

TRN-8.07 - Public Right-of-Way Planter Boxes (raised beds or pots) within the Furnishing Zone (planting strip)

PUBLIC RIGHT-OF-WAY PLANTER BOXES (RAISED BEDS OR POTS) WITHIN THE FURNISHING ZONE (PLANTING STRIP)

Administrative Rule Adopted by Bureau of Transportation, Development and Capital Program Pursuant to Rule-Making Authority

ARB-TRN-8.07

I. Introduction

Maintained plants, gardens, and landscaping provide a community benefit by enhancing the pedestrian zone and helping to achieve the City's sustainability goals.

Planter boxes (raised beds or pots) are private structures. They are allowed in the public right-of-way under this Rule with a valid Encroachment Permit. The purpose of these structures is to contain plants and gardens.

Note that this policy does not cover planter boxes adjacent to buildings, which are more typical in the Central Business District and other commercial areas.

Landscaping is allowed in the public right-of-way provided it does not obstruct access, compromise safety or conflict with other right-of-way needs, and must be maintained in accordance with City Code title 29.20.

Encroachment Permits are revocable and considered temporary. (Encroachments must be removed from the public right-of-way upon notice by the City Engineer).

II. Administrative Rule

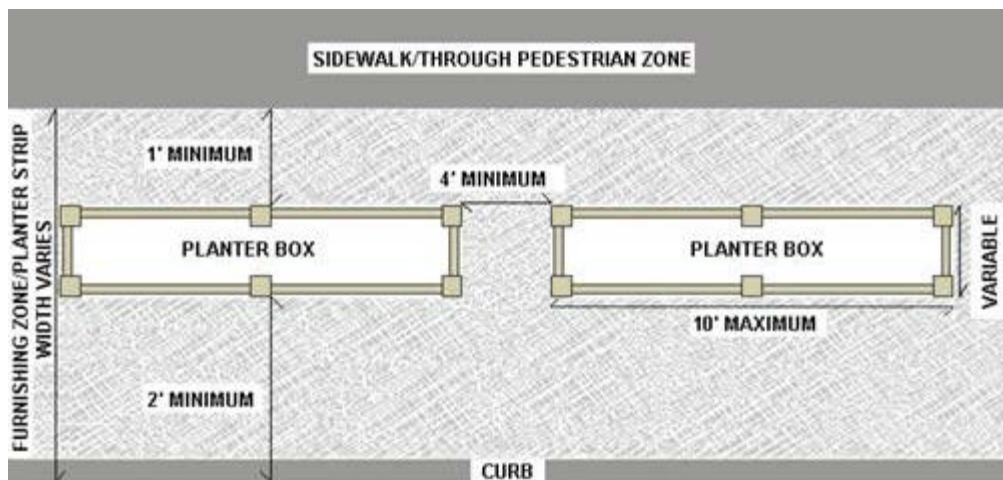
Planter boxes (raised beds or pots) within the Furnishing Zone (planting strip) may be allowed in the public right-of-way with a permit from the City Engineer. Refer to the attached sketch. Terms are per the Portland Pedestrian Design Guidelines.

Planter boxes (raised beds or pots) within the Furnishing Zone (planting strip) must meet the following requirements in order to be considered:

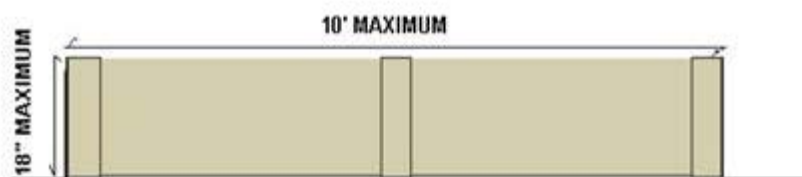
- Shall be located a minimum of two (2) feet from the curb face (to allow access to on-street parking)
- Shall be located a minimum of one (1) foot from the Through Pedestrian Zone, which is the concrete sidewalk in most cases (to provide a safe offset for pedestrians, strollers, tricycles, etc.)
- Shall not exceed a maximum of ten (10) feet in length (to maintain access from the sidewalk to the street)
- Shall maintain a minimum of four (4) feet of separation between adjacent planter boxes (for pedestrian access.)
- Landscaping and planter boxes (raised beds or pots) shall not create a visual barrier between the sidewalk and the street. As a general guideline, the planter box(es) (raised beds or pots) shall not exceed eighteen (18) inches in height
- Landscaping and soil within the planter box may not exceed thirty (30) inches in height (as measured from the top of curb) when located within twenty five (25) feet from an intersection
- Shall be located a minimum of five (5) feet from any utility or apparatus (street lights, utility poles, water meters, fire hydrants, etc.) (to allow access and maintenance by the utility)
- Shall not be located within the drip line of any street tree (to protect the health of the tree)
- Planter Boxes must be maintained in accordance with these provisions and the Encroachment Permit conditions.

In design districts, planter boxes in the right-of-way may be subject to Design Review.

Irrigation systems with non-pressurized plastic feeder lines and sprinkler heads may be installed within the public right-of-way without a permit. Control valves and back-flow preventers must be located on private property.



Example - Plan View



Example - Elevation

III. General Requirements

The revocable encroachment permit is issued to the abutting property and runs with the land. The revocable encroachment permit may also be issued, with the abutting property owner's consent, to a business association, a neighborhood association, a district coalition, a non-profit organization, or a government agency. Reference Chapter 17.44.015.B.

Exceptions to the consent requirement will be made when the applicant is able to demonstrate underlying fee ownership of the right-of-way where the encroachment is to be placed. Reference Chapter 17.44.015.B.

The City Engineer will evaluate the acceptability of encroachments based on adopted policy and regulations, safety, right-of-way usage, management and operations, and legal issues. The City Engineer may deny a permit, revoke a permit, or require removal of an encroachment at any time, unless otherwise specified in Title 14 or Title 29 of City Code, based on their evaluation. Unless otherwise specified in City Code or in the permit, the party responsible for maintenance of the right-of-way as specified in Chapter 17.28.020 shall remove the encroachment from the right-of-way upon notice by the City Engineer, with no liability and at no cost to the City.

Failure to maintain the landscaping and/or planter box(es) (raised beds or pots), or failure to repair or replace any portion of the landscaping and/or planter box(es) (raised beds or pots), immediately upon notification from City, shall be cause for the City to declare the landscaping and/or planter box(es) (raised beds or pots) a nuisance. The City may summarily abate the nuisance, initiate proceedings through the Code Hearings Officer, file civil suit or take any other action necessary to ensure the permittee, transferee or assignee performs the required repairs to the public right of way.

Planter boxes (raised beds or pots) within the Furnishing Zone (planting strip) that do not meet this administrative rule may be appealed in writing to the Development Services Division Manager to be considered by the Bureau of Transportation development appeal committee. The appeal should indicate how your proposal meets the intent of this rule. Such appeals may be subject to Design Review.

IV. Reference

City Code Title and Chapter 17.24 and 17.44
Pursuant to Rule Making Authority City Code Title and Chapter 3.12

HISTORY

Administrative rule adopted by Director of Portland Bureau of Transportation and filed for inclusion in PPD April 22, 2009.

