
- B. Example Uses. New or existing Wireless Communication Facility towers, including support structures; co-location of wireless communication facilities; radio and television towers as outlined in **Section 10.0601** and **Section 10.0602** or **Section 10.1010** and **Section 10.1011**.
- C. Accessory Uses. Antennas, cabinets, other enclosed structures containing electronic equipment, cables, wires, conduits, back-up power supply, or other transmission and reception devices.
- D. Exceptions.